

UNAMIR

G3 OPERATIONS/PLANS - OPERATION ORDERS 24 OCT 1994-26 AUG 1995

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ORIGINAL ORDER

[4 CONFIDENTIAL]

RH/WG JUNE 2009

UN ARCHIVES

SERIES 51002

BOX 133

FILE 3

ACC. 1993/0203



FSO
26/8

FROM : G 3 PLANS *for* 5000.45 (Plans)

TO : DISTRIBUTION LIST

DATE : 24 Aug 95

SUBJECT : DIRECTIVE ON THE LEGAL JURISDICTION APPLICABLE
TO UNAMIR AND RWANDAN AUTHORITIES

1. The updated directive on the legal jurisdiction applicable to UNAMIR and Rwandan authorities, is forwarded herewith. It will be effective from the date of receipt. It supersedes the version issued on 25 July 95.

2. Acknowledge.

Distribution :

Action :

LIST B, C AND D (less spares)
UNHFOR (UN Human Rights Field Operations in Rwanda)
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LIST A AND E (less spares)



File No 2000-1 (FC)

14 August 1995

Distribution List

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

References: A. UNAMIR SOPs, Part 3, Section 17, Rules of Engagement dated 24 July 1995.
B. FC Directive on Conduct, Dress and Weapon Carriage Policy dated 26 April 1995.

INTRODUCTION

1. This updated Directive is effective on receipt and cancels the earlier version which was issued on 25 July 1995. It has the support of the SRSG's office, ICRC and UNHCRFOR.

GENERAL

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

DEFINITIONS

3. The following definitions shall apply to this Directive:

- a. "Appropriate authority" at this stage, refers only to the Prosecutor's Office. Further changes to this definition will be notified in writing by the FC.
- b. "Civilian component" consists of UN officials and of other persons assigned by the Secretary-General to assist the SRSG or made available by participating States to serve as part of UNAMIR.

- c. "Detainee" is any person who is held for committing a hostile act or hostile intent against any of the categories of people referred to in paragraphs 7d and 7e below.
- d. "Legal Jurisdiction" includes but is not limited to those situations where Rwandan authorities seek to take a foreign or Rwandan national into custody.
- e. "Military personnel of national contingents" includes military staff at UNAMIR HQ.
- f. "Official capacity" for UNAMIR troops is any time soldiers are in uniform or in civilian clothes for official functions (see Reference B).
- g. "UNHRFOR" is the United Nations Human Rights Field Operations in Rwanda.
- h. "Visitors" includes, but is not limited to, journalists, tourists, dignitaries representing national governments and non-UNAMIR personnel permitted to enter UNAMIR premises.

AIM

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

FOREIGN NATIONALS AND RWANDAN JURISDICTION

5. Rwandan authorities may seek jurisdiction over the following categories of foreign nationals:
- a. SRSG, Force Commander and the Police Commissioner of CIVPOL;
 - b. UN civilian officials assigned to the civilian component to serve with UNAMIR;
 - c. United Nations Military Observers (UNMOs), Civilian Police (CIVPOL) and civilian personnel from overseas who are employed by the UN specifically for this mission but who are not UNAMIR staff (eg consultants) (hereinafter referred to as "experts on mission");
 - d. military personnel of national contingents who are part of UNAMIR;
 - e. personnel of UN specialised agencies;

f. personnel of NGOs; and

g. visitors.

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

→ **RWANDAN NATIONALS AND RWANDAN JURISDICTION**

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

- a. Locally recruited personnel who are working for the UN.
- b. Rwandans who seek UNAMIR protection.
- c. Rwandans who are detained by UNAMIR personnel for committing or who are suspected of committing a hostile act or display hostile intent (as defined in Reference A) or a serious criminal offence against Rwandan or International Humanitarian law.
- d. Rwandans who are detained for stealing and/or damaging property, or are suspected of stealing and/or damaging property belonging to, or in the care of, UNAMIR, UN humanitarian organisations or UN protected sites (see Reference A).

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

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

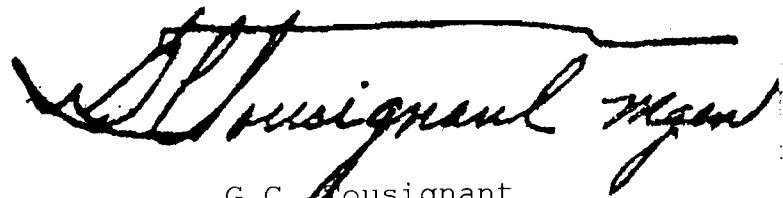
10. Any person in the care of UNAMIR troops are to be treated humanely, ensuring that they are provided with food, drinking water and that they are afforded safeguards in terms of health, hygiene and protection against the rigours of climate and the dangers of armed conflict.

MEMBERS OF THE RWANDAN PATRIOTIC ARMY (RPA)

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

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

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



G.C. Gousignant
Major-General
Force Commander

Annexes:

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

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Information:

Lists A and E (less spares)

ANNEX A TO
2000-1 (FC)
DATED 14 AUG 95

FOREIGN NATIONALS AND THEIR LEGAL STATUS IN RWANDA

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

7.	International Personnel of UNAMIR Contractors	. No immunity unless they have entered in to a bilateral arrangement with the Rwandan Government.	. To be handed over on demand of proper legal authority.
8.	Visitors	. No immunity from legal process in respect of acts performed by them in their official capacity.	. To be handled over on demand of proper legal authority.

ANNEX B TO
2000-1 (FC)
DATED 14 AUG 95

RWANDAN NATIONAL AND THEIR LEGAL STATUS IN RWANDA

SER	CATEGORY	LEGAL IMMUNITY	AUTHORITY FOR HAND OVER
1.	Locally recruited personnel	<p>. Immune from legal process in respect of all acts performed by them in their <u>official</u> capacity.</p> <p><u>Note:</u> This protection does not extend to acts committed before their employment with the UN.</p>	. Only to be handed over with the concurrence of the SRSG.
2.	Rwandan National detained by UNAMIR authorities	. Treat humanely.	. Only to be handed over at an office of the prosecutor.

PROCEDURES FOR HANDING OVER FOREIGN NATIONALS

UN CIVILIAN ASSIGNED TO THE CIVILIAN COMPONENT TO SERVE WITH UNAMIR

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

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

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

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

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

- a. name of person handed over,
- b. location where the Rwandan Government sought jurisdiction,
- c. crime person was accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the handover and if not, why not.

UNMOs, CIVPOL AND EXPERTS ON MISSION

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

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

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

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

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

- a. name of person handed over,
- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the hand over and if not, why not.

MILITARY PERSONNEL OF NATIONAL CONTINGENTS WHO ARE A PART OF UNAMIR

11. As soon as a Rwandan authority seeks legal jurisdiction over military personnel of national contingents who are part of UNAMIR, the FC or his representative, the appropriate contingent commander and the ICRC must be notified. HQ UNAMIR is to dispatch MP to the site. The Rwandan authority should be reminded that military members of the military component of UNAMIR shall be subject to the exclusive

jurisdiction of their respective participating states in respect of any criminal offences which may have been committed by them in Rwanda.

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

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

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

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

- a. name of person handed over,
- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the hand over and if not, why not.

PERSONNEL OF UN SPECIALISED AGENCIES

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

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

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

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

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

- a. name of person handed over and the agency they work for,
- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the hand over and if not, why not.

INTERNATIONAL PERSONNEL OF NGOS

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

22. UNAMIR soldiers are to allow the Rwandan authority(s) to take custody of a international member of an NGO if that person(s) is identified as having legal authority (ie., (ie Gendarme, Prosecutors). UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

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

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

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

- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the hand over and if not, why not.

INTERNATIONAL PERSONNEL OF UNAMIR CONTRACTORS

25. As soon as a Rwandan authority seeks legal jurisdiction over an international member of a UNAMIR contractor, HQ UNAMIR, the appropriate ad of the UNAMIR contractor and the ICRC and UNHRCFOR must be notified. HQ UNAMIR is to dispatch MP to the site.

26. UNAMIR soldiers are to allow the Rwandan authority(s) to take custody of a international member of an UNAMIR contractor if that person(s) is identified as having legal authority (ie., Gendarme, Prosecutors). UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

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

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

- a. name of person handed over and the UNAMIR contractor they work for,
- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the hand over and if not, why not.

VISITORS

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

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

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

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

- a. name of person handed over and their affiliation or nationality,
- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRFOR representative was present during the hand over and if not, why not.

PROCEDURES FOR HANDING OVER RWANDAN NATIONALS

LOCALLY RECRUITED PERSONNEL

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

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

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

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

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

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

- a. name of person handed over,
- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and

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

RWANDANS SEEKING PROTECTION OF UNAMIR

7. It is not within the UNAMIR mandate to give Rwandan nationals protection. Circumstances may arise where protection to an individual or a group of individuals will be given under International Humanitarian Law because they are about to suffer death or serious bodily injury and there are no appropriate Rwandan authorities available to offer timely assistance. Such circumstances will be rare and in such cases UNAMIR HQ is to be notified immediately.

PERSONS DETAINED BY UNAMIR TROOPS

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

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

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

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

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

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

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

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

- a. name of the detainee,

- b. location where the person was detained,
- c. crime person accused of,
- d. name of the UNAMIR person who detained the detainee,
- e. date, time and place the detainee was handed to the Office of the Prosecutor, and
- f. whether an ICRC and/or UNHRCFOR representative was present during the hand over and if not, why not.

PROSECUTOR OFFICES IN RWANDA

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

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

ICRC REPRESENTATIVES IN RWANDA

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

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

HAND OVER PROFORMA

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

SIGNED THIS DAY _____ OF _____ 199 _____

UNAMIR

OFFICE OF THE PROSECUTOR

- (1) Insert here the name of the UNAMIR person conducting the hand over.
- (2) Insert here the name of the person being handed over.
- (3) Insert here the name of the Prosecutor's Office.
- (4) Insert here the time of hand over.

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA



NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

FIRST BATTALION THE THIRD GORKHA RIFLES

Plans 2 L

28/8

082/08/A

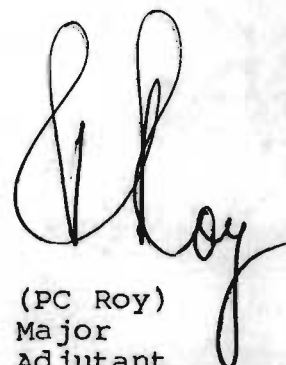
26 Aug 95

TO : G3 PLANS

From : INDBATT

Subject :- DIRECTIVE ON THE LEGAL JURISDICTION
APPLICABLE TO UNAMIR AND RWANDAN
AUTHORITIES

1. Reference your letter No 5000.45(Plans) dated 24 Aug 95.
2. Acknowledged.


(PC Roy)
Major
Adjutant
for CO INDBATT



25/8

FROM : G 3 PLANS *for* 5000.45 (Plans)

TO : DISTRIBUTION LIST

DATE : 24 Aug 95

SUBJECT : DIRECTIVE ON THE LEGAL JURISDICTION APPLICABLE
TO UNAMIR AND RWANDAN AUTHORITIES

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2. Acknowledge.

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LIST A AND E (less spares)

File No 2000-1 (FC)

14 August 1995

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APPLICABLE TO UNAMIR AND RWANDAN AUTHORITIES**

References: A. UNAMIR SOPs, Part 3, Section 17, Rules of Engagement dated 24 July 1995.
B. FC Directive on Conduct, Dress and Weapon Carriage Policy dated 26 April 1995.

INTRODUCTION

1. This updated Directive is effective on receipt and cancels the earlier version which was issued on 25 July 1995. It has the support of the SRSG's office, ICRC and UNHRCFOR.

GENERAL

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

DEFINITIONS

3. The following definitions shall apply to this Directive:

- a. "Appropriate authority" at this stage, refers only to the Prosecutor's Office. Further changes to this definition will be notified in writing by the FC.
- b. "Civilian component" consists of UN officials and of other persons assigned by the Secretary-General to assist the SRSG or made available by participating States to serve as part of UNAMIR.

- c. "Detainee" is any person who is held for committing a hostile act or hostile intent against any of the categories of people referred to in paragraphs 7d and 7e below.
- d. "Legal Jurisdiction" includes but is not limited to those situations where Rwandan authorities seek to take a foreign or Rwandan national into custody.
- e. "Military personnel of national contingents" includes military staff at UNAMIR HQ.
- f. "Official capacity" for UNAMIR troops is any time soldiers are in uniform or in civilian clothes for official functions (see Reference B).
- g. "UNHRCFOR" is the United Nations Human Rights Field Operations in Rwanda.
- h. "Visitors" includes, but is not limited to, journalists, tourists, dignitaries representing national governments and non-UNAMIR personnel permitted to enter UNAMIR premises.

AIM

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

FOREIGN NATIONALS AND RWANDAN JURISDICTION

5. Rwandan authorities may seek jurisdiction over the following categories of foreign nationals:
- a. SRSG, Force Commander and the Police Commissioner of CIVPOL;
 - b. UN civilian officials assigned to the civilian component to serve with UNAMIR;
 - c. United Nations Military Observers (UNMOs), Civilian Police (CIVPOL) and civilian personnel from overseas who are employed by the UN specifically for this mission but who are not UNAMIR staff (eg consultants) (hereinafter referred to as "experts on mission");
 - d. military personnel of national contingents who are part of UNAMIR;
 - e. personnel of UN specialised agencies;

- f. personnel of NGOs; and
- g. visitors.

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

RWANDAN NATIONALS AND RWANDAN JURISDICTION

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

- a. Locally recruited personnel who are working for the UN.
- b. Rwandans who seek UNAMIR protection.
- c. Rwandans who are detained by UNAMIR personnel for committing or who are suspected of committing a hostile act or display hostile intent (as defined in Reference A) or a serious criminal offence against Rwandan or International Humanitarian law.
- d. Rwandans who are detained for stealing and/or damaging property, or are suspected of stealing and/or damaging property belonging to, or in the care of, UNAMIR, UN humanitarian organisations or UN protected sites (see Reference A).

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

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

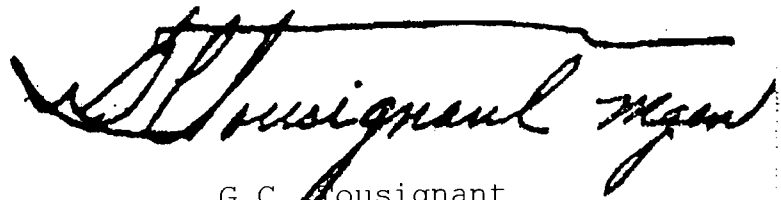
10. Any person in the care of UNAMIR troops are to be treated humanely, ensuring that they are provided with food, drinking water and that they are afforded safeguards in terms of health, hygiene and protection against the rigours of climate and the dangers of armed conflict.

MEMBERS OF THE RWANDAN PATRIOTIC ARMY (RPA)

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

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

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



G.C. Housignant
Major-General
Force Commander

Annexes:

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

DISTRIBUTION LIST

Action:

Lists B, C and D (less spares)
HRL/UNHRFO
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CITMM
BMES

CCO

Information:

Lists A and E (less spares)

ANNEX A TO
2000-1 (FC)
DATED 14 AUG 95

FOREIGN NATIONALS AND THEIR LEGAL STATUS IN RWANDA

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

7.	International Personnel of UNAMIR Contractors	. No immunity unless they have entered in to a bilateral arrangement with the Rwandan Government.	. To be handed over on demand of proper legal authority.
8.	Visitors	. No immunity from legal process in respect of acts performed by them in their official capacity.	. To be handled over on demand of proper legal authority.

ANNEX B TO
2000-1 (FC)
DATED 14 AUG 95

RWANDAN NATIONAL AND THEIR LEGAL STATUS IN RWANDA

SER	CATEGORY	LEGAL IMMUNITY	AUTHORITY FOR HAND OVER
1.	Locally recruited personnel	<p>. Immune from legal process in respect of all acts performed by them in their <u>official</u> capacity.</p> <p><u>Note:</u> This protection does not extend to acts committed before their employment with the UN.</p>	<p>. Only to be handed over with the concurrence of the SRSG.</p>
2.	Rwandan National detained by UNAMIR authorities	<p>. Treat humanely.</p>	<p>. Only to be handed over at an office of the prosecutor.</p>

PROCEDURES FOR HANDING OVER FOREIGN NATIONALS

UN CIVILIAN ASSIGNED TO THE CIVILIAN COMPONENT TO SERVE WITH UNAMIR

1. As soon as a Rwandan authority seeks legal jurisdiction over a UN civilian assigned to the civilian component to serve with UNAMIR, the SRSG, or his representative, HQ UNAMIR, and the International Committee of the Red Cross (ICRC) and UNHRCFOR must be notified. HQ UNAMIR is to dispatch Military Police (MP).
2. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of the UN civilian unless the SRSG has given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).
3. If the Rwandan authority(s) uses force to attempt to take custody of the UN civilian, UNAMIR troops are authorised to use force in accordance with Reference A.
4. If authority is given for the hand over, the UN civilian must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC and UNHRCFOR are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.
5. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:
 - a. name of person handed over,
 - b. location where the Rwandan Government sought jurisdiction,
 - c. crime person was accused of,
 - d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
 - e. date, time and place the person was handed to the Prosecutor's Office, and
 - f. whether an ICRC and UNHRCFOR representative was present during the handover and if not, why not.

UNMOs, CIVPOL AND EXPERTS ON MISSION

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

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

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

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

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

- a. name of person handed over,
- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the hand over and if not, why not.

MILITARY PERSONNEL OF NATIONAL CONTINGENTS WHO ARE A PART OF UNAMIR

11. As soon as a Rwandan authority seeks legal jurisdiction over military personnel of national contingents who are part of UNAMIR, the FC or his representative, the appropriate contingent commander and the ICRC must be notified. HQ UNAMIR is to dispatch MP to the site. The Rwandan authority should be reminded that military members of the military component of UNAMIR shall be subject to the exclusive

jurisdiction of their respective participating states in respect of any criminal offences which may have been committed by them in Rwanda.

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

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

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

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

- a. name of person handed over,
- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the hand over and if not, why not.

PERSONNEL OF UN SPECIALISED AGENCIES

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

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

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

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

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

- a. name of person handed over and the agency they work for,
- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the hand over and if not, why not.

INTERNATIONAL PERSONNEL OF NGOS

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

22. UNAMIR soldiers are to allow the Rwandan authority(s) to take custody of a international member of an NGO if that person(s) is identified as having legal authority (ie., (ie Gendarme, Prosecutors). UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

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

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

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

- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the hand over and if not, why not.

INTERNATIONAL PERSONNEL OF UNAMIR CONTRACTORS

25. As soon as a Rwandan authority seeks legal jurisdiction over an international member of a UNAMIR contractor, HQ UNAMIR, the appropriate head of the UNAMIR contractor and the ICRC and UNHRCFOR must be notified. HQ UNAMIR is to dispatch MP to the site.

26. UNAMIR soldiers are to allow the Rwandan authority(s) to take custody of a international member of an UNAMIR contractor if that person(s) is identified as having legal authority (ie., Gendarme, Prosecutors). UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

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

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

- a. name of person handed over and the UNAMIR contractor they work for,
- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the hand over and if not, why not.

VISITORS

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

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

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

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

- a. name of person handed over and their affiliation or nationality,
- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRFOR representative was present during the hand over and if not, why not.

PROCEDURES FOR HANDING OVER RWANDAN NATIONALS

LOCALLY RECRUITED PERSONNEL

1. As soon as a Rwandan authority seeks legal jurisdiction over any locally recruited personnel, the SRSG or his representative and the ICRC must be notified. HQ UNAMIR is to dispatch MP to the site. UNHRFOR is to be notified immediately.
2. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of locally recruited personnel unless the SRSG has given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).
3. If the Rwandan authority(s) uses force to attempt to take custody of locally recruited personnel, UNAMIR troops are authorised to use force in accordance with Reference A.
4. UNHRFOR is to be permitted to speak to the locally recruited person.
5. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible are to be present during the hand over. UNHRFOR is to be present during the hand over. (Note: No hand over is to be delayed more than 24 hours without UNAMIR HQ permission on the sole basis that the ICRC and/or UNHRFO are not present.) The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.
6. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and the Force Provost Marshall:
 - a. name of person handed over,
 - b. location where the Rwandan Government sought jurisdiction,
 - c. crime person accused of,
 - d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
 - e. date, time and place the person was handed to the Prosecutor's Office, and

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

RWANDANS SEEKING PROTECTION OF UNAMIR

7. It is not within the UNAMIR mandate to give Rwandan nationals protection. Circumstances may arise where protection to an individual or a group of individuals will be given under International Humanitarian Law because they are about to suffer death or serious bodily injury and there are no appropriate Rwandan authorities available to offer timely assistance. Such circumstances will be rare and in such cases UNAMIR HQ is to be notified immediately.

PERSONS DETAINED BY UNAMIR TROOPS

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

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

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

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

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

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

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

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

- a. name of the detainee,

- b. location where the person was detained,
- c. crime person accused of,
- d. name of the UNAMIR person who detained the detainee,
- e. date, time and place the detainee was handed to the Office of the Prosecutor, and
- f. whether an ICRC and/or UNHRCFOR representative was present during the hand over and if not, why not.

PROSECUTOR OFFICES IN RWANDA

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

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

ICRC REPRESENTATIVES IN RWANDA

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

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

HAND OVER PROFORMA

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

SIGNED THIS DAY _____ OF _____ 199 _____

UNAMIR

OFFICE OF THE PROSECUTOR

- (1) Insert here the name of the UNAMIR person conducting the hand over.
- (2) Insert here the name of the person being handed over.
- (3) Insert here the name of the Prosecutor's Office.
- (4) Insert here the time of hand over.

INTER-OFFICE MEMORANDUM

TO: Colonel Jan Arp
DCOS - OPS

FROM: Wilfrid de Souza
Executive Director

A handwritten signature in black ink, appearing to read "W. de Souza", written over the name and title of the sender.

DATE: 10 August 1995

SUBJECT: FC's Directive on the Legal Jurisdiction Applicable
to UNAMIR and Rwandan Authorities

1. It has come to my attention that the Force Commander's directive on the above-mentioned subject dated 24 July 1995 omits any reference to procedures governing the handover of UNAMIR contractor personnel to the Rwandan authorities. Despite UNAMIR's revised mandate, and in light of the various difficulties we are encountering with the Rwandan Government regarding the status of such personnel, I would like to propose that some measure of protection be afforded by UNAMIR's military component to the international (not local) staff members of UNAMIR contractors.

2. I understand that this matter has already been brought to your attention by our Political/Legal Officer who has also raised the issue with the Military Legal Officer, Major Craig McConaghy. Our proposal is to include such personnel under category 5 (f) of the directive pertaining to personnel of non-governmental organizations so that they may be accorded the same degree of protection as NGO personnel working in Rwanda.

3. Thank you for your attention to this matter.

cc: SRSG
FC
P/LO



File No 5000.45 (PLANS)

To: Distribution List

From: DCOS OPS

Date: 25 May 95

A handwritten signature in black ink, appearing to be 'J. K. ...', written over the 'From' and 'Date' lines.

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

Reference: A. 2000-1 (FC) dated 16 May 95
B. 2000-1 (FC) dated 24 ~~JUL~~ 95 (enclosed)

1. The Force Commander's directive on the legal jurisdiction applicable to UNAMIR and Rwandan authorities, Reference A, has been revised in order to conform to UNAMIR's new mandate.

2. Overview of changes. All references to protection of displaced persons, refugees and civilians have been deleted. In Annex D the section on the procedure of handing over of Rwandan nationals has been deleted for displaced persons, refugees and civilians. The assistance rendered to Rwandans seeking the protection of UNAMIR has been narrowed to situations covered by International Humanitarian Law in cases where they are about to suffer death or serious bodily injury and there are no appropriate Rwandan authorities available.

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

Enclosures: (1)

DISTRIBUTION LIST:

Action:

Lists B & D (less spares)
HRLO/UNHRFO

Information:

Lists A and E (less spares)



File No 2000-1 (FC)

24 July 1995

Distribution List

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

References: A. UNAMIR SOPs, Part 3, Section 17, Rules of Engagement dated 24 July 1995.
B. FC Directive on Conduct, Dress and Weapon Carriage Policy dated 26 April 1995.

INTRODUCTION

1. This updated Directive is effective on receipt and cancels the earlier version which was issued on 16 May 1995. It has the support of the SRSG's office, ICRC and UNHCRFOR.

GENERAL

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

DEFINITIONS

3. The following definitions shall apply to this Directive:

- a. "Appropriate authority" at this stage, refers only to the Prosecutor's Office. Further changes to this definition will be notified in writing by the FC.
- b. "Civilian component" consists of UN officials and of other persons assigned by the Secretary-General to assist the SRSG or made available by participating States to serve as part of UNAMIR.
- c. "Detainee" is any person who is held for committing a hostile act or hostile intent against any of the categories of people referred to in paragraphs 7d and 7e below.

- d. "Legal Jurisdiction" includes but is not limited to those situations where Rwandan authorities seek to take a foreign or Rwandan national into custody.
- e. "Military personnel of national contingents" includes military staff at UNAMIR HQ.
- f. "Official capacity" for UNAMIR troops is any time soldiers are in uniform or in civilian clothes for official functions (see Reference B).
- g. "UNHREFOR" is the United Nations Human Rights Field Operations in Rwanda.
- h. "Visitors" includes, but is not limited to, journalists, tourists, dignitaries representing national governments and non-UNAMIR personnel permitted to enter UNAMIR premises.

AIM

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

FOREIGN NATIONALS AND RWANDAN JURISDICTION

5. Rwandan authorities may seek jurisdiction over the following categories of foreign nationals:
- a. SRSG, Force Commander and the Police Commissioner of CIVPOL;
 - b. UN civilian officials assigned to the civilian component to serve with UNAMIR;
 - c. United Nations Military Observers (UNMOs), Civilian Police (CIVPOL) and civilian personnel from overseas who are employed by the UN specifically for this mission but who are not UNAMIR staff (eg consultants) (hereinafter referred to as "experts on mission");
 - d. military personnel of national contingents who are part of UNAMIR;
 - e. personnel of UN specialised agencies;
 - f. personnel of NGOs; and
 - g. visitors.

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

RWANDAN NATIONALS AND RWANDAN JURISDICTION

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

- a. Locally recruited personnel who are working for the UN.
- b. Rwandans who seek UNAMIR protection.
- c. Rwandans who are detained by UNAMIR personnel for committing or who are suspected of committing a hostile act or display hostile intent (as defined in Reference A) or a serious criminal offence against Rwandan or International Humanitarian law.
- d. Rwandans who are detained for stealing and/or damaging property, or are suspected of stealing and/or damaging property belonging to, or in the care of, UNAMIR, UN humanitarian organisations or UN protected sites (see Reference A).

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

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

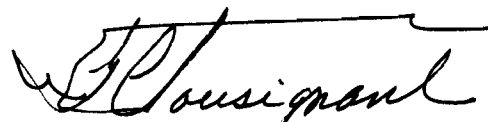
10. Any person in the care of UNAMIR troops are to be treated humanely, ensuring that they are provided with food, drinking water and that they are afforded safeguards in terms of health, hygiene and protection against the rigours of climate and the dangers of armed conflict.

MEMBERS OF THE RWANDAN PATRIOTIC ARMY (RPA)

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

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

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



G.C. Tousignant
Major-General
Force Commander

Annexes:

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

DISTRIBUTION LIST

Action:

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

Information:

Lists A and E (less spares)

ANNEX A TO
2000-1 (FC)
DATED 24 JUL 95

FOREIGN NATIONALS AND THEIR LEGAL STATUS IN RWANDA

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

ANNEX B TO
2000-1 (FC)
DATED 24 JUL 95

RWANDAN NATIONAL AND THEIR LEGAL STATUS IN RWANDA

SER	CATEGORY	LEGAL IMMUNITY	AUTHORITY FOR HAND OVER
1.	Locally recruited personnel	<p>. Immune from legal process in respect of all acts performed by them in their <u>official</u> capacity.</p> <p><u>Note:</u> This protection does not extend to acts committed before their employment with the UN.</p>	<p>. Only to be handed over with the concurrence of the SRSG.</p>
2.	Rwandan National detained by UNAMIR authorities	<p>. Treat humanely.</p>	<p>. Only to be handed over at an office of the prosecutor.</p>

PROCEDURES FOR HANDING OVER FOREIGN NATIONALS

UN CIVILIAN ASSIGNED TO THE CIVILIAN COMPONENT TO SERVE WITH UNAMIR

1. As soon as a Rwandan authority seeks legal jurisdiction over a UN civilian assigned to the civilian component to serve with UNAMIR, the SRSG, or his representative, HQ UNAMIR, and the International Committee of the Red Cross (ICRC) and UNHRCFOR must be notified. HQ UNAMIR is to dispatch Military Police (MP).
2. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of the UN civilian unless the SRSG has given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).
3. If the Rwandan authority(s) uses force to attempt to take custody of the UN civilian, UNAMIR troops are authorised to use force in accordance with Reference A.
4. If authority is given for the hand over, the UN civilian must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC and UNHRCFOR are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.
5. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:
 - a. name of person handed over,
 - b. location where the Rwandan Government sought jurisdiction,
 - c. crime person was accused of,
 - d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
 - e. date, time and place the person was handed to the Prosecutor's Office, and
 - f. whether an ICRC and UNHRCFOR representative was present during the handover and if not, why not.

UNMOs, CIVPOL AND EXPERTS ON MISSION

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

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

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

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

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

- a. name of person handed over,
- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the hand over and if not, why not.

MILITARY PERSONNEL OF NATIONAL CONTINGENTS WHO ARE A PART OF UNAMIR

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

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

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

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

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

- a. name of person handed over,
- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the hand over and if not, why not.

PERSONNEL OF UN SPECIALISED AGENCIES

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

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

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

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

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

- a. name of person handed over and the agency they work for,
- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the hand over and if not, why not.

PERSONNEL OF NGOS

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

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

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

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

- a. name of person handed over and the NGO they work for,
- b. location where the Rwandan Government sought jurisdiction,

- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the hand over and if not, why not.

VISITORS

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

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

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

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

- a. name of person handed over and their affiliation or nationality,
- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the hand over and if not, why not.

PROCEDURES FOR HANDING OVER RWANDAN NATIONALS

LOCALLY RECRUITED PERSONNEL

1. As soon as a Rwandan authority seeks legal jurisdiction over any locally recruited personnel, the SRSG or his representative and the ICRC must be notified. HQ UNAMIR is to dispatch MP to the site. UNHRFOR is to be notified immediately.
2. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of locally recruited personnel unless the SRSG has given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).
3. If the Rwandan authority(s) uses force to attempt to take custody of locally recruited personnel, UNAMIR troops are authorised to use force in accordance with Reference A.
4. UNHRFOR is to be permitted to speak to the locally recruited person.
5. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible are to be present during the hand over. UNHRFOR is to be present during the hand over. (Note: No hand over is to be delayed more than 24 hours with out UNAMIR HQ permission on the sole basis that the ICRC and/or UNHRFO are not present.) The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.
6. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and the Force Provost Marshall:
 - a. name of person handed over,
 - b. location where the Rwandan Government sought jurisdiction,
 - c. crime person accused of,
 - d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
 - e. date, time and place the person was handed to the Prosecutor's Office, and
 - f. whether an ICRC and/or UNHRFOR representative was present during the hand over and if not, why not.

RWANDANS SEEKING PROTECTION OF UNAMIR

7. It is not within the UNAMIR mandate to give Rwandan nationals protection. Circumstances may arise where protection to an individual or a group of individuals will be given under International Humanitarian Law because they are about to suffer death or serious bodily injury and there are no appropriate Rwandan authorities available to offer timely assistance. Such circumstances will be rare and in such cases UNAMIR HQ is to be notified immediately.

PERSONS DETAINED BY UNAMIR TROOPS

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

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

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

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

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

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

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

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

- a. name of the detainee,
- b. location where the person was detained,

- c. crime person accused of,
- d. name of the UNAMIR person who detained the detainee,
- e. date, time and place the detainee was handed to the Office of the Prosecutor, and
- f. whether an ICRC and/or UNHRCFOR representative was present during the hand over and if not, why not.

PROSECUTOR OFFICES IN RWANDA

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

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

ICRC REPRESENTATIVES IN RWANDA

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

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

HAND OVER PROFORMA

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

SIGNED THIS DAY _____ OF _____ 199__

UNAMIR

OFFICE OF THE PROSECUTOR

- (1) Insert here the name of the UNAMIR person conducting the hand over.
- (2) Insert here the name of the person being handed over.
- (3) Insert here the name of the Prosecutor's Office.
- (4) Insert here the time of hand over.



UNAMIR - MINUAR

File No 5000.45 (PLANS)

To: FC Approved/Not Approved
From: G3 PLANS
Through: DCOS OPS Recommended/ Not Recommended
COS Recommended/ Not Recommended
DFC Recommended/ Not Recommended
Date: 24 Jul 95

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

References: A. 2000-1 (FC) FC's Dir dated 16 May 95
B. UN Resolution 997 (1995) dated 9 June 1995

1. This Directive, Reference A, has been revised in order to conform to UNAMIR's new mandate, Reference B.

2. Overview of the proposed changes. All references to protection of displaced persons, refugees and civilians have been deleted. In Annex D the section on the procedure of handing over of Rwandan nationals has been deleted for displaced persons, refugees and civilians. The assistance rendered to Rwandans seeking the protection of UNAMIR has been narrowed to situations covered by International Humanitarian Law in cases where they are about to suffer death or serious bodily injury and there are no appropriate Rwandan authorities available.

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

FROM: G3 OPS

INFO: DCOS/OPS

TO: ALL CONTINGENTS

DATE: 4 JUL 95

SUBJECT: ARREST AND DETENTION OF RPA PERSONNEL

1. The new mandate does not allow any UNAMIR soldier to arrest or detain any RPA personnel found committing crime.
2. To this effect, if UNAMIR soldiers found an RPA soldier committing any offence, they are to report to the nearest gendarmerie station who are empowered to effect arrest and detention of such culprits. Contingent Commanders are therefore, requested to advise their soldiers accordingly.
3. For your necessary action.



G 3 PHAS
2
3
4

From: A/COS

To: Distribution Lists A & B

Info: List E

Date: 23 June 95

Subject: UNAMIR MILITARY STAFF WORK ROUTINE

1. Effective forthwith all military sections of UNAMIR HQ are authorized to adopt minimal staffing levels on Saturday afternoons as well as on Sundays. Accordingly, on Saturday afternoons and Sundays, all sections need only be manned by a duty officer who is able to contact other members of that section in case of need; all other staff who do not have work to complete may adopt 'Sunday Routine'.

2. Additionally, since it is imperative that all personnel can be contacted at a moments notice if required, all military staff are reminded to ensure that the UNAMIR Duty Officer or the appropriate Section Head is made aware of their whereabouts if different from their principle residence. All staff in possession of motorolas are further reminded to monitor the appropriate channel when away from this HQ or their residential area.

3. Furthermore, in order to foster greater spirit and cohesion among the staff, henceforth all military personnel are strongly encouraged to participate in a daily coffee break to take place at 1000-1030 hrs in the UNAMIR cafeteria.



File Copy

File No 5000.45 (PLANS)

To: SRSG
UNHRFOR
ICRC (through UNREO)

From: G3 PLANS

Date: 27 Apr 95

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

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

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

3. Addressees are requested to provide comments no later than 3 May 1995.



File No 2000-1 (FC)

May 1995

Distribution List

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

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

INTRODUCTION

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

GENERAL

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

DEFINITIONS

3. The following definitions shall apply to this Directive:

- a. "Appropriate authority" at this stage, refers only to the Prosecutor's Office. Further changes to this definition will be notified in writing by the FC.
- b. "Civilian component" consists of UN officials and of other persons assigned by the Secretary-General to assist the SRSG or made available by participating States to serve as part of UNAMIR.
- c. "Detainee" is any person who is held for committing a hostile act or hostile intent against any of the categories of people referred to in paragraphs 7d and 7e below.

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

MEMBERS OF THE RWANDAN PATRIOTIC ARMY (RPA)

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

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

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

G.C. Tousignant
Major-General
Force Commander

Annexes:

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

DISTRIBUTION LIST (Page 5)

DISTRIBUTION LIST

Action:

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

Information:

Lists A and E

FOREIGN NATIONALS AND THEIR LEGAL STATUS IN RWANDA

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

RWANDAN NATIONAL AND THEIR LEGAL STATUS IN RWANDA

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

PROCEDURES FOR HANDING OVER FOREIGN NATIONALS

UN CIVILIAN ASSIGNED TO THE CIVILIAN COMPONENT TO SERVE WITH UNAMIR

1. As soon as a Rwandan authority seeks legal jurisdiction over a UN civilian assigned to the civilian component to serve with UNAMIR, the SRSG, or his representative, HQ UNAMIR, and the International Committee of the Red Cross (ICRC) and UNHRCFOR must be notified. HQ UNAMIR is to dispatch Military Police (MP).
2. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of the UN civilian unless the SRSG has given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).
3. If the Rwandan authority(s) uses force to attempt to take custody of the UN civilian, UNAMIR troops are authorised to use force in accordance with Reference A.
4. If authority is given for the hand over, the UN civilian must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC and UNHRCFOR are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.
5. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:
 - a. name of person handed over,
 - b. location where the Rwandan Government sought jurisdiction,
 - c. crime person was accused of,
 - d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
 - e. date, time and place the person was handed to the Prosecutor's Office, and
 - f. whether an ICRC and UNHRCFOR representative was present during the handover and if not, why not.

UNMOs, CIVPOL AND EXPERTS ON MISSION

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

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

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

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

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

- a. name of person handed over,
- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the hand over and if not, why not.

MILITARY PERSONNEL OF NATIONAL CONTINGENTS WHO ARE A PART OF UNAMIR

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

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

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

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

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

- a. name of person handed over,
- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the hand over and if not, why not.

PERSONNEL OF UN SPECIALISED AGENCIES

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

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

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

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

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

- a. name of person handed over and the agency they work for,
- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the hand over and if not, why not.

PERSONNEL OF NGOS

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

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

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

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

- a. name of person handed over and the NGO they work for,
- b. location where the Rwandan Government sought jurisdiction,

- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the hand over and if not, why not.

VISITORS

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

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

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

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

- a. name of person handed over and their affiliation or nationality,
- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the hand over and if not, why not.

PROCEDURES FOR HANDING OVER RWANDAN NATIONALS

LOCALLY RECRUITED PERSONNEL

1. As soon as a Rwandan authority seeks legal jurisdiction over any locally recruited personnel, the SRSG or his representative and the ICRC must be notified. HQ UNAMIR is to dispatch MP to the site. UNHRFOR is to be notified immediately.
2. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of locally recruited personnel unless the SRSG has given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).
3. If the Rwandan authority(s) uses force to attempt to take custody of locally recruited personnel, UNAMIR troops are authorised to use force in accordance with Reference A.
4. UNHRFOR is to be permitted to speak to the locally recruited person.
5. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible are to be present during the hand over. UNHRFOR is to be present during the hand over. (Note: No hand over is to be delayed more than 24 hours without UNAMIR HQ permission on the sole basis that the ICRC and/or UNHRFO are not present.) The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.
6. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and the Force Provost Marshall:
 - a. name of person handed over,
 - b. location where the Rwandan Government sought jurisdiction,
 - c. crime person accused of,
 - d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
 - e. date, time and place the person was handed to the Prosecutor's Office, and
 - f. whether an ICRC and/or UNHRFOR representative was present during the hand over and if not, why not.

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

7. As soon as a Rwandan authority seeks legal jurisdiction over refugees, displaced persons, and/or civilians in sites or among populations under the protection of UNAMIR, the FC or his representative and the ICRC and UNHRCFOR must be notified. HQ UNAMIR is to dispatch MP to the site.
8. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of refugees, displaced persons, and/or civilians in sites or among populations under the protection of UNAMIR unless the FC has given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).
9. If the Rwandan authority(s) uses force to attempt to take custody of refugees, displaced persons, and/or civilians in sites or among populations under the protection of UNAMIR, UNAMIR troops are authorised to use force in accordance with Reference A.
10. UNHRCFOR is to be permitted to speak to the refugee, displaced persons, and/or civilian.
11. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible are to be present during the hand over. UNHRCFOR is to be present during the hand over. (Note: No hand over is to be delayed more than 24 hours with out UNAMIR HQ permission on the sole basis that the ICRC and/or UNHRCFO are not present.) The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.
12. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and the Force Provost Marshall:
 - a. name of person handed over,
 - b. location where the Rwandan Government sought jurisdiction,
 - c. crime person accused of,
 - d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
 - e. date, time and place the person was handed to the Prosecutor's Office, and
 - f. whether an ICRC and/or UNHRCFOR representative was present during the hand over and if not, why not.

RWANDANS SEEKING PROTECTION OF UNAMIR

13. Any Rwandan Civilian who seeks protection of UNAMIR troops is to be afforded that protection. UNAMIR HQ is to be notified immediately of the circumstances surrounding the protection. HQ UNAMIR is to dispatch MP to the site. UNAMIR troops are to allow the MP to liaise with the Rwandan authority(s). UNHRCFOR is also to be notified immediately.
14. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of the Rwandan seeking protection unless the FC has given permission for this to occur.
15. If the Rwandan authority(s) use force to attempt to take custody of the Rwandan, UNAMIR troops are authorised to use force in accordance with Reference A.
16. The Rwandan who has sought protection should be notified as soon as possible that he can only be protected by UNAMIR on a temporary basis. No UNAMIR member should undertake to protect the person indefinitely. UNAMIR may give protection for 24 hours. This period may only be extended with the permission of UNAMIR HQ. It must be explained to the Rwandan authority(s) that one condition of affording protection is that he is handed over to the nearest Office of the Prosecutor. The national is to be informed that he should explain his case to the Prosecutor.
17. UNHRCFOR is to be permitted to speak to the individual seeking protection.
18. If the person decides to be handed over to the nearest Office of the Prosecutor (details of these offices are at Annex E). the ICRC are to be notified as far in advance as possible and, if possible, are to be present during the hand over. UNHRCFOR is to be present during the hand over. (Note: No hand over is to be delayed more than 24 hours without UNAMIR HQ permission on the sole basis that the ICRC and/or UNHRCFO are not present.) The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.
19. If the person seeking protection does not want to be handed over to the Office of the Prosecutor, UNAMIR is to allow the individual to leave the site that he has sought protection in. If the person refuses to leave he should be told that UNAMIR has no option but to take him to the Office of the Prosecutor.
20. If there is a Rwandan authority(s) seeking custody of the national, that authority should be notified that the person will be handed over as soon as possible to the nearest Office of the Prosecutor.
21. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and the Force Provost Marshall:
- a. name of the person seeking protection,
 - b. location where the person sought protection,

- c. crime person accused of,
- d. name of the UNAMIR person who provided the protection,
- e. circumstance/reason why person sought protection,
- f. date, time and place the person seeking protection was handed to the Office of the Prosecutor, and
- g. whether an ICRC and/or UNHCRFOR representative was present during the hand over and if not, why not.

PERSONS DETAINED BY UNAMIR TROOPS

22. They are to be searched, disarmed and segregated. At all times they are to be treated in accordance with the principals of minimum force as detailed at Reference A. UNAMIR HQ is to be notified immediately of the circumstances surrounding the detention. HQ UNAMIR is to dispatch MP to the site. UNAMIR troops are to allow the MP to liaise with the Rwandan authority(s).
23. The detainee(s) is to be told the reason for his detention.
24. They are to be identified and their personal details recorded. The reason for the detention is also to be recorded.
25. A safe and secure place is to be arranged as a temporary place of custody. Detainees are to be kept in custody by UNAMIR troops for the minimum time necessary. A detainee is to be kept in custody for no more than 24 hours unless they have the permission of UNAMIR HQ. Detainees are to be provided with food, water, shelter and medical attention as required. ICRC is to be informed immediately and is to be allowed to have access to these detainees.
26. Detainees and the property found in their possession are to be handed to the appropriate Prosecutor's Office (details of these offices are at Annex E). The detainee is to be allowed to keep all property essential for his/her comfort and survival (eg food and water).
27. The ICRC (if possible) and the UNHCRFOR are to be notified and present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.
28. Detainees are not to be handed to any other RPA authorities. A Prosecutor's Office is the only authorised office for the processing and handing over of detainees in Rwanda.
29. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:
- a. name of the detainee,
 - b. location where the person was detained,

- c. crime person accused of,
- d. name of the UNAMIR person who detained the detainee,
- e. date, time and place the detainee was handed to the Office of the Prosecutor, and
- f. whether an ICRC and/or UNHRCFOR representative was present during the hand over and if not, why not.

PROSECUTOR OFFICES IN RWANDA

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

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

ICRC REPRESENTATIVES IN RWANDA

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

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

HAND OVER PROFORMA

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

SIGNED THIS DAY _____ OF _____ 199__

UNAMIR

OFFICE OF THE PROSECUTOR

- (1) Insert here the name of the UNAMIR person conducting the hand over.
- (2) Insert here the name of the person being handed over.
- (3) Insert here the name of the Prosecutor's Office.
- (4) Insert here the time of hand over.



FORCE COMMANDER'S MEMORANDUM

To: COMM CENTRE

Info: LIST A and LIST B

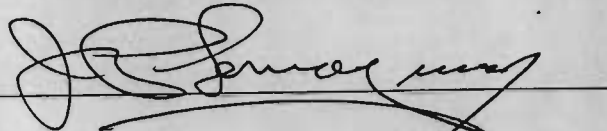
From: Maj Gen GC Tousignant

Date: 21 April 1995

Subject: MESSAGE AND FAX RELEASE AUTHORITY

1. This document designates the following officer, Major J.P. Lemay UNID # M 1172, to have signing authority for all appropriate messages and facsimiles on behalf of the Force Commander. This duty is temporary during the period 22 April to 10 May 95.

a. SPECIMEN SIGNATURE:


MAJOR J.P. LEMAY UNID # M 1172

2. Your cooperation in this matter is appreciated.

✓ 5000-45 Plans
UNITED NATIONS

ASSISTANCE MISSION FOR RWANDA



UNAMIR - MINUAR

93 PLANS
2-
3-
NATIONS UNIES

MISSION POUR L'ASSISTANCE AU RWANDA

To: Lists A, B & D

From: COS

Date: 29 March 1995

SUBJECT: STANDARDS OF CONDUCT AND REPORTING OF INCIDENTS

References:

- A: UNAMIR ADMINISTRATIVE INSTRUCTION NO.002/94/Rev 1 dated 09 Mar 95.
- B: SRSG's BULLETIN NO.1 DT. 14 Mar 95
- C: This Office letter on Conduct of UNAMIR Military Personnel dated 09 Jan 95.

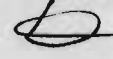
1. Recently, there has been an increase in the number of incidents involving UNAMIR Military Personnel and civilians in avoidable controversial circumstances. Though there is a need by formed troops and Milobs to maintain constant liaison and interaction with the local population to instill mutual confidence and create a secure environment, these relationships should not degenerate into altercations at public houses involving local women under the pretext of excessive drinking or other excuses.

2. It must be remembered by all that such incidents tarnish the image of UNAMIR and are totally counter-productive to the overall mission and aim of UNAMIR. All contingent, sector and unit/sub-unit Commanders will ensure that their Command remains fully disciplined and does not indulge in any activity, be it drinking in public places, prostitution or selling of UN rations, goods meant for troops.

3. The Government of Rwanda and the RPA in particular are keenly waiting for opportunities to defame UNAMIR and would exploit every occasion presented to them. In order to guard against such attempts, contingents and units are requested to forward factual and accurate incident reports or special reports immediately on occurrence, to enable this HQ to counter adverse implications.

4. Please acknowledge. Regards.

5000.45 (Plans)

G3 PLANS - 

2-

3- 

4-

PROGRAMME DES NATIONS UNIES
POUR LE DEVELOPPEMENT



UNITED NATIONS
DEVELOPMENT PROGRAMME

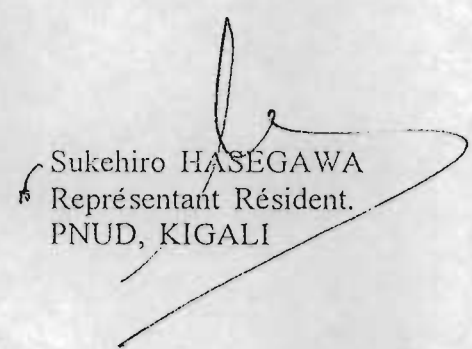
MEMORANDUM INTERIEUR

INTEROFFICE MEMORANDUM

A: Tous les Chefs d'Agences des Nations Unies
Experts et fonctionnaires internationaux

14/03/1995
Circ. 029/95
FIN/213/1

DE :


Sukehiro HASEGAWA
Représentant Résident.
PNUD, KIGALI

OBJET : Taux de change des Nations Unies.

J'ai le plaisir de porter à votre connaissance que le taux de change des Nations Unies est de 223 FRW Pour 1 US \$ et ce à partir du 15 mars 1995.

Je vous remercie.

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA




NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

To: Col KS Sivakumar
COS

5000.45(Plans)

From: G3 Plans 

Date: 13 Mar 95

SUBJECT: STANDARD OF CONDUCT

1. Administrative Instruction No.002/9/Rev.1 dated 9 Mar 95.
2. The above-mentioned Reference has been received by the G3 Plans.



UNAMIR - MINUAR

From: UNAMIR HQ OPS *[Signature]*

File No: 3000.31(Ops)

To: List B
List C
List D

G3 PLANS -

Info: List A

2 -
3 - *[Signature]*
4 -

Date: 13 Mar 95

Subject: CARRYING OF WEAPONS BY UN TROOPS IN ORPHANAGE

1. CARE International in conjunction with CARE Australia is attempting a normalisation programme to assist orphans in Kigali and other places within Rwanda.

2. As you are aware, these children have been victims of violence and trauma and their aim is to reduce the long term effect of this.

3. In view of the above, you are requested to instruct troops under your command to desist from carrying their personnel weapons when visiting orphanages except otherwise instructed.

4. For your compliance please.

UNITED NATIONS



NATIONS UNIES

ASSISTANCE MISSION FOR RWANDA

MISSION POUR L'ASSISTANCE AU RWANDA

KINSHASA - KINSHASA

G3 PLANS-
D

Chief Thankyou
D

Please confirm
receipt

To: As per Lists A, B & D

From: Col KS Sivakumar
COS

[Handwritten signature]

[Handwritten signature]

G3PLANS

Date: 11 March 1995

13/3

SUBJECT: STANDARDS OF CONDUCTS

1. Administrative Instruction No.002/94/Rev.1 dated 9 March 1995.

2. Please confirm receipt of the above-mentioned Administrative Instruction issued by OIC Administration and ensure strict adherence to the guidelines outlined therein.



ADMINISTRATIVE INSTRUCTION N° 002/94/Rev. 1

DATE: 9 March 1995

TO: All UNAMIR Personnel

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

SUBJECT: STANDARDS OF CONDUCTS

1. It has been brought to my attention of an increasing number of conflicting situations between UNAMIR staff and the local inhabitants and authorities. Therefore this Administrative Instruction issued in August 1994 is being reproduced to remind all UNAMIR staff of the paramount importance of maintaining high standard of conduct at all times.

2. Furthermore, please be informed that a decree on currency regulations has been issued by the Rwandese authorities prohibiting currency exchange at unauthorized money exchange centres effective 15 March 1995. In this connection, your particular attention is drawn on paragraph 4 below "Currency Regulations" of this present Administrative Instruction.

3. The purpose of this Administrative Instruction is to remind you that United Nations civilian staff are considered International Civil Servants from whom exemplary conduct is expected at all times. In fulfillment of this requirement, UNAMIR staff, in their demeanour and comportment, are expected to carry out their functions, official and private, with diplomacy, tact, integrity, politeness and discretion.

4. As the exemplary behaviour of all personnel is a major prerequisite in the creation of a good public image, it is expected that all staff will strictly abide by the guidelines on standards of conduct outlined below. Serious violations of these guidelines will be investigated and, where necessary, may lead to disciplinary action.

Local Laws, Regulation and Customs: All personnel should bear in mind the importance of respecting the laws and regulations of the host country, as well as those of neighbouring countries which may be visited during recreational trips or leave.

.../

Currency Regulations: Currency regulations must be observed by all members of UNAMIR. It should be noted that it is an offence to change foreign currency at unauthorized money exchange centres. Currency exchange is allowed at banks and licensed foreign exchange operators only. Currency regulations should also be followed when travelling in neighbouring countries.

Photography: Should restrictions be noted with regard to the taking of photographs, these restrictions should be fully respected. If in doubt as to whether certain locations can be photographed, please refrain from doing so until such time as reliable information is available.

Privately Owned Weapons: UNAMIR personnel are strictly prohibited from possessing or owning private fire-arms.

War Souvenirs: UNAMIR personnel are prohibited from taking possession of any equipment, weapons, ammunition or souvenirs found abandoned.

Hunting and Shooting: Hunting and shooting of game in the mission area should not be engaged in by UNAMIR personnel.

Contact with Local Population: Particular attention must be paid to the sensitivities of the population with regard to local customs, lifestyle and general behaviour. Care should be taken so as not to offend local inhabitants by violating their social or religious customs.

Handling of Information: Personnel should not communicate with any person outside UNAMIR, information known to them by reason of their service with the UN, unless they have been authorized to do so in the course of their duties. Further, UNAMIR personnel should also refrain from expressing, in public, any opinion regarding the political and/or military situation in the country.

Consumption and Disposal of Drugs: The possession, sale or use of controlled drugs is strictly forbidden.

Consumption of Alcohol: It must be understood that excessive consumption of alcohol can lead to serious incidents. At no time must any UNAMIR personnel be seen in public in an inebriated state.

Driving: When driving, UNAMIR personnel must be in possession of their ID cards, driving licenses and vehicle documentation. Local traffic/driving regulations must be strictly followed. Please drive with care, politeness and courtesy. UNAMIR personnel must not at any time drive while intoxicated.

Use of UNAMIR Assets: Extreme care must be taken in the use of UNAMIR assets, such as aircraft, vehicle or other facilities so that the impression of flaunting a privileged position is not conveyed to the general public.

5. Again, you are reminded that an attitude of restraint in public makes a lasting positive impression and contributes significantly to the image of the mission, thus to its success. Integrity, loyalty, independence, impartiality and the subordination of private interests to the interests of the Organization are daily requirements. Please be guided accordingly.

5000.45 (1/1/95)
UNITED NATIONS

ASSISTANCE MISSION FOR RWANDA



NATIONS UNIES

MISSION POUR L'ASSISTANCE AU RWANDA

From: FC

H. Haignan

G3 PLANS ①

To: List B and D

Info: Office of SRSG, OIC Administration

File Reference: 4000.1/Log/7

Date: 7 Mar 95

Subject: EXCHANGE OF CURRENCY ON THE BLACK MARKET

1. A recent Presidential Decree has been issued banning the exchange of foreign currency on the black market.
2. We are seeking a copy of this decree in order that we can comply as necessary with any new regulations, but personnel should now seek any necessary local currency through the banks and other formal channels.

Plans
HQ UNAMIR
Ops Branch
Kigali

3000.15(Ops)

7 Feb 95

Distribution list

FRAG ORDER NO 13 TO OP ORDER : 20

References :

- (a) Map RWANDA, 1:250,000.
- (b) Map RWANDA, 1:50,000, Sheet Nos 08,15,16,17,22 and 23.

Appendices:

Photocopy of MAP Showing the New Boundary of Sector 3B.

Situation

- 1. No change.

Mission

- 2. MALICOY to relieve TUNBATT elements in the extended AOR of Sector 3B and deploy by 1800 h on 15 Feb 95.

Execution

- 3. General Outline. The operation will be conducted in two phases as under;

- a. Phase 1. Joint recce, handing and taking over of static and non static duties in the new AOR.
- b. Phase 2. Deployment with in the new boundaries and commencement of all security and humanitarian ops.

- 4. Delineation of Boundary. Also refer Appendix. From the junction of River Nyabarango and the Road Kigali - Gitarama at grid reference (GR) 334833, it takes off NW along the Southern bank of the River. Further it follows the alignment of GR 310887 - 240945 - 831932 - 780950 - 76001 - Rivers' junction GR 960085. From this point it runs Southwards along the Eastern bank of the distributary of River Nyabarango to GR 980910 - 976836 - 920820 - 930703 (River and Road Gitarama-Kibuye Junction). From this point it follows the existing Sector 3B boundary.

- 4. Grouping and Tasks.

a. TUNBATT.(1) Phase 1.(a) Grouping. No change.(b) Tasks.

i. Conduct joint recce of the extended AOR.

ii. Hand over all security and humanitarian ops in the extended AOR of Sector 3B to MALICOY.

(2) Phase 2.(a) Grouping. No change.(b) Tasks.

i. Redeploy relieved troops in Sector 5.

ii. Readjust security and humanitarian ops in Sector 5.

iii. Resume the above mentioned ops in the realigned boundaries of Sector 5.

b. MALICOY.(1) Phase 1.(a) Grouping. No change.(b) Tasks.

i. Conduct joint recce with TUNBATT in the extended AOR of Sector 3B.

ii. Take over all security and humanitarian ops in the extended AOR from TUNBATT.

(2) Phase 2.(a) Grouping. No change.(b) Tasks.

i. Deploy troops in the extended AOR.

ii. Commence security and humanitarian ops,

in the realigned boundaries of Sector 3B.

5. Coordinating instructions.

a. Timings.

- (1) Phase 1. To be completed by 11 Feb 95.
 - (a) Joint recce to commence on 09 Feb 95.
 - (b) Recce completed by 10 Feb 95.
 - (c) Coordination of all security and humanitarian duties to be completed by 11 Feb 95.
- (2) Phase 2. To be completed by 1800 h on 14 Feb 95.
 - (a) Deployment of troops to be completed by 14 Feb 95.
 - (b) Commence all security and humanitarian ops in the realigned Sectors with effect from 15 Feb 95.

Administration and Logistics.

6. Transport. The Logistics Branch to allot 05 troop/store carrying and 02 small vehs to MALICOY at the earliest in order to enable the Coy to perform additional commitments.

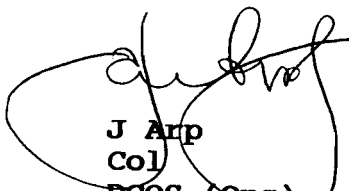
7. Other aspects no change.

Command and Electronics.

7. Sector 3B and MALICOY to liaise with the FSO for the requirement of radio sets and relocation of motorola repeaters.

8. FSO to carry out an assessment of the additional requirement.

9. Action addresses ack.


J Arp
Col
DCOS (Ops)

Distribution:

Action

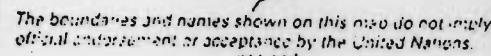
SECTOR 3B
TUNBATT
MALICOY
G 6 COMM (FSO)

Info

LIST A
LIST B
LIST C
LIST D
LIST E

(Refers to Para 4)

SECTOR 3B



Distribution List

31 January 1995

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

References:

- A. Section 9: Op Directive No 2 Rules of Engagement
- B. ~~FC Directive for the Handling of Detainees dated 28 Sep 94~~
- C. FC Directive on Conduct, Dress and Weapon Carriage Policy dated 7 Nov 94

Introduction

- 1. *This updated Directive is effective on receipt and cancels the earlier version which was issued on 3 November 1994. The primary reason for issuing Version II is to direct what UNAMIR troops are to do if a Rwandan national seeks protection from UNAMIR. Note that all amendments are in italics and deletions have been overstruck.*
- 2. *This Directive has the support of the SRSG's office, ICRC and UNHCR/FOR.*

General

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

Definitions.

- 4. The following definitions shall apply to this Directive:
 - a. "appropriate authority" at this stage, refers only to the Prosecutor's Office. Further changes to this definition will be notified in writing by the FC.
 - b. "Civilian component" consists of UN officials and of other persons assigned by the Secretary-General to assist the SRSG or made available by participating States to serve as apart of UNAMIR.

- c. "Detainee" is any person who is held for committing a hostile act or hostile intent against any of the categories of people referred to in paragraphs 8d or 8e below.
- c. "Hand over" is the formal procedure detailed in Annexes C and D.
- d. "Legal Jurisdiction" includes but is not limited to those situations where Rwandan authorities seek to take a foreign or Rwandan national into custody.
- e. "Military personnel of national contingents" includes military staff at UNAMIR HQ.
- f. "Official capacity" for UNAMIR troops is any time soldiers are in uniform or, by exception, in civilian clothes (see Reference C).
- g. *"UNHRRFOR" is the United Nations Human Rights Field Operations in Rwanda.*
- h. "Visitors" includes, but is not limited to, journalists, tourists, dignitaries representing national governments, non-UNAMIR personnel permitted to enter UNAMIR premises and contractors and sub-contractors employed by the UN.-

Aim

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

Foreign Nationals and Rwandan Jurisdiction.

- 6. Rwandan authorities may seek jurisdiction over the following categories of foreign nationals:
 - a. SRSG, Force Commander and the Police Commissioner of CIVPOL;
 - b. UN civilian officials assigned to the civilian component to serve with UNAMIR;
 - c. United Nations Military Observers (UNMOs), Civilian Police (CIVPOL) and civilian personnel from overseas who are employed by the UN specifically for this mission but who are not UNAMIR staff (eg consultants) (hereinafter referred to as "experts on mission");
 - d. military personnel of national contingents who are a part of UNAMIR;
 - e. personnel of UN specialised agencies;
 - f. personnel of NGOs; and
 - g. visitors.

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

Rwandan Nationals and Rwandan Jurisdiction

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

- a. Locally recruited personnel who are working for the UN;
- b. Displaced persons, refugees and civilians in sites or among populations under the protection of UNAMIR forces.
- c. *Rwandans who seek UNAMIR protection because they are, or they believe that they are, at risk.*
- d. Rwandans who are detained by UNAMIR personnel for committing or who are suspected of committing a hostile act or a hostile intent (as defined in Reference A) against:
 - (1) One's self and the personnel in one's unit,
 - (2) other UNAMIR military or civilian personnel,
 - (3) non-UNAMIR humanitarian aid personnel,
 - (4) displaced persons, refugees and civilians in sites or among populations under the protection of UNAMIR forces,
 - (5) other UN-authorized military or civilian personnel; and
- e. Rwandans who are detained for stealing and/or damaging property, or are suspected of stealing and/or damaging property belonging to, or in the care of, UNAMIR, UN humanitarian organisations or UN protected sites (see Reference A paragraphs 3.b and 8).

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

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

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



G. C. Tousignant
Major-General
Force Commander

Annexes:

Annex A - Foreign Nationals and Rwandan Jurisdiction

Annex B - Rwandan Nationals and Rwandan Jurisdiction

Annex C - Procedures for Handing Over Foreign Nationals

Annex D - Procedures for Handing Over Rwandan Nationals

Annex E - Prosecutors Offices in Rwanda

Annex F - ICRC Representatives in Rwanda

Annex G - Hand Over Proforma

DISTRIBUTION LIST

Action

Lists B, C and D
HRL/UNHRFO
CSS
CCPO
STO
CSO
MCC
CTO
BMES
CCO

Information

Lists A and E

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

FOREIGN NATIONALS AND THEIR LEGAL STATUS IN RWANDA

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

VISITOR	NO IMMUNITY UNLESS THEY HAVE ENTERED INTO A BILATERAL ARRANGEMENT WITH THE RWANDAN GOVERNMENT	ONLY TO BE HANDED OVER WITH THE CONCURRENCE OF THE FC AND/OR SRSG
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ANNEX B TO LEGAL
JURISDICTION
APPLICABLE TO UNAMIR
AND RWANDAN
AUTHORITIES
DATED 1995

RWANDAN NATIONALS AND THEIR LEGAL STATUS IN RWANDA

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

PROCEDURES FOR HANDING OVER FOREIGN NATIONALS

1. UN Civilian Assigned to the Civilian Component to Serve with UNAMIR.
 - a. As soon as a Rwandan authority seeks legal jurisdiction over a UN civilian assigned to the civilian component to serve with UNAMIR, the SRSG, or his representative, HQ UNAMIR and the International Committee of the Red Cross (ICRC) must be notified. HQ UNAMIR is to dispatch Military Police (MP). ~~or CIVPOL to the site.~~
 - b. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of the UN civilian unless the SRSG has given permission for this to occur. UNAMIR troops are to allow MP ~~or CIVPOL~~ to liaise with the Rwandan authority(s).
 - c. If the Rwandan authority(s) uses force to attempt to take custody of the UN civilian, UNAMIR troops are authorised to use force in accordance with Reference A.
 - d. If authority is given for the hand over, the UN civilian must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.
 - e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:
 - (1) name of person handed over,
 - (2) location where the Rwandan Government sought jurisdiction,
 - (3) crime person was accused of,
 - (4) name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
 - (5) date, time and place the person was handed to the Prosecutor's office, and

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

2. UNMOs, CIVPOL and Experts on Mission.

- a. As soon as a Rwandan authority seeks legal jurisdiction over an UNMO, CIVPOL or an expert on mission, the FC or his representative, the SRSG or his representative and the ICRC must be notified. HQ UNAMIR is to dispatch MP or CIVPOL to the site. The Rwandan authority is to be reminded that these members are, under Rwandan and international law, immune from arrest, detention or the seizure of their baggage.
- b. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of an UNMO, CIVPOL or an expert on mission unless the FC and/or the SRSG has given permission for this to occur. UNAMIR troops are to allow MP or CIVPOL to liaise with the Rwandan authority(s).
- c. If the Rwandan authority(s) uses force to attempt to take custody of the UNMO, CIVPOL or expert on mission, UNAMIR troops are authorised to use force in accordance with Reference A.
- d. If authority is given for the hand over, the UNMO, CIVPOL or consultant must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.
- e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and the Force Provost Marshall:
 - (1) name of person handed over,
 - (2) location where the Rwandan Government sought jurisdiction,
 - (3) crime person accused of,
 - (4) name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
 - (5) date, time and place the person was handed to the Prosecutor's office, and
 - (6) whether an ICRC representative was present during the hand over and if not, why not.

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

- a. As soon as a Rwandan authority seeks legal jurisdiction over military personnel of national contingents who are a part of UNAMIR, the FC or his representative, the appropriate contingent commander and the ICRC must be notified. HQ UNAMIR is to dispatch MP ~~or CIVPOL~~ to the site. The Rwandan authority should be reminded that military members of the military component of UNAMIR shall be subject to the exclusive jurisdiction of their respective participating states in respect of any criminal offences which may have been committed by them in Rwanda.
- b. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of another UNAMIR soldier unless the FC and the appropriate contingent commander have given permission for this to occur. UNAMIR troops are to allow MP ~~or CIVPOL~~ to liaise with the Rwandan authority(s).
- c. If the Rwandan authority(s) uses force to attempt to take custody of the UNAMIR soldier, UNAMIR troops are authorised to use force in accordance with Reference A.
- d. If authority is given for the hand over, the UNAMIR soldier must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.
- e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and the Force Provost Marshall:
 - (1) name of person handed over,
 - (2) location where the Rwandan Government sought jurisdiction,
 - (3) crime person accused of,
 - (4) name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
 - (5) date, time and place the person was handed to the Prosecutor's office, and
 - (6) whether an ICRC representative was present during the hand over and if not, why not.

4. Personnel of UN Specialised Agencies.

- a. As soon as a Rwandan authority seeks legal jurisdiction over a member of a UN specialised agency, the SRSG or his representative, the appropriate head of the agency and the ICRC must be notified. HQ UNAMIR is to dispatch MP ~~or CIVPOL~~ to the site.
- b. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of a member of a UN specialised agency unless the SRSG and the appropriate head of the agency have given permission for this to occur. UNAMIR troops are to allow MP ~~or CIVPOL~~ to liaise with the Rwandan authority(s).
- c. If the Rwandan authority(s) uses force to attempt to take custody of a member of a UN specialised agency UNAMIR troops are authorised to use force in accordance with Reference A.
- d. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far in possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.
- e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, the Force Provost Marshall and the UN agency concerned:
 - (1) name of person handed over and the agency they work for,
 - (2) location where the Rwandan Government sought jurisdiction,
 - (3) crime person accused of,
 - (4) name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
 - (5) date, time and place the person was handed to the Prosecutor's office, and
 - (6) whether an ICRC representative was present during the hand over and if not, why not.

5. Personnel of NGOs.

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

- b. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of a member of an NGO unless the appropriate head of the NGO has given permission for this to occur. UNAMIR troops are to allow MP ~~or CIVPOL~~ to liaise with the Rwandan authority(s).
- c. If the Rwandan authority(s) uses force to attempt to take custody of a member of an NGO, UNAMIR troops are authorised to use force in accordance with Reference A.
- d. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's office to whom the hand over is made.
- e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:
 - (1) name of person handed over and the NGO they work for,
 - (2) location where the Rwandan Government sought jurisdiction,
 - (3) crime person accused of,
 - (4) name of the UNAMIR person(s) who was present when the Rwandan the Government sought jurisdiction,
 - (5) date, time and place the person was handed to the Prosecutor's office, and
 - (6) whether an ICRC representative was present during the hand over and if not, why not.

6. Visitors

- a. As soon as a Rwandan authority seeks legal jurisdiction over a visitor, HQ UNAMIR and the ICRC must be notified. HQ UNAMIR is to dispatch MP ~~or CIVPOL~~ to the site.
- b. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of a visitor unless the FC or his representative and/or the SRSG or his representative has given permission for this to occur. UNAMIR troops are to allow MP ~~or CIVPOL~~ to liaise with the Rwandan authority(s).
- c. If the Rwandan authority(s) uses force to attempt to take custody of a visitor UNAMIR troops are authorised to use force in accordance with Reference A.

- d. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's office to whom the hand over is made.
- e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:
- (1) name of person handed over and their affiliation or nationality,
 - (2) location where the Rwandan Government sought jurisdiction,
 - (3) crime person accused of,
 - (4) name of the UNAMIR person(s) who was present when the Rwandan the Government sought jurisdiction,
 - (5) date, time and place the person was handed to the Prosecutor's office, and
 - (6) whether an ICRC representative was present during the hand over and if not, why not.

PROCEDURES FOR HANDING OVER RWANDAN NATIONALS

1. Locally Recruited Personnel.

- a. As soon as a Rwandan authority seeks legal jurisdiction over any locally recruited personnel, the SRSG or his representative and the ICRC must be notified. HQ UNAMIR is to dispatch MP ~~or CIVPOL~~ to the site. *UNHRCFOR is to be notified immediately.*
- b. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of locally recruited personnel unless the SRSG has given permission for this to occur. UNAMIR troops are to allow MP ~~or CIVPOL~~ to liaise with the Rwandan authority(s).
- c. If the Rwandan authority(s) uses force to attempt to take custody of locally recruited personnel, UNAMIR troops are authorised to use force in accordance with Reference A.
- d. *UNHRCFOR is to be permitted to speak to the locally recruited person.*
- e. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible, are to be present during the hand over. *UNHRCFOR is to be present during the hand over. NOTE: NO HAND OVER SHOULD BE DELAYED MORE THAN 24 HOURS WITHOUT UNAMIR HQ PERMISSION ON THE SOLE BASIS THAT THE ICRC AND/OR UNHRCFOR ARE NOT PRESENT.* The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.
- f. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and Force Provost Marshall:
 - (1) name of person handed over,
 - (2) location where the Rwandan Government sought jurisdiction,
 - (3) crime person accused of,

- (4) name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- (5) date, time and place the person was handed to the Prosecutor's office, and
- (6) whether an ICRC *and/or* UNHRCFOR representative was present during the hand over and if not, why not.

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

- a. As soon as a Rwandan authority seeks legal jurisdiction over refugees, displaced persons, and/or civilians in sites or among populations under the protection of UNAMIR, the FC or his representative and the ICRC must be notified. HQ UNAMIR is to dispatch MP or ~~CIVPOL~~ to the site. *UNHRCFOR is also to be notified immediately.*
- b. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of refugees, displaced persons and/or civilians in sites or amongst populations under the protection of UNAMIR unless the FC has given permission for this to occur. UNAMIR troops are to allow MP or ~~CIVPOL~~ to liaise with the Rwandan authority(s).
- c. If the Rwandan authority(s) uses force to attempt to take custody of refugees, displaced persons and/or civilians in sites and or among populations under the protection of UNAMIR, UNAMIR troops are authorised to use force in accordance with Reference A.
- d. *UNHRCFOR is to be permitted to speak to the refugee, displaced person and/or civilian.*
- e. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible, are to be present during the hand over. *UNHRCFOR is to be present during the hand over. NOTE: NO HAND OVER SHOULD BE DELAYED MORE THAN 24 HOURS WITHOUT UNAMIR HQ PERMISSION ON THE SOLE BASIS THAT THE ICRC AND/OR UNHRCFOR ARE NOT PRESENT.* The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.
- f. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:
 - (1) name of person handed over,
 - (2) location where the Rwandan Government sought jurisdiction,

- (3) crime person accused of,
- (4) name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- (5) date, time and place the person was handed to the Prosecutor's office, and
- (6) whether an ICRC and/or UNHRCFOR representative was present during the hand over and if not, why not.

3. Rwandans Seeking Protection From UNAMIR

- a. *Any person who seeks protection from UNAMIR troops is to be afforded that protection. UNAMIR HQ is to be notified immediately of the circumstances surrounding the protection. HQ UNAMIR is to dispatch MP to the site. UNAMIR troops are to allow the MP to liaise with the Rwandan authority(s). UNHRCFOR is also to be notified immediately.*
- b. *UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of the Rwandan seeking protection unless the IC has given permission for this to occur.*
- c. *If the Rwandan authority(s) use force to attempt to take custody of the Rwandan, UNAMIR troops are authorised to use force in accordance with Reference A.*
- d. *The Rwandan who has sought protection should be notified as soon as possible that he can only be protected by UNAMIR on a temporary basis. No UNAMIR member should undertake to protect the person indefinitely. UNAMIR may give protection for 24 hours. This period may only be extended with the permission of UNAMIR HQ. It must also be explained to the Rwandan that one condition of affording protection is that he is handed over to the nearest Office of the Prosecutor. The national is to be informed that he should explain his case to the Prosecutor.*
- e. *UNHRCFOR is to be permitted to speak to the individual seeking protection.*
- f. *If the person decides that he wants to be handed over to the nearest Office of the Prosecutor (details of these offices are Annex E). The ICRC are to be notified as far in advance as possible and, if possible, are to be present during the hand over. UNHRCFOR is to be present during the hand over. NOTE: NO HAND OVER SHOULD BE DELAYED MORE THAN 24 HOURS WITHOUT UNAMIR HQ PERMISSION ON THE SOLE BASIS THAT THE ICRC AND/OR UNHRCFOR ARE NOT PRESENT. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.*
- g. *If the person seeking protection does not want to be handed over to the Office of the Prosecutor, UNAMIR is to allow the individual to leave the site that he has sought*

protection in. If the person refuses to leave he should be told that UNAMIR has no option but to take him to the Office of the Prosecutor.

- h. *If there is a Rwandan authority(s) seeking custody of the national, that authority should be notified that the person will be handed over as soon as possible to the nearest Office of the Prosecutor.*
- i. *A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:*
 - (1) *name of the seeking protection,*
 - (2) *location where person sought protection,*
 - (3) *crime person accused of,*
 - (4) *name of the UNAMIR person who provided the protection,*
 - (5) *circumstances/reason why person sought protection,*
 - (6) *date, time and place the person seeking protection was handed to the Office of the Prosecutor, and*
 - (7) *whether an ICRC and/or UNHRCFOR representative was present during the hand over and if not, why not.*

4. Persons detained by UNAMIR troops

- a. They are to be searched, disarmed and segregated. At all times they are to be treated in accordance with the principles of minimum force as detailed at Reference A. UNAMIR HQ is to be notified immediately of the circumstances surrounding the detention. HQ UNAMIR is to dispatch MP or CIVPOL to the site. UNAMIR troops are to allow the MP or CIVPOL to liaise with the Rwandan authority(s).
- b. *The detainee(s) is to be told the reason for his detention.*
- c. They are to be identified and their personal details recorded. *The reason for the detention is also to be recorded.*
- d. A safe and secure place is to be arranged as a temporary place of custody. Detainees are to be kept in custody by UNAMIR troops for the minimum time necessary. *A detainee is to be kept in custody for no more than 24 hours unless they have the permission of UNAMIR HQ.* Detainees are to be provided with food, water, shelter and medical attention as required. ICRC is to be informed immediately and is to be allowed to have access to these detainees.

- f. Detainees and the property found in their possession are to be handed to the appropriate Prosecutor's Office (details of these offices are at Annex E). The detainee is to be allowed to keep all property essential for his/her comfort and survival (eg food and water).
- g. The ICRC *and the UNHRCFOR* are to be notified and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.
- h. Detainees are not to be handed to any other RPA authorities. A Prosecutor's Office is the only authorised Office for the processing and handing over of detainees in Rwanda.
- i. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2 , G3 Ops and the Force Provost Marshall:
 - (1) name of the detainee,
 - (2) location where person was detained,
 - (3) crime person accused of,
 - (4) name of the UNAMIR person who detained the detainee,
 - (5) date, time and place the detainee was handed to the Office of the Prosecutor, and
 - (6) whether an ICRC *and/or UNHRCFOR* representative was present during the hand over and if not, why not.

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

PROSECUTOR OFFICES IN RWANDA

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

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

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

ICRC REPRESENTATIVES IN RWANDA

<u>TOWN</u>	<u>ICRC REPRESENTATIVE'S NAME</u>	<u>ADDRESS</u>
KIBUNGO	FRANCOIS SENECHAUB	
KIGALI	LAURENT FELLAY	
RWANAGANA	FRANCOIS SENECHAUB	
KIBUYE	CHRISTOPHE LOSEY	
GITARAMA	LAURENT FELLAY	
NYANZA	FEREYDOUN AALAU	
BUTARE	AALAME FEREYDOUN	
GIKONGORO	FRANZ RAUSCHEN STEIN	
CYANGUGU	IRIS WITTNER	
GISENYI	JOHANNA GROMBASH	
RUHENGERI	JOHANNA GROMBASH	
BYUMBA	HUGO GISLER	

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

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

HAND OVER PROFORMA

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

SIGNED THIS DAY OF 19

.....
UNAMIR

.....
OFFICE OF THE PROSECUTOR

- (1) Insert here the name of the UNAMIR person conducting the hand over.
- (2) Insert here the name of the person being handed over.
- (3) Insert here the name of the Prosecutor's Office.
- (4) Insert here the time of hand over.

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA



UNAMIR - MINUAR

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

G3 PLANS 2-11
3-11
4-11

To : See Distribution
From : COS
Date : 09 Jan 95
Subject : WORKING HOURS - UNAMIR MILITARY STAFF

1. With immediate effect, the working hours for the military staff at this HQ will be as follows :

a. Monday to Saturday. From 0800 - 1700 hours, with lunch break between 1230 - 1330 hours.

b. Sunday. Holiday. However, each Branch/Section will detail a Duty Officer to be in place in the HQ from 0800 - 1230 hours to respond to any unforeseen contingencies. Details to be coordinated by respective Branch Heads.

KS Sivakumar
Col
COS

Distribution List

Action

List 'A' & 'B' G3 Plans ✓

Information

FC
DFC

1. To all Plans Staff
we will take turn about
to meet the duty requirement
2. The principle remains that
when there is work to
be done, it will be done
regardless of the time/day
3. G3 Plans 4 Pls are roster
for duty 25/1

5000. 45(Plans)
UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA



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

GZ PLANS

08/12

PLANS 2-7net9

3-29/12

4-1k

To: All Contingents

File Reference: 1000.7(DFC)/G/6

From: Brig Gen HK Anyidoho
DFC/COS/CMO

Hiduh

Date: 08th December 1994

Subject: PAYMENT OF COMPLIMENT

1. All ranks of UNAMIR Forces are reminded that payment of compliment to superiors and the return of such compliments on the part of the superiors to their juniors, is a fundamental requirement of the military. As such, all ranks are to take note and accord their colleagues this basic respect irrespective of their nationality.
2. Accept for the information and compliance of all under command.