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SERIES S-1062

BOX 22

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ACC. 1998/0282

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**THE SOUTHERN IDP CAMPS - A PROPOSED SOLUTION**

**GENERAL**

1. Op RETOUR has produced excellent results during the last six weeks. That said, it is becoming increasingly clear that there is a general drift of a proportion of the IDP population into the Southern Camps (Kibeho, Ndago, Munini and Kamana) of the Gikongoro Prefecture. The availability of food in the Southern Camps has been a major factor generating this movement. It also seems likely that many of those who are moving South, and have not taken the opportunity to go home, are those who fear (whether justifiably or otherwise), that they will be arrested by the authorities on arrival in their Home Communes, or are the relatives of such individuals. (They will be referred to as the "hard core"). Given the process of arrest and the conditions of the prisons in Rwanda, there is some justification for this fear.

2. As the northern camps close, the pressure on the Southern camps is likely to increase. The "hard core" is expected to be clearly evident in the next 3-6 weeks and it is assessed that this may result in one or more of the following:

- a. A distillation of these people into a small number of camps, or one major camp.
- b. A fracturing of the camp(s), with the population dispersing over the countryside, but still not returning to their Home Communes.
- c. A mass movement South into Burundi.

3. Only the first of these options will satisfy the numerous conflicting requirements of the Government and the International Community (IC) (The Humanitarian Community (HC) and UNAMIR). It follows that a plan must be evolved to ensure that this result is achieved. The remainder of this paper examines how to deliver this result, and cope with the inevitable ramifications.

**AIM**

4. The aim of this paper is to propose a practical solution for dealing with the Southern IDP Camps.

**CONFLICTING INTERESTS**

5. The Government. The Government's interests can be summarised as follows:

- a. To see the camps dissolve by the end of March, at the latest.

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- b. To bring the criminal element to justice.
- c. To provide conditions for the innocent to reintegrate in the Home Communes.
- d. To seek to re-establish infrastructure, with the highest priority probably going to the judicial system.

6. The RPA/Gendarmerie. The interests of the RPA and Gendarmerie in this area are difficult to determine, but probably include:

- a. The removal of the "hard core" element from the camps, leading to judicial process.
- b. The maintenance of security (law and order) in the camps until they are dissolved.
- c. The maintenance of security in the Home Communes.

7. The Humanitarian Community (HC). This includes the UN Agencies, particularly UNHRFOR and UNHCR, NGOs and particularly ICRC. Their interests include:

- a. The provision of humanitarian aid to the IDP population, until the people go home voluntarily.
- b. The development of the Home Communes, as part of the rehabilitation process, and to provide a strong "pull factor".
- c. The development of a judicial process which can handle the demand.
- d. The improvement of prison conditions to internationally accepted standards.

8. UNAMIR. UNAMIR's interests in this matter concern:

- a. The provision of a secure environment for all IDPs, including the "hard core", until they are subjected to due process of law.
- b. The maintenance of secure conditions in the Home Communes, as part of the rehabilitation process and to provide a strong "pull factor".
- c. Liaison with the RPA in order to develop procedures for maintaining security which satisfy the needs of the Government and the HC.

**THE JUDICIAL SYSTEM**

9. Timescale. The judicial system is unable to cope with the current prisoner load, and this is a major factor which prevents voluntary return home. The morality of continuing to allow prisoners to be arrested under dubious procedures, and held without trial in appalling conditions, will force the IC to act. This action is likely to include practical advice on procedural issues,

from UNHRCFOR, UNHCR and ICRC (some has already been offered but not accepted), and physical assistance to improve conditions. Neither area is likely to produce speedy progress and both areas will include considerable expense; as funding will have to be released from various sources, this too is likely to consume time, even if approached urgently. The deduction from this is that the substantial improvements required will not be possible in the timeframe of 3-6 weeks.

10. The Effect. As the potential IDP prisoner population is so large, mass arrests would bring the judicial system from crisis to the verge of collapse. While the IC has little difficulty in accepting the right of the Government to pursue the criminal element, rounding up the "hard core" in the Southern Camps will produce a crisis of conscience. Allowing a large number of IDPs to be arrested with little evidence and held for an indeterminate period, in current conditions without trial, will not be acceptable to the IC.

11. A Compromise. Given that the IC holds the financial and advisory power to implement judicial improvement, the Government and RPA must be persuaded to accept some form of compromise on the arrest of the "hard core". In broad terms, this must entail a delay on the rate of arrest, in keeping with the improvement of the judicial system. This approach does not satisfy the Government's requirement to close the camps quickly, nor the RPA's desire to remove the "hard core" element as soon as possible. Any compromise reached must therefore attract some major benefits.

#### AN ALTERNATIVE APPROACH

12. Distillation of the "Hard Core". A prerequisite for a successful conclusion to Phase II of Op RETOUR is the distillation of the "hard core" into a small number of camps, or one large camp. Security management is a key determinant in establishing acceptedly sized camps, and the RPA must be consulted in deciding which option to pursue - one large camp or several smaller ones. It is suggested that one large camp would be the better option. It would:

- a. Offer good logistic control by the Agencies/NGOs involved.
- b. Send a clear psychological message to those remaining.
- c. Contain the problem in one area.
- d. Provide those in it with a stronger sense of security.
- e. Pose obstacles which would be demonstrably different from those solved voluntarily in other camps; the unique character of the remaining camp could offer the opportunity for an alternative approach to closing it down, without setting precedents or encouraging others to join it.

13. Methodology. Drawing the "hard core" into a camp, such as Kibeho, could be achieved peacefully using the following methodology:

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- a. Maintain the Op RETOUR pressure until all camps but the Southern Camps have been closed. This should not be difficult to achieve, since most of the other remaining camps have had their food supply stopped.
- b. Continue to offer transport and "foot convoys" to Home Communes to those remaining in the Southern Camps, until demand has clearly been satisfied.
- c. Persuade ICRC to stop feeding the population in other camps, but continue to feed the population of the chosen "hard core" camp. Those who have no intention of returning home could move to this camp. Transport could be provided for the elderly or frail. This would satisfy the ICRC's mandate to provide aid to those who need it, and would ensure that the "hard core" population was not faced with a choice of either going hungry or moving to their Home Communes.

14. Maintaining Security. In order to prevent the population from fragmenting or moving en masse to Burundi, a high degree of security will be required. A strong RPA presence, and a considerable effort from UNAMIR would satisfy the RPA's requirement to maintain security, while providing for the protection of the "innocent" people remaining in the camp, and of those awaiting arrest and due process of law. The aim must be to retain control over this population while ensuring that the people remain calm and are not subjected to intimidation. This would probably have further effects:

- a. Those "innocent" people who were being intimidated or subjected to propaganda by the "hard core", would then have the opportunity to move home voluntarily, thus further reducing the size of the camp, and exposing the "hard core" more clearly.
- b. Those "hard core" elements thus exposed might seek to leave the camps, probably to move to Burundi. This would give the RPA the opportunity to arrest them, at a relatively slow rate. If this process was successful, the remaining "hard core" elements would see the sense of remaining in the camps while the judicial process were improved to receive them. This would satisfy the Government's need to bring them to justice.
- c. This development would highlight the urgency of the situation, and drive the requirement to prepare for a large influx of prisoners.
- d. The IC could monitor the progress of the operation; ICRC could provide the aid for the camp and monitor arrest and detention procedures, fulfilling two elements of their mandate and thus improving the credibility of the Government and supporting the pressure for early improvement of the judicial system.

15. The Arrest Process. Once this large population of potential criminals is concentrated in one place, the process of arrest could be carefully controlled. Concentration could then be placed on those who have considerable evidence amassed against them **provided that proper arrest and investigation procedures have been developed.** The more serious criminals could be removed first, further decaying the hold which the "hard core" can place on the "innocent". The rate of arrest could be determined by the prison facilities available, thus satisfying the humanitarian

requirements of the ICRC.

16. Camp Conditions. Humane camp conditions would be required throughout the period, before absorption had taken place. The camp could be run primarily by ICRC, as a normal IDP camp, with the following restrictions:

- a. Food would only be provided for those registered as part of the camp population on a given day - perhaps 3 days after the transport "demand" had been satisfied, giving time for those IDPs who did not wish to return home, to move to this camp.
- b. After this period, no further IDPs could be registered for food in the camp. ICRC could be persuaded to agree to this, if it could be demonstrated that a humane alternative - return to the Home Communes, had been offered to all IDPs, by this time. The behaviour of the RPA would be an important factor in determining ICRC's willingness to be convinced, putting further pressure on the RPA to instil confidence in Home Commune populations.
- c. IDPs could move out of the camp at will. Transport to Home Communes could be provided, if a further demand were to build up.
- d. Those leaving the camp would be liable to screening and arrest, as part of the normal procedure.

17. The Remainder. It is possible that once the arrest procedure has finished, some of the camp population might wish to continue to live in the camp. Government policy, in conjunction with the IC, would determine what alternatives would be offered to these people, at this stage.

18. Timing. The rate of absorption of the camp would be determined by the number of people liable to arrest, and the capacity of the legal system to process their cases. This might take several months, and it would be an untidy finish to Phase II of Op RETOUR, but it is not an unmanageable problem, if the Government can be persuaded to comply.

#### ENGAGING THE GOVERNMENT

19. Common Ground. The Southern Camps issue provides considerable common ground for the Government and the IC to build a strategy which matches all reasonable aspirations. While the proposed solution is not ideal, and is liable to cause the Government difficulty over the expected timescale, the IC has the means to effect broad infrastructural improvement, and this funding has sufficient value to the Government to place the IC in a strong bargaining position. As the improvement of the judicial system is of vital concern to Rwanda, and the number of potential arrestees continues to increase, particularly under Phase III of Op RETOUR, it is clearly in the Government's interests to have this matter approached squarely, and in a manner which improves donor confidence.

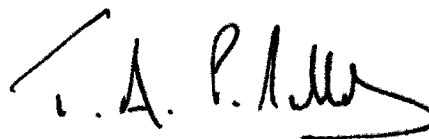
20. A Blueprint. The proposed method of dealing with the Southern Camps will focus the Government and the IC on pragmatic legal solutions to the genocide issue. It is expected that

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similar rationale will be applied under Phase III of Op RETOUR, particularly concerning arrest, detention and investigation procedures. A clear statement on the Government's position on this subject, delivered through the information campaign, will build confidence amongst the refugee population and is liable to have a positive effect on voluntary refugee repatriation.

21. Way Ahead. The Government must be encouraged to consider this proposal carefully, and to take "ownership" of it. This will be a delicate process, which requires immediate action, if preparations are to be effected within the required timescale, or precipitous actions by the RPA are to be avoided. Equally, the opportunity to engage the Government in a problem which requires immediate resolution, must be capitalised on. It is recommended that a meeting between Action addressees should take place as soon as possible to consider the following:

- a. The validity of this proposal, and any suggestions for modification and improvement.
- b. The extent to which the numerous "players" can be convinced of its potential.
- c. The methods to be adopted in order to engage the Government.



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12 Feb 95