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International  
Tribunal

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TO: KHAN, UNAMIR, KIGALI  
FROM: Mr. ANNAN, UNATIONS, NEW YORK  
DATE: 31 OCTOBER 1994  
NUMBER: UNAMIR 3567  
SUBJECT: Security Council Informal Consultations

FROM OCT 31 P 9 44  
SUBJECTS

Please find attached a self-explanatory Note for the file on today's Security Council Informal Consultations on the International Tribunal for Rwanda.

Best regards.

Gerekaun informed me that  
the Legal Att. was arriving on Tuesday -  
could be here for 2 days. His mandate is  
only to explain the Tribunal not to  
mediate. The vote will take place on  
Monday.

ED

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NOTE FOR THE FILE

SECURITY COUNCIL INFORMAL CONSULTATIONS  
31 October 1994

RWANDA - INTERNATIONAL TRIBUNAL

1. The Security Council today again discussed the draft resolution on the International Tribunal for Rwanda. The main issues addressed in that regard were those of setting a firm date for a formal vote by the Council, and a suggestion that the Secretariat despatch a senior official from the Office of Legal Affairs on a technical mission to Rwanda.

2. United States suggested that the Security Council should set a date for a vote on the International Tribunal, saying that the sponsors of the draft resolution had made changes in the draft Statute to reflect the concerns of the Government of Rwanda, and that the issues cannot be put off any longer. The United States agreed to giving one more week for further consultations.

3. Spain, Oman, and Pakistan unequivocally supported a one-week delay of the vote. New Zealand expressed its support for a short delay in order to enable the Security Council secure the full cooperation of the Government of Rwanda on all the issues involved. Russian Federation said it believed that the Security Council and the Government of Rwanda had had enough time to reach agreement on the draft resolution and a draft Statute for the International Tribunal. It was not against giving the Rwandese Government more time to assess the drafts, if necessary, but insisted that a firm date for a vote must be set.

4. Nigeria believed that the one week period given for further consultations before a vote was inadequate, and it would be unwise to force a vote at this time. China supported Rwanda's request for more time to study the draft Statute. Brazil also felt that there was room for improvements on the draft Statute.

5. New Zealand, Nigeria, Russia and Spain stressed the importance of maintaining the international character of the tribunal. Rwanda stated that its Government also wanted the tribunal to have an international character. The Government of Rwanda wished to use the tribunal as an instrument for national reconciliation. But, although it supported an international character for the tribunal, it also wanted the tribunal adapted to the situation in Rwanda.

OLA Mission to Rwanda

6. United States suggested that a delegation from the Office of the Legal Counsel visit Rwanda and explain to the authorities in that country the situation here at Headquarters, and how the needs of the international community and Rwanda could be addressed by the

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tribunal. Nigeria, supporting the U. S. suggestion, also raised the possibility of South Africa's Justice Julius Goldstone being a member of the OLA delegation.

7. Oman, Pakistan and Spain supported the idea of despatching a Secretariat Mission from OLA. Spain stressed that the OLA Mission's function should not be to negotiate the draft statute and the annex. Such negotiations could only be done in the context of the Security Council.

8. The President (U. K.) noted that under the Security Council's Rules of Procedure, the co-sponsors of the draft resolution had the right to ask for a vote any time from 24 hours after the draft resolution had been officially printed in blue ink. In this case, the co-sponsors wanted a vote on Monday, 7 November.

9. He said that the Security Council would unanimously welcome the Secretary-General despatching a delegation from the Legal Counsel's Office to Rwanda. The mandate of such a mission would be explain to the Rwandese authorities the constitution and functioning of the tribunal as proposed, and not to negotiate. Any decision as to the possible inclusion of Mr. Goldstone as part of such a mission should left to the Legal Counsel, in the view of the President.

10. Brazil wished to know if the OLA Mission could submit a report to the Security Council. The President thought the question should be left open for the time being. Mr. Gharekhan, however, stated that any such delegation would be purely technical mission and so a formal report to the Security Council should not be expected.

11. Rwanda asked for time, to brief his capital, and also requested an opportunity to brief an OLA Mission to Rwanda in advance of its departure.

*Kingsley Moghalu*

Kingsley Moghalu  
31 October 1994

NATIONS UNIES  
LE HAUT COMMISSAIRE  
POUR LES REFUGIES



UNITED NATIONS  
THE HIGH COMMISSIONER  
FOR REFUGEES

This document was presented by  
UNHCR rep - arasa - the President  
who reacted positively to it. The unsigned  
paper attached is a resume of the  
hermy "report". I would like to keep  
a copy for my files. This is a sensitive  
document.

Shahery J. Khan  
9.10

Case postale 2500  
CH-1211 Genève 2 Dépôt  
Suisse

van  
keep this  
copy for the  
S.S. 40  
exp. as should  
made since  
1994

le 28 septembre 1994

Monsieur le Président,

J'ai l'honneur de m'adresser à vous pour clarifier la position du HCR en ce qui concerne le rapatriement des Rwandais qui se trouvent hors du territoire national. Comme vous le savez, mon Office s'est vu confié par la communauté internationale un mandat d'assistance et de protection aux personnes contraintes à fuir leur pays. L'objectif essentiel de ce mandat est de trouver une solution au problème des réfugiés et, naturellement, la meilleure solution est le retour volontaire dans le pays d'origine. Mon Office et moi-même sommes donc totalement dévoués à la poursuite de cet objectif.

A cet effet, j'ai dépêché au Rwanda une équipe chargée d'élaborer un plan de rapatriement pour faciliter le retour des réfugiés dans des conditions appropriées de sécurité et de dignité. Cette équipe a reçu de votre Gouvernement le libre accès dans toutes les zones du pays, ce qui lui a permis de visiter 41 des 145 communes du Rwanda et d'obtenir des informations sur la situation dans une dizaine de communes supplémentaires. Pendant le cours de ces visites, cette équipe a identifié, bien involontairement, un certain nombre d'éléments constituant une situation d'insécurité, illustrée par des massacres et des persécutions dirigées principalement contre la population d'origine Hutue et perpétrés essentiellement par des militaires de l'APR.

Durant la même période, le nombre de réfugiés arrivant dans les pays limitrophes, principalement en Tanzanie, s'est accru dans des proportions considérables. Plus de cent mille arrivées ont été enregistrées en Tanzanie entre le 15 juillet et le 15 septembre 1994. Les déclarations reçues par tous nos bureaux situés sur la périphérie du Rwanda concordent et confirment les informations recueillies à l'intérieur du pays.

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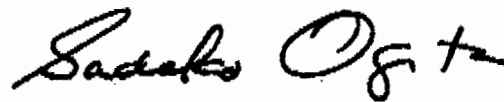
Son Excellence  
Monsieur Pasteur Bizimungu  
Président de la République du Rwanda  
Kigali

J'ai considéré que la nature de ces informations et leur impact sur un éventuel rapatriement massif, ainsi que les facilités généreusement accordées par les autorités rwandaises, me mettaient dans l'obligation d'en faire part à votre Gouvernement. J'en ai également fait part au Secrétaire général des Nations Unies. C'est la raison pour laquelle une mission dirigée par Monsieur Kofi Annan, Secrétaire général adjoint des Nations Unies en charge des opérations de maintien de la paix, accompagné du Représentant spécial du Secrétaire général au Rwanda, du Directeur de l'Afrique au HCR et du responsable de l'équipe chargée de la planification du rapatriement, s'est rendue à Kigali entre le 19 et le 22 septembre et a fait part au Premier Ministre et à d'autres membres de votre Gouvernement des éléments mentionnés plus haut. Je tiens à vous confirmer que ceci n'est nullement le résultat d'une "enquête" menée par mes services mais plutôt d'une mission normale d'évaluation des conditions en vue du rapatriement. Je joins à cette lettre copie d'une Note qui résume les éléments portés à la connaissance de votre Gouvernement. Je tiens également les informations qui ont été recueillies à la disposition de tout organe d'investigation indépendant mandaté par les Nations Unies.

Je souhaite vous confirmer que le but de la démarche entreprise à Kigali était de partager avec les autorités rwandaises la préoccupation de l'ONU en ce qui concerne la sécurité des rapatriés. Cette préoccupation continue à être la mienne. Il est de l'intérêt de toutes les parties de faire cesser l'exode des Rwandais vers les pays voisins comme de préparer les conditions pour un retour sûr et digne. Soyez assuré, Monsieur le Président, que mon Office n'épargnera aucun effort pour arriver à cette fin et est prêt à appuyer le Gouvernement rwandais dans toutes les initiatives qu'il jugera bon de prendre dans cette direction.

Je tiens également à vous renouveler l'invitation adressée antérieurement à votre Gouvernement pour assister à la réunion annuelle du Comité exécutif du HCR qui se tiendra à Genève du 3 au 7 octobre prochain. Je me tiens personnellement à la disposition du délégué que vous voudrez bien nommer à cette réunion pour discuter plus en détail des raisons qui motivent la lettre que je vous adresse aujourd'hui.

Je vous prie d'agréer, Monsieur le Président, l'assurance de ma plus haute considération.



Sadako Ogata

CONFIDENTIAL

## NOTE ON SITUATION IN RWANDA

### Background

1. This Note presents information collected by UNHCR during August and September 1994 to assess the prospects for repatriation of Rwandese refugees.
2. The massive influx into Zaire in July 1994, which was provoked by the collapse of the former Rwandese Government and which followed the well-known atrocities in Rwanda during the previous months, has largely abated. However, the refugee movement that took place from eastern Rwanda to Tanzania in April 1994 has continued at fluctuating levels. During the period from mid-July to early September 1994, the daily average of new arrivals in Tanzania peaked at some 1,500 per day. Overall, an estimated 100,000 Rwandese have fled to Tanzania since mid-July 1994.

### Reports of Violence and Persecution in Rwanda

3. While concentrating on the protection and assistance of refugees in the neighboring asylum countries, UNHCR has also helped those returning to Rwanda. On 25 July 1994, the High Commissioner appointed an experienced Emergency Repatriation Team to evaluate the prospects for repatriation, the only viable solution, and to devise mechanisms that could accelerate the safe return of the refugee population. The Government of Rwanda permitted the team full and independent freedom of movement, without accompaniment and control.
4. From 1 August to 5 September 1994, the Emergency Repatriation Team visited 41 (28%) of Rwanda's 145 communes, and collected detailed information on ten additional communes. In nine UNHCR refugee camps in Burundi, Tanzania and Zaire, and in 91 different locations in Rwanda, the team conducted more than 200 individual, private interviews of approximately one hour each with local residents, former displaced persons, spontaneous refugee returnees, and current refugees in the asylum countries. More than 100 additional persons were interviewed in small groups. The most important elements of the information provided, including some crucial details, were corroborated independently by interviewees in several countries outside Rwanda, as well as by others inside Rwanda.
5. During its 5-week mission, the team found a pattern and practice of atrocities aimed at the Hutu population in certain parts of the country. Security conditions in Rwanda vary by region. Interviewees in one northwestern prefecture, Ruhengeri, reported overwhelmingly that conditions in their area were secure, stable and peaceful at the time of the team's visit in early August. Nevertheless, even in Ruhengeri Prefecture, the team reconfirmed, and found credible, earlier reports by two seriously wounded survivors of an apparently isolated incident on 3 August 1994 in which a group of up to 150 refugee returnees, including entire families, was intercepted while walking from Zaire to northern Ruhengeri. The group's members subsequently were questioned and killed, reportedly by RPA soldiers, at the Zaire - Rwanda border just north of Kinigi.

6. In another prefecture in the northwest, Gisenyi, although the situation was less clear, there were consistent reports suggesting a systematic pattern of arbitrary arrests and disappearances of adult males, including returnees, allegedly suspected of being militia elements of the former Government.
7. In other areas of the country, particularly in the southern and southeastern prefectures along the border with Burundi and Tanzania (Butare and Kibungo Prefectures, and parts of Kigali Prefecture), the team obtained extensive evidence of systematic and sustained killings and persecution, in some cases as recent as early September, of the Hutu populations by the RPA. Depending on location, these activities reportedly began between April and July 1994, immediately following the expulsion from each area of the former Government and militia forces. These RPA actions reportedly were conducted in areas where opposition forces and resistance of any kind, other than attempts by the victims to escape, were absent.
8. Examples of the reported violence in these southern and southeastern prefectures include the following:
  - Mass killings, after local residents, including whole families, were assembled for community meetings purportedly to provide information about "peace," "security," or "food distribution." Large-scale killings that did not involve such meetings were also reported.
  - House-to-house killings, and attacks on villages and displaced populations.
  - Pursuit of hidden populations. RPA soldiers, in a few more recent cases accompanied by Tutsi civilians, actively pursued significant segments of the Hutu population who had fled into hiding in swamps, bush areas, banana plantations and other relatively inaccessible areas, and conducted sudden, well-planned attacks utilizing various weapons and strategies.
  - Killing of asylum seekers. Asylum seekers, particularly those fleeing Rwanda towards Burundi, are systematically intercepted, ambushed and killed in large numbers.
  - Killing of returnees. Hundreds of Rwandan refugees in Burundi have heard appeals by the Government of Rwanda to return home. Many of those who did return, and who were later able to flee back to Burundi, consistently report having witnessed killings and arbitrary arrests during their sojourns in Rwanda.
  - Killing of the sick and elderly. Reports indicate that at least some individuals who are too old or too infirm to flee are killed by RPA soldiers.
9. A common manner of effecting these killings is through the use of hoes to the skulls of victims, or of machete blows to the head and neck. Burning of victims in rural thatch-roof houses was widely reported. Thousands of bodies are reported to remain scattered above ground. The stench of decomposing bodies is in some places overpowering. In some areas, the team observed heaps of dead bodies in abandoned buildings.



10. The vast majority of these killings did not appear to be associated with any suspicion that the individual victims were personally associated with the April 1994 massacres of Tutsis.
11. Information that is corroborative of the Emergency Repatriation Team's findings was also gathered independently by UNHCR offices in neighboring countries and through contacts in Rwanda. UNHCR field officers based in Burundi and Tanzania have recorded persistent and frightful eyewitness reports from recently arriving refugees describing massacres by RPA soldiers of Hutus in Rwanda.
12. Some of the new arrivals were seriously wounded. Many, including the elderly and simple farmers, told similar stories despite being interviewed at widely distant border points. Rather than fleeing because of generalized fear of reprisals, the refugees claimed to be fleeing specific massacres. In some cases, RPA soldiers were reportedly assisted by Tutsi refugee returnees in carrying out atrocities. Floating bodies, bound at the hands and feet indicating death by execution, continue to be retrieved from the Tanzanian side of the Kagera River, which flows from Rwanda. During the last week in August and first week in September, an average of five bodies per day were recovered from the river.
13. The Government of Rwanda has acknowledged that some 60-70 Hutus were killed by RPA soldiers in various parts of the country, although it has described these killings as "isolated incidents." The Government has reportedly apprehended 7 RPA soldiers suspected of such acts, but the results of their investigations are not yet known.

#### Conclusions

14. Although the foregoing activities were not carried out simultaneously, or throughout the entire geographical areas affected, an unmistakable pattern of systematic RPA conduct of such actions is the unavoidable conclusion drawn from the mission of the Emergency Repatriation Team.
15. The reports gathered by the Emergency Repatriation Team document that the security situation in parts of Rwanda, particularly in the southern and southeastern prefectures along the border with Burundi and Tanzania, is extremely grave. Conservative estimates suggest that from April through July 1994, an average of at least 5,000 and as many as 10,000 persons per month in the southern and southeastern prefectures were killed in the manner described above. For a number of reasons, during August the number may have been somewhat less than in previous months, but probably still about 5,000 killed during that month.
16. UNHCR officials based in the refugee camps in Burundi, Tanzania and Zaire, as well as the UNHCR Emergency Repatriation Team, have found that the overwhelming majority of refugees in these asylum countries have expressed the wish to return as quickly as possible to their homes. They have stated that their main, and in most cases only, constraint to returning to Rwanda is their fear of being killed in their home areas, either immediately upon their return or at a later time. Many asked that the United Nations intercede with the Government of Rwanda (and, in particular, with the RPA) to allow

their prompt and safe return.

17. In order for both spontaneous and organized repatriation to proceed, it is essential that the Government of Rwanda create conditions conducive to the safe return of refugees. Progress in this endeavor should be closely and scrupulously monitored by the United Nations, and the international community as a whole, to ensure that the atrocities and violence reported above be brought to a prompt and durable end.

UNHCR

19 September 1994, Geneva

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5000.5/HAC

24 July, 1994

To : FC

From: HAC

Subject: CONTROL OF MISSING RWANDESE AND FOREIGN  
NATIONALS IN RWANDA

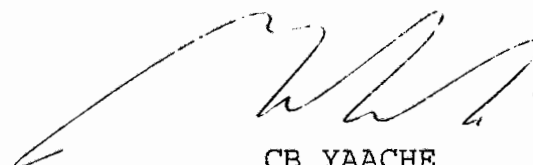
1. Since the outbreak of war in Rwanda on 7 Apr 94 numerous enquires have been received by UNAMIR from many interested parties concerning the whereabouts of "missing people" in Rwanda (both Rwandese and ex-patriates).
2. This necessitated the establishment of an UNAMIR Missing Persons Cell manned by a Force EDP officer and a Rwandese civilian.
3. To date, the cell has compiled data on some 2,000 persons.
4. While a few of these "missing persons" have been located, the whereabouts of the majority is still unknown. UNAMIR's efforts to confirm their whereabouts has been hampered by the following factors:
  - a. In accessibility to most parts of Rwanda due to hostilities.
  - b. Lack of man power within the HAC to handle the numerous tasks.
  - c. Frequent movement of the population from place to place as a result of fighting.
5. Now that the situation in Rwanda is returning to normal, it is suggested that this operation be turned over to the new Rwandese government or to any UN Agency or NGOs with the required expertise in such matters. The suggestion is supported by the following reasons:
  - a. The task requires a certain level of expertise which the HAC does not possess at this time. This includes adequate knowledge of the political structure, the people and the language.
  - b. The HAC is about to lose the services of the only EDP officer who was well versed in the establishment of the data bank. (He is due for repatriation soon). It is anticipated

that it will take a considerable length of time to obtain a replacement with the same level of knowledge in computer operations.

c. The exercise of tracing missing persons is expected to be a long term one which will require permanent and adequate staffing. The HAC in its present and future structure does not satisfy this requirement.

d. In other missions that have been face with a similar situation, the solution has been the establishment of a civilian missing persons bureau by the UN with adequate staffing and logistics resources to handle the problem.

6. If the suggestion is endorsed, the HAC would hand over the available data to the new organisation to serve as basis for the execution of its task. The UNAMIR HAC would then liaise closely with this new organisation and offer any advice and guidance as be necessary.



CB YAACHE  
Col  
HACO