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UNAMIR MANDATE

7 OCT 1995 - 1 MAR 1996

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1 MARCH 1996

DAILY PRESS BRIEFING OF OFFICE OF SPOKESMAN FOR SECRETARY-GENERAL

SYLUANA FOA, SPOKESMAN FOR SECRETARY-GENERAL BOUTROS BOUTROS-GHALI, BEGAN TODAY'S BRIEFING BY DOFFING HER BLUE BERET TO THE CZECH REPUBLIC. TODAY, THE SECRETARIAT HAD RECEIVED "A CHEQUE FROM THE CZECHS" IN THE AMOUNT OF \$2.56 MILLION. SO FAR, 34 OF THE 185 MEMBER STATES HAD PAID THEIR 1996 REGULAR BUDGET CONTRIBUTIONS. "WE ALSO GOT A NICE CHUNK OF PEACE-KEEPING MONEY FROM THE UNITED KINGDOM", SHE SAID. THE OUTSTANDING CONTRIBUTIONS REMAINED AT \$3.1 BILLION OF WHICH \$1.3 BILLION WAS OWED TO THE REGULAR BUDGET AND \$1.8 BILLION TO THE PEACE-KEEPING BUDGET. SHE APPEALED TO MEMBER STATES "TO KEEP THOSE CHEQUES COMING".

MS. FOA THEN ANNOUNCED THAT THE SECRETARY-GENERAL'S REPORT ON RWANDA HAD BEEN SENT TO THE SECURITY COUNCIL TODAY. IT PROVIDED AN UPDATE ON THE MAIN DEVELOPMENTS IN RWANDA SINCE THE LAST REPORT OF 30 JANUARY. IT ALSO RESTATED THE THREE OPTIONS THAT HAD BEEN PROPOSED BY THE SECRETARY-GENERAL'S SPECIAL REPRESENTATIVE TO RWANDA, SHAHRYAR KHAN, WHEN HE BRIEFED THE COUNCIL RECENTLY.

MS. FOA SAID THE THREE OPTIONS WERE: THE RETENTION OF A SMALL UNITED NATIONS POLITICAL OFFICE THAT WOULD ASSIST RWANDA WITH NATIONAL RECONCILIATION, THE REBUILDING OF ITS JUDICIAL SYSTEM, ASSISTING IN THE RETURN OF REFUGEES AND THE REBUILDING OF NATIONAL INFRASTRUCTURE; A POLITICAL OFFICE PLUS A MILITARY COMPONENT WHICH WOULD HELP MONITOR THE RETURN OF REFUGEES AND ASSIST WITH THE LOGISTICS AND INSTIL CONFIDENCE; AND THE ESTABLISHMENT OF A REGIONAL OFFICE FOR THE GREAT LAKES REGION.

IN THE REPORT, THE SECRETARY-GENERAL SAID HE BELIEVED THE DEPLOYMENT OF UNITED NATIONS MILITARY PERSONNEL IN RWANDA WOULD HELP BUILD THE CONFIDENCE OF REFUGEES WHO WANTED TO GO HOME, AND THAT RWANDA WOULD BENEFIT GREATLY FROM FURTHER UNITED NATIONS SUPPORT TO HELP CONSOLIDATE PEACE AND SECURITY, MS. FOA CONTINUED. REFUGEES WERE STILL BEING DISCOURAGED AND INTIMIDATED FROM RETURNING WITH "STORIES OF THE SECURITY SITUATION INSIDE RWANDA". HOWEVER, SHE ADDED, ALL THREE OPTIONS WOULD REQUIRE THE CONSENT OF THE RWANDAN GOVERNMENT. SINCE THE SECRETARIAT HAD NOT RECEIVED THAT CONSENT, THE SECRETARY-GENERAL HAD REGRETFULLY CONCLUDED THAT THERE WAS NO ALTERNATIVE BUT TO RECOMMEND THE COMPLETE WITHDRAWAL OF ALL MILITARY AND CIVILIAN COMPONENTS OF THE UNITED NATIONS ASSISTANCE MISSION IN RWANDA (UNAMIR) AFTER 8 MARCH, WHEN THE MISSION'S PRESENT MANDATE ENDED.

YESTERDAY, THE SECURITY COUNCIL HAD APPROVED THE APPOINTMENT OF CANADIAN JUSTICE LOUISE ARBOUR AS THE NEW PROSECUTOR OF THE YUGOSLAV AND RWANDA WAR CRIMES TRIBUNALS, MS. FOA SAID. MS. ARBOUR WOULD BE A SPECIAL GUEST AT MONDAY'S BRIEFING TO GIVE CORRESPONDENTS AN INSIGHT INTO HER VIEWS ON THE TRIBUNALS.

FOLLOWING THE ADOPTION LAST NIGHT OF THE SECURITY COUNCIL

*End of Press Briefing*

RESOLUTION EXTENDING THE MANDATE OF THE UNITED NATIONS MISSION IN HAITI (UNMIH) FOR A FINAL FOUR MONTHS, MS. FOA SAID, A TRANSITION WOULD TAKE PLACE DURING THE NEXT COUPLE OF WEEKS. IT WAS EXPECTED THAT, WITH THE WITHDRAWAL OF THE UNITED STATES' TROOPS AND THOSE OF SOME OTHER COUNTRIES, UNMIH WOULD EVENTUALLY BE COMPRISED OF TROOPS FROM BANGLADESH, PAKISTAN, ARGENTINA AND CANADA WHICH WOULD BE SUPPORTED BY ADDITIONAL CANADIAN UNITS. MORE INFORMATION WOULD BE PROVIDED ON THOSE DEVELOPMENTS IN THE COMING WEEKS, SHE ADDED.

MS. FOA THEN ANNOUNCED THAT THE DEPARTMENT OF HUMANITARIAN AFFAIRS WAS LAUNCHING A CONSOLIDATED APPEAL OF ALL AGENCIES INVOLVED IN HUMANITARIAN WORK IN THE FORMER YUGOSLAVIA. FOR THIS YEAR, \$823 MILLION WAS NEEDED TO ASSIST REFUGEES, INTERNALLY DISPLACED PERSONS AND OTHER PERSONS AFFECTED BY THE WAR TO REBUILD THEIR LIVES FOLLOWING THE MANY YEARS OF CONFLICT. THE HUMANITARIAN APPEAL WOULD BE THE FIRST BY THE UNITED NATIONS SINCE THE SIGNING OF THE DAYTON PEACE AGREEMENT. A PRESS RELEASE ON THE APPEAL WAS AVAILABLE ON "THE RACKS" ON THE THIRD FLOOR.

ANOTHER PRESS RELEASE DETAILING PART OF THE APPEAL OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) WAS AVAILABLE IN THE SPOKESMAN'S OFFICE, AS WAS ANOTHER ON THE UNHCR'S NEEDS FOR LIBERIAN REFUGEES. THOSE RELEASES STATED THAT THE UNHCR NEEDED \$353 MILLION TO ASSIST THE RETURN OF THE REFUGEES TO THEIR COMMUNITIES IN THE FORMER YUGOSLAVIA, WHILE \$68 MILLION WAS NEEDED TO ASSIST THE RETURN OF 715,000 LIBERIAN REFUGEES FROM GUINEA AND COTE D'IVOIRE.

REPORTING ON UNDER-SECRETARY-GENERAL CHINMAYA R. GHAREKHAN'S CURRENT MISSION, MS. FOA SAID THAT HE HAD MET WITH EGYPT'S FOREIGN MINISTER YESTERDAY AND HAD GIVEN HIM A LETTER FROM THE SECRETARY-GENERAL TO PRESIDENT MOHAMED HOSNI MUBARAK. FOLLOWING DELAYS IN HIS FLIGHT PLANS, MR. GHAREKHAN WOULD FLY TO TUNIS TODAY AND WOULD RETURN TO NEW YORK ON SUNDAY.

A CORRESPONDENT ASKED WHEN THE FINAL REPORT OF THE INTERNATIONAL COMMISSION OF ENQUIRY TO INVESTIGATE REPORTS OF THE SALE OR SUPPLY OF ARMS TO FORMER RWANDAN GOVERNMENT FORCES (IN VIOLATION OF THE SECURITY COUNCIL ARMS EMBARGO AND ALLEGATIONS THAT THOSE FORCES ARE RECEIVING TRAINING TO DESTABILIZE RWANDA) WOULD BE OUT. HE ALSO ASKED WHAT WAS THE COMMISSION'S PRECISE STATUS. MS. FOA SAID THE REPORT WAS EXPECTED "ANY DAY NOW". COMMISSION MEMBERS WOULD BE ON STANDBY SHOULD CONDITIONS IMPROVE FOR THEM TO CONTINUE THEIR WORK. FOR THE MOMENT, THE COMMISSION FELT THAT IT SHOULD ISSUE A FINAL REPORT BECAUSE IT HAD GATHERED ALL OF THE INFORMATION IT HAD BEEN ABLE TO OBTAIN. IF IT FELT THAT IT COULD CONTINUE ITS INVESTIGATION "TO DIG A LITTLE DEEPER, THEN IT WOULD", MS. FOA ADDED.

THE CORRESPONDENT THEN ASKED IF THE ZAIRIAN CHARGE D'AFFAIRES HAD BEEN CALLED IN AND REPRIMANDED FOR HIS GOVERNMENT'S LACK OF COOPERATION WITH THE COMMISSION. MS. FOA SAID THAT HE HAD NOT BEEN. HOWEVER, THERE HAD BEEN CONSULTATIONS AMONG THE COUNTRIES INVOLVED, AND THE COMMISSION'S CONCERNS WERE BEING DISCUSSED. "THE ISSUE IS NOT DEAD", SHE ADDED. THE CORRESPONDENT ADDED THAT "THE APPEARANCE WAS THAT IT WAS DEAD". MS. FOA SAID THAT CORRESPONDENTS SHOULD AWAIT THE FINAL REPORT.

ASKED IF THE REPORT WOULD BE CALLED A FINAL REPORT, MS. FOA SAID THAT IT WAS BEING CALLED A FINAL REPORT IN THE PRESENT REPORTING PERIOD. THE COMMISSION HAD BEEN ASKED TO ISSUE AN INTERIM REPORT AND A FINAL REPORT. FOR THEIR CURRENT MISSION,

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ITS MEMBERS THOUGHT THAT THEY WERE READY TO ISSUE THEIR FINAL REPORT.

WHEN ASKED ABOUT THE CONTINUING MOVEMENT OF SERBS OUT OF SARAJEVO AND IF THEY HAD BEEN HARASSED IN ILIJAS YESTERDAY, MS. FOA SAID SHE HAD NO INFORMATION FROM ILIJAS TODAY, BUT SHE UNDERSTOOD THAT SERBS WERE STILL CONTINUING TO LEAVE AND TAKE WHATEVER THEY COULD WITH THEM.

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NOTE: THE SECOND SENTENCE IN THE FOURTH COMPLETE PARAGRAPH ON PAGE 2 OF YESTERDAY'S BRIEFING NOTES SHOULD READ AS FOLLOWS: "ALTHOUGH IT HAD A MANDATED STRENGTH OF 26 CIVILIAN POLICE MONITORS, ONLY 20 WERE CURRENTLY DEPLOYED."

END OF BRIEFING  
DISSEMINATION AND COMMUNICATIONS UNIT/DPI - NY HQ

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29 February 1996

PRESS CONFERENCE BY RWANDA

At a Headquarters press conference this afternoon the Permanent Representative of Rwanda to the United Nations, Manzi Bakuramutsa provided correspondents with an update on his Government's views of the future of the United Nations Assistance Mission for Rwanda (UNAMIR). He said his Government's situation had changed since 1994 and was improving steadily. Rwanda had embarked on reconstruction and needed the help of the international community in that regard, even though it could handle the problems of security and the repatriation of refugees on its own.

Mr. Bakuramutsa said UNAMIR's current mandate did not respond to all of Rwanda's needs. His Government had suggested to the Secretary-General and the Security Council that the mandate should be changed so that the mission could help in Rwanda's reconstruction. Since Rwanda was in a special situation, having gone through a genocide, the role of the United Nations there should be reviewed to meet Rwanda's needs.

Turning to the issue of UNAMIR equipment, Mr. Bakuramutsa said that the Government had been told that it would get a list of such supplies. However, weeks after it had been promised, Rwanda had still not received the list of equipment, even though it needed it. His Government had asked the Secretary-General for some of the mission's non-lethal equipment, such as trucks, which could be used to repatriate refugees. The United Nations could keep all the equipment it needed for other peace-keeping operations, but it should keep its promise to furnish Rwanda with the list of equipment.

The Fifth Committee (Administrative and Budgetary) had on previous occasions stated that lists of mission equipment should be made available before those operations were terminated, he added. In keeping with its very name, the United Nations Assistance Mission for Rwanda should end its mandate on a note of success by helping Rwanda with trucks and office and communication equipment. Such items were lacking because the existing stocks had been pilfered by the previous regime.

Mr. Bakuramutsa said that his Government had agreed not to tax UNAMIR imports, but companies in the country would pay some taxes, unless they were working with the mission. Regarding the Cairo conference on the Great Lakes region of Africa, he said that his Government had asked for its postponement for one month, because Rwandan authorities would not be available to take part in it, and that proposal had been accepted.

Continuing, Mr. Bakuramutsa said that his country was being subjected to negative propaganda. According to one story, the Rwandan Government was supposed to have sent three soldiers to Nairobi to kill its former interior minister. The mere fact that the gunmen had shot, but not killed the minister belied that story. How could a country, bent on killing someone, send a team that would do such a poor job? he asked. Moreover, if the Government had intended to assassinate him, it could have done so on one of his many trips to Kigali. Rwanda did not have any reason to dispatch a hit

(more)

team to kill someone who was not criminal, while many of the brains behind the genocide were residing in the same city. The attempt on the minister's life might have been the result of some in-fighting among elements of the opposition. The minister had been scheduled to fly to Belgium for a meeting on the creation of a party made up of people who had not taken part in the genocide. Those opposed to such a move might have tried to kill him.

Some newspapers had written biased articles about Rwanda based on the interviews their reporters had conducted in some refugee camps and some other sources, he said. For example, a recent piece in the French newspaper *Liberation* had strongly alleged that the Rwandan Government was engaged in the mass murder of Hutus, with about 100,000 Hutus already dead. However, the method used to reach that number was faulty. The newspaper itself had stated that it had been an extrapolation of figures received from a France-based priest, who had been accused of taking part in Rwanda's genocide. Moreover, the purported locations of the murders had previously been manned by United Nations forces. It was not possible to kill and bury people in mass graves in areas journalists and non-governmental organizations could freely visit. United Nations observers, the United Nations High Commissioner for Refugees (UNHCR) and some non-governmental organizations had already decried the false newspaper report, which had been accompanied with misleading pictures and captions.

The negative propaganda had two broad objectives, he continued. The first was an attempt to divert the world's attention away from the Rwandan genocide, its victims and the slow progress of the International Tribunal. The second was an attempt to rehabilitate the brains behind the genocide by making them look like the victims of the present Government. As in the past, negative reports on Rwanda were coming out just as UNAMIR's mandate was on the verge of expiring, a phenomenon that applied to other peace-keeping operations. Rather than using negative reports to get mandates extended, the United Nations should try positive persuasion to ask concerned governments to keep its peace-keeping missions. Because of the negative stories being written about Rwanda, its efforts to rebuild its judicial system, to repatriate refugees from Burundi and to break the cycle of killing were going unheralded.

Asked what kind of adjustment he wanted from the United Nations, he said that the Organization should think more profoundly about what it should do about the genocide.

In response to a question seeking his views on the proposed stand-by force for Burundi and whether he feared that the killings in Burundi might spill into Rwanda, he said that some of the problems in Burundi were caused by those who had infiltrated into that country from Zaire. The best thing for the United Nations to do was to help the Burundians help themselves, rather than try to impose ideas on that country.

Asked why he felt his country had not been given a list of UNAMIR equipment, Mr. Bakuramutsa said he could not tell for sure. But if a powerful country had made that request, it would have been attended to quickly and fully.

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29 FEBRUARY 1996

T H U R S D A Y     H I G H L I G H T S

\*SECURITY COUNCIL APPOINTS NEW PROSECUTOR FOR INTERNATIONAL CRIMINAL TRIBUNALS FOR FORMER YUGOSLAVIA AND RWANDA, TO TAKE EFFECT 1 OCTOBER.

\*SECRETARY-GENERAL SAYS, IN SOME CASES, UNITED NATIONS CAN PROVIDE VALUABLE AND COST-EFFECTIVE ALTERNATIVES TO UNILATERAL ACTION.

\*RWANDA SAYS IT NEEDS HELP WITH RECONSTRUCTION NOT SECURITY; WILL WELCOME UN OFFICE IF UNAMIR CANNOT ADJUST MANDATE TO ASSIST WITH REBUILDING EFFORTS.

\*INTERNATIONAL NARCOTICS CONTROL BOARD CONCERNED AT WEAK MONEY LAUNDERING LAWS, ABUSE OF "DESIGNER DRUGS" AND OVERUSE OF RITALIN TO TREAT ATTENTION DEFICIT DISORDER IN CHILDREN.

\*UNCTAD'S SECRETARY-GENERAL SAYS ITS DAILY WORK AND FUTURE PROGRAMME WILL BE AFFECTED BY UN'S FINANCIAL CRISIS; ASKS MEMBER STATES NOT TO SUGGEST NEW MANDATES.

\*TRUSTEESHIP COUNCIL HAS FULFILLED MANDATE AND SHOULD BE ABOLISHED, MALAYSIA TELLS SPECIAL COMMITTEE ON CHARTER.

\*SCIENTISTS FROM UNITED STATES, UNITED KINGDOM AND SRI LANKA SHARE UNITED NATIONS ENVIRONMENTAL PRIZE.

THE SECURITY COUNCIL TODAY APPOINTED LOUISE ARBOUR OF CANADA AS THE NEW PROSECUTOR OF THE INTERNATIONAL CRIMINAL TRIBUNALS FOR THE FORMER YUGOSLAVIA AND RWANDA. IN UNANIMOUSLY ADOPTING RESOLUTION 1047 (1996), THE COUNCIL DECIDED THE APPOINTMENT WILL DATE FROM 1 OCTOBER, WHEN THE RESIGNATION OF THE CURRENT PROSECUTOR, JUSTICE RICHARD J. GOLDSTONE, TAKES EFFECT.

JUSTICE ARBOUR IS A MEMBER OF THE COURT OF APPEALS FOR ONTARIO CANADA. PREVIOUSLY, SHE WAS A TRIAL JUDGE FOR THE HIGH COURT OF JUSTICE, SUPREME COURT OF ONTARIO AND AN ASSOCIATE PROFESSOR AND ASSOCIATE DEAN AT THE OSGOODE HALL LAW SCHOOL OF YORK UNIVERSITY. SHE HAS TAUGHT IN CRIMINAL LAW, CRIMINAL PROCEDURE, EVIDENCE AND DROIT AND PUBLISHED EXTENSIVELY ON CRIMINAL LAW, HUMAN RIGHTS, CIVIL LIBERTIES AND GENDER ISSUES.

A MENTALITY OF DETACHMENT THREATENS TO BECOME A MODEL FOR INTERNATIONAL RELATIONS, ACCORDING TO SECRETARY-GENERAL BOUTROS BOUTROS-GHALI. ADDRESSING THE RIO BRANCO INSTITUTE IN BRASILIA TODAY, HE SAID MANY SCORNE THE CONCEPT OF AN INTERNATIONAL COMMUNITY. INCREASINGLY, FAR-AWAY PROBLEMS WERE NOT A CONCERN. THE CARNAGE IN LIBERIA WAS SEEN AS SOMEONE ELSE'S PROBLEM, THE FIGHT TO RESTORE DEMOCRACY IN HAITI AS SOMEONE ELSE'S STRUGGLE. INDIVIDUALS AND MEMBER STATES MUST DECIDE ON THEIR ROLE, RESPONSIBILITIES AND ON WHAT BASIS THEY WOULD INTERACT. THEIR CHOICES WOULD SHAPE COMMUNITIES AND DETERMINE THE NATURE OF THE INTERNATIONAL ENVIRONMENT.

THE UNITED NATIONS WAS NOT ESTABLISHED AS A SUBSTITUTE FOR INDIVIDUAL ACTION BY MEMBER STATES BUT, IN SOME CASES, IT COULD PROVIDE USEFUL ALTERNATIVES AND BE A VALUABLE SUBSTITUTE FOR UNILATERAL ACTION, THE SECRETARY-GENERAL SAID. COUNTRIES

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WITH THE CAPACITY COULD ACT ALONE, BUT THE UN COULD BE A COST-EFFECTIVE WAY TO CONTAIN REGIONAL CONFLICT, PROMOTE DEMOCRACY AND HUMAN RIGHTS, CURB REFUGEE FLOWS AND BRING STABILITY TO TROUBLED REGIONS. IF THE UN WAS NOT USED, MEMBER STATES WOULD HAVE FEWER OPTIONS IN EMERGENCIES AND THOSE WITH THE CAPACITY WOULD BE UNDER GREATER PRESSURE TO ACT ALONE DURING HUMANITARIAN CATASTROPHES, CONFLICTS AND AGGRESSION.

THE SITUATION IN [REDACTED] WAS IMPROVING AND WHAT IT NEEDED WAS ASSISTANCE FOR RECONSTRUCTION NOT SECURITY, THE COUNTRY'S PERMANENT REPRESENTATIVE SAID TODAY. AMBASSADOR MANZI BAKURAMUTSA TOLD CORRESPONDENTS THAT CONCERTED EFFORTS WERE BEING MADE TO ENCOURAGE THE RETURN OF REFUGEES. THE UNITED NATIONS ASSISTANCE MISSION IN RWANDA (UNAMIR) COULD STAY ON, IF IT RESPONDED TO THE COUNTRY'S NEEDS AND HELPED WITH RECONSTRUCTION. IF NOT, THEN HIS GOVERNMENT WOULD WELCOME A UNITED NATIONS OFFICE. HE BELIEVED STRONGLY THAT THE UN'S ROLE COULD BE CHANGED TO MEET RWANDA'S NEW NEEDS, HE ADDED.

UNFORTUNATELY, RWANDA HAD NOT YET BEEN GIVEN A LIST OF UNAMIR EQUIPMENT WHICH HAD TO BE REMOVED FROM THE COUNTRY DESPITE A REQUEST SEVERAL WEEKS AGO, AMBASSADOR BAKURAMUTSA CONTINUED. IT HAD ALSO ASKED THE SECRETARY-GENERAL IF THE GOVERNMENT COULD KEEP UNAMIR TRUCKS TO HELP WITH THE RETURN OF REFUGEES. WHENEVER THE UNAMIR MANDATE WAS UP FOR RENEWAL, NEGATIVE REPORTS ON HIS COUNTRY BECAME MORE FREQUENT. NO ONE WAS TALKING ABOUT RWANDA'S RECONCILIATION AND RECONSTRUCTION EFFORTS AND ITS WORK TO SET UP A JUDICIAL SYSTEM TO DEAL THE PERPETRATORS OF GENOCIDE.

IF GOVERNMENTS COULD TRACE AND BREAK THE MONEY TRAIL, THEY MIGHT BE ABLE TO ATTACK THE PROBLEM OF DRUG TRAFFICKING ALL OVER THE WORLD, ACCORDING TO HERBERT OKUN, A MEMBER OF THE INTERNATIONAL NARCOTICS CONTROL BOARD (INCB). INTRODUCING THE BOARD'S ANNUAL REPORT YESTERDAY, HE TOLD CORRESPONDENTS THAT VULNERABLE MONEY TRAILS WERE OFTEN THE ONLY WAY TO TRACE ORGANIZERS OF ILLEGAL DRUG OPERATIONS, BUT MANY COUNTRIES LACKED APPROPRIATE LAWS OR PROCEDURES TO PREVENT THE LAUNDERING OF CRIMINAL PROCEEDS. THERE WAS ALSO NO CONCERTED WORLDWIDE ACTION AGAINST MONEY LAUNDERING NOR ANY REPORTING SYSTEM ON THE SEIZURE AND CONFISCATION OF DRUG TRAFFICKING PROCEEDS. PREVENTING MONEY LAUNDERING WAS A PROBLEM FOR DEVELOPING COUNTRIES WHERE THE VAST SUMS CONTROLLED BY CRIMINAL GROUPS COULD EXACERBATE CORRUPTION, MR. OKUN ADDED.

THE REPORT ALSO DRAWS SPECIAL ATTENTION TO THE SHARP RISE IN THE WORLD-WIDE USE OF METHYLPHENIDATE, A STIMULANT MARKETED UNDER THE BRAND NAME RITALIN, WHICH IS USED IN THE UNITED STATES AND SOME OTHER COUNTRIES TO TREAT ATTENTION DEFICIT DISORDER IN CHILDREN. HOWEVER, THE DISORDER MIGHT BE OVER DIAGNOSED AND RITALIN PRESCRIBED BEFORE OTHER TREATMENT WAS CONSIDERED, THE REPORT SAYS. MANY CHILDREN REMAINED ON THE DRUG INTO ADOLESCENCE AND EVEN ADULthood, WITH SERIOUS HEALTH CONSEQUENCES. THE SUBSTANCE WAS ALSO ABUSED BY ADOLESCENTS WHO OBTAINED IT ILLEGALLY FROM CHILDREN UNDERGOING TREATMENT.

MR. OKUN SAID THE BOARD WAS ALARMED AT THE GROWING ABUSE OF SYNTHETIC DRUGS, WHICH WERE MADE IN BATHTUBS OR LABORATORIES AND INCLUDE METHAMPHETAMINE, ALSO KNOWN AS "ICE" OR "SHABU" AND THE DESIGNER DRUG "ECSTASY". THEY WERE POPULAR AMONG YOUNG PEOPLE AND, UNLIKE HEROIN OR COCAINE, WERE PRODUCED IN THE COUNTRY OF CONSUMPTION OR MOVED WITHIN RELATIVELY SMALL REGIONS, MAKING IT HARDER TO CURB THEIR PRODUCTION AND SHIPMENT. ABUSE WAS A MAJOR PROBLEM IN THE FAR EAST, HAWAII AND WESTERN UNITED STATES.



THE DAILY WORK AND FUTURE PROGRAMME OF THE UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT (UNCTAD) WILL BE AFFECTED BY THE UN'S FINANCIAL CRISIS, AS WELL AS THE CORRELATED ISSUE OF REFORM, ACCORDING TO UNCTAD'S SECRETARY-GENERAL RUBENS RICUPERO. ADDRESSING THE UNCTAD TRADE AND DEVELOPMENT BOARD THIS WEEK, HE SAID THAT AS HE MUST REDUCE OVERALL CAPACITY MEMBER STATES SHOULD REFRAIN FROM SUGGESTING FURTHER MANDATES. THEY SHOULD ALSO BE PREPARED TO TERMINATE SOME PROGRAMMES.

UNCTAD WOULD AIM FOR A 12 PER CENT VACANCY RATE AMONG PROFESSIONAL STAFF AND SEVEN PER CENT RATE AMONG THE GENERAL SERVICE STAFF DURING THE BIENNIUM, HE SAID. THE MAIN OPTIONS WERE NON-RENEWAL OF SHORT-TERM CONTRACTS AND THE NONREPLACEMENT OF PROFESSIONAL STAFF WHO REACHED RETIREMENT AGE. FINANCIAL CONSTRAINTS OR ADMINISTRATIVE QUESTIONS SHOULD NOT BE THE MAIN FACTOR IN DETERMINING APPROACHES TO ISSUES. WHILE EFFICIENCY IN COSTS AND SAVINGS WAS NEEDED, HIS ULTIMATE GOAL WAS TO PROVIDE BETTER SERVICES FOR THE INTERNATIONAL COMMUNITY AT THE LOWEST POSSIBLE COST, HE ADDED.

THE UNITED NATIONS TRUSTEESHIP COUNCIL HAD FULFILLED ITS MANDATE AND SHOULD BE ABOLISHED, ACCORDING TO THE PERMANENT REPRESENTATIVE OF MALAYSIA, RAZALI ISMAIL. HE TOLD THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION THAT MEMBER STATES MUST BE READY TO DISBAND STRUCTURES WHOSE RAISON D'ETRE HAD CEASED TO EXIST. THE SPECIAL COMMITTEE DEALT YESTERDAY WITH THE QUESTION OF THE TRUSTEESHIP COUNCIL, THE MAINTENANCE OF PEACE AND SECURITY AND UNITED NATIONS SANCTIONS.

THREE SCIENTISTS FROM THE UNITED STATES, THE UNITED KINGDOM AND SRI LANKA WERE AWARDED THE 1995 UNITED NATIONS ENVIRONMENTAL PROGRAMME (UNEP) SASAKAWA ENVIRONMENT PRIZE FOR OUTSTANDING CONTRIBUTIONS TO THE PROTECTION AND MANAGEMENT OF THE WORLD ENVIRONMENT. THE PRIZE, WHICH WAS ESTABLISHED IN 1984, IS CONSIDERED ONE OF THE MOST PRESTIGIOUS AND VALUABLE ENVIRONMENTAL AWARDS IN THE WORLD AND WINNERS ARE SELECTED BY A DISTINGUISHED PANEL OF INTERNATIONAL LEADERS AND ENVIRONMENTALISTS.

THE DIRECTOR OF THE MISSOURI BOTANICAL GARDEN, PETER RAVEN AND NORMAN MYERS OF THE UNITED KINGDOM SHARED HALF OF THE \$200,000 UNEP SASAKAWA PRIZE FOR THEIR WORK OVER NEARLY THREE DECADES TO INVESTIGATE, DOCUMENT AND ANALYZE THE SCIENTIFIC BACKGROUND TO TWO MAJOR ENVIRONMENTAL PROBLEMS: THE DECLINE OF TROPICAL FORESTS AND THE WORLDWIDE LOSS OF BIODIVERSITY. THEY HAVE BROADENED THE SCOPE OF THEIR WORK TO INCLUDE POPULATION, POVERTY, DESERTIFICATION, GLOBAL WARMING AND CONSUMPTION PATTERNS. THE OTHER WINNER WAS PROFESSOR CANAGANAYAGAN SURIYAKUMARAN OF SRI LANKA, A PIONEER IN THE ENVIRONMENTAL FIELD, WHOSE WORK IN FOSTERING CONCEPTS OF MULTI-SECTORALISM HAS HELPED SHAPE RESPONSES TO ENVIRONMENTAL CHALLENGES.

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1 February 1996

PRESS BRIEFING ON RWANDA

The Special Representative of the Secretary-General for Rwanda, Shahryar Khan, told correspondents at a Headquarters press briefing on Wednesday that he had been briefing the Security Council on the latest developments in Rwanda. "As usual, I have tried to balance between what is welcome and what is not welcome; what is positive and what is not positive." The Council had then looked at what might be seen as some options for a future United Nations role in Rwanda after 8 March, when the final mandate of the United Nations Assistance Mission in Rwanda (UNAMIR) would end. A few other specific issues had also been examined.

He said the current scene in Rwanda was troublesome. There were superficial signs of normalcy, such as the reopening of schools and businesses and traffic jams. A significant thing was the number of houses which had been repaired. A year and a half ago, one saw in the countryside a devastation of about 75 per cent of the houses, completely shattered, with no signs of life. Flying over the same area today, one could see those areas inhabited. Life seemed to be returning to normal. He said a few journalists remained, "perhaps, also a sign of the times".

Mr. Khan said that beneath the signs of normalcy were undercurrents of deep concern. There were developments and incidents that showed there was a great deal of tension. He said he was not referring to dramatic incidents already widely reported, such as the former Prime Minister leaving the Government and the country and other ministers following suit. Beyond such incidents, there were tensions. Only two days ago, he had learned of three members of the International Tribunal being beaten up by members of the Rwandese Patriotic Army (RPA). "Not only is it serious, but it also raises the issue of the Rwandan Government's capability to ensure the security of the United Nations family present in the country", he said. "It was a responsibility that the Rwandan Government had stated was theirs."

Mr. Khan said the Government had agreed to the Tribunal being secured by an international force, although not by UNAMIR. Apart from the Tribunal, there was a question of security for the rest of the United Nations family. Mr. Khan said he had received reports that the three people involved in the assault on the Tribunal staff had been arrested and that action would be taken against them. He also said there was tension along the border with Zaire -- tension he believed had begun with infiltration, sabotage, and arms build-up by elements of the former Rwandese Patriotic Front (RPF), mainly in Zaire and the United Republic of Tanzania. Infiltrators crossed over to assassinate

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people and blow up electric pylons and industrial installations. It was basically low level sabotage, which nevertheless made the Government and the RPA sensitive and often very over-reactive towards people they suspected to be collaborators of the infiltrators. The result was that innocent people had been questioned and some thrown into prison.

He said the vicious circle took another step because oppressive treatment within Rwanda reflected itself in the refugee camps. Word spread quickly that people were being maltreated and, as a result, those planning to return home changed their mind. The voluntary return of refugees had consequently stopped. There was, therefore, a syndrome of tension that was preventing the resolution of a number of unresolved issues -- which included the refugee problem, about 1.5 million to 1.8 million of them outside Rwanda. Despite efforts, especially by the United Nations High Commissioner for Refugees (UNHCR), there had not been a real movement on that issue. The other issues were reconciliation (often construed as "a bad word", he said) and disbursements. The process of reconciliation could only take place if a large number of refugees began to return home and lived peacefully. Reconciliation was, therefore, also not improving.

Mr. Khan said there was movement, however, on the issue of disbursement of funds. About \$1 billion had been earmarked for Rwanda by the international community for projects to help get the country back on its feet. The amount disbursed had increased from 9 per cent in the first six months, through 43 per cent by last October to the present 69 per cent. The Rwandan Government had stated, he said, that the money entering the country was not going to the right people, but to non-governmental organizations which spent too much on themselves and to people the Government had described as criminals in the camps. The victims of genocide did get money, but with conditionalities, and that was one of the frustrations the mission had to face.

Mr. Khan said the last -- "perhaps the most important" -- problem was the issue of justice. There was a feeling that as long as there was no justice, the forces of revenge and retribution might take over. There were valid reasons for the delay in the functioning of the International Tribunal. At last, the International Tribunal had been established and was functioning. Indictments had been made and once the process got under way, it would have a positive psychological effect. It would be seen that, at last, the international community was bringing to book the criminals who were responsible for the 1994 genocide.

He said internal justice had not operated at all, and that it was very important to galvanize the Government to move in that area. The whole judicial system had to be re-established, and the fact that it had not been done was most regrettable. A change might, however, be seen in the coming months. A beginning must be made.

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He said it was up to the Security Council to determine the future of the mission, after the expiration of the mandate on 8 March. Already, the mission was being phased out. The military element would have ceased to function in five weeks. The question was whether a civilian component should remain or not, he said, adding that there were "good arguments both ways". He thought it was an issue that needed to be discussed early. Basically, there were three options. First, the military and the civil components left altogether and United Nations activities were taken over by the agencies already represented in the country. The second option was for the military to leave and the civilian component remain to look after the "unfinished agenda, namely, justice, disbursement, reconciliation and return of refugees. The third option was the possible need for a regional approach as conceived at conferences held over the last 12 to 18 months.

He said he had put forward all those options. It was now up to the Security Council and Rwanda itself to see which was more appropriate to the situation. There were a "few minor" problems he hoped could be resolved "without rancour or bitterness". They concerned equipment, the issue of security for the International Tribunal, and problems related to United Nations contractors working there, such as whether they should be taxed or not. Efforts were being made to resolve those problems.

A correspondent said the Permanent Representative of Rwanda had told a press conference last week that his Government was not being consulted by the United Nations on its actions in the country. Mr. Khan said his first action on arriving in New York was to talk to the Ambassador of Rwanda on all the issues he had mentioned. They had had "a very positive meeting" and he would meet him again. Consultations had been going on with the Government in Rwanda and, in fact, every Tuesday he held a meeting with the appointed representative of the Rwandan Government in Kigali. The mandate and post-mandate issues had been discussed with the representative. They were now discussing issues related to the end of the mission on 8 March. "I would say that this complaint is not borne out by the facts", he said.

Another correspondent remarked that the Ambassador had said that the entire focus of the United Nations and the international community, including non-governmental organizations, was the Government that was trying to put things together, not the criminals who had committed genocide. The entire focus seemed to be on prison conditions and the Government's policies. Mr. Khan said one had to understand the perceptions, to some extent, of the Rwandan Government towards the United Nations response to their crisis last year. The Government felt that the international community -- the United Nations -- did let them down and that no concern had been shown them for 20 years. He said there was built-in tension towards the United Nations and the international community because of their perceived role in the 1994 genocide.

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With those perceptions in mind, Rwandan officials were deeply sensitive, and anything that the United Nations did tended to be coloured by the deep hurt inside them, he said. The Government had said non-governmental organizations were welcome, yet 38 of them had been asked to leave the country and their equipment had been seized. He said the action towards the non-governmental organizations was arbitrary and had led to a great deal of concern. He had been assured by heads of the non-governmental organizations concerned that they had not been served any notice, contrary to what the Government had stated.

Asked whether he had a sense that events in Rwanda and Burundi were linked, he said "the mix is very much the same". They were like twins, but had different experiences. He did not think that what happened in one was necessarily reflected in the other. "But it is certain that if the situation in Burundi, which is very bad right now, gets worse and if there is greater killing, the spill-over was bound to affect Rwanda", he said. Rwanda today was a different country from Burundi, "but let us not delude ourselves that this would be the case all the way through". Rwanda would be affected if there were an explosion in Burundi.

What would trigger off a major movement of people? a correspondent asked. Mr. Khan said the question, rather, should be what could be done to reduce the tension in the camps, because the "trigger was already there". A certain international presence would help -- whether it was blue helmets, which one element did not want, or human rights observers or guards. He felt the very presence in the prefectures in Rwanda of an international element did have a positive effect, and should somehow be achieved with Burundi.

He told a correspondent that the Government of Rwanda had originally been lukewarm to the idea of a regional conference to resolve the problems of the region, but that had changed slightly following meetings, first with former United States President Jimmy Carter in Cairo, and subsequent ones among Rwanda, and its neighbours and the UNHCR. The Government of Rwanda wanted to be fully convinced that the conference would be effective. It believed that not all the basic issues had been discussed thoroughly, and that the proposed conference should address the basic political will to implement existing decisions.

Responding to a question about the assault on the three Tribunal officials, he said their vehicle had entered a road block by mistake. They had been stopped by RPA soldiers and assaulted. The Tribunal officials had a woman with them. He said it seemed the soldiers had been under the impression that the three officials were UNAMIR representatives, but the beatings had continued even after the officials had identified themselves to be members of the Tribunal. He had also been informed that three RPA people had been arrested and that the Government had rendered an apology.

\* \* \* \*

24 January 1996

PRESS CONFERENCE BY RWANDA

The Permanent Representative of Rwanda, Manzi Bakuramutsa, informed correspondents at a Headquarters press conference this morning that his Government had decided to make English its third language. Such a move, he said, was not intended as an insult to any country but had been propelled by circumstances, such as the fact that most of Rwanda's imports and exports passed through English-speaking countries. Rwanda, therefore, needed to speak that language. Another factor that influenced the decision was that even in forums such as the Security Council, English was the first language of communication, with draft resolutions produced first in that language before being translated into other languages.

'I think my country will be happy to speak English, French and we call ourselves Rwandaphone, not anglophone, not francophone, but we are Rwandaphone.'

Turning to recent statements by the Secretary-General on Rwanda, the Permanent Representative said that some of Mr. Boutros Boutros-Ghali's comments on the central African country were not correct. Contrary to the Secretary-General's expression of fear that genocide could be committed by the Tutsis against the Hutus, there was no danger of genocide by the Tutsis against their Hutu compatriots and the Government did not plan to engage in such an exercise. Killings had been taking place in Rwanda every two years from 1959 to 1994, he said, and his Government had to stop the killings in order to survive. If it had wanted to kill it could have done so in its first two weeks. Rather, it had chosen not to do so. Moreover, it had executed some soldiers who, after seeing that their families had been wiped out, had taken the law into their hands and retaliated by killing others. Therefore, the Government would not encourage genocide.

Referring to the Kibeho refugee camp, Mr. Bakuramutsa said that the camp was a joint responsibility with the United Nations. Even though the Government had the duty to protect itself when attacked, it had no intention to engage in mass killing. The United Nations should help Rwanda inform everyone that no genocide could be planned while the current Government was in power.

Two days ago, he continued, the Secretary-General had referred to what he had termed "hardliners" in the Rwandan Government. His Government did not have what were termed "hardliners", who actually could be found within the United Nations. After losing 1 million people, the Rwandan Government did not have hardliners but realistic people, who knew what they wanted and the

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problems they faced. When those leaders expressed their views on what they wanted, they were dubbed "hardliners" by the Organization. That was because the United Nations always felt it had the solution. Meanwhile, the same Organization also called others "moderates". Those were people who had nothing to lose and accepted anything. Such a moderate was the former Prime Minister of Rwanda, who had been received twice in the Organization. He had gone around saying that about 300,000 people had been missing since the new Government took over power. That number was later reduced to about 200,000 by the same person. If that many people had gone missing it would have been noted by the United Nations Assistance Mission for Rwanda (UNAMIR) and the military and human rights observers and the numerous non-governmental organizations in Rwanda. The figures were completely wrong. It was obvious that what the Rwandan Government lacked was public relations and instead of helping in that regard, the United Nations was propagating falsehoods.

Moreover, the former Prime Minister had been removed as leader by his party, on hearing of the allegations he had been making. The Government of Rwanda was in the hands of five parties that had decided to sit together, despite their differences, to run their country, he said. The Parliament had about eight parties, one of which had dropped the former Prime Minister as its leader.

The Permanent Representative denied reports that the Government had stolen goods from non-governmental organizations. While Rwanda was grateful for the work done by many of the non-governmental organizations after the genocide, they could do more. Some of those organizations were so well-supplied and equipped that they have the opportunity to save lives in many parts of the world. While a majority of the non-governmental organizations had agreed to have their presence and activities registered by the Government, some of them had declined to do so. The Government wanted them to register so as to coordinate their work and to know exactly what they were doing. While it had not explained the motives for its request for registration, it had not acted out of a lack of goodwill on its part. It had been accused of wanting to get rid of the non-governmental organizations and UNAMIR in order to engage in some killings.

Some non-governmental organizations had discriminated in their recruitment processes and treatment of refugees, he continued. Many of them did not want to assist old refugees who had fled from 1959 to 1990, for instance. Many of those refugees were living near the Ugandan border like animals. Rwanda decided to expel the non-governmental organizations that had refused to register and to say what they were doing, and those which engaged in divisive activities. Of the nearly 160 non-governmental organizations in Rwanda, 102 had been registered, 38 were expelled and 18 were negotiating with the Government. Many others were going to Rwanda. Only one of the national groups of Medecins sans frontieres had been expelled. Rwanda's action had been propelled not because it did not like non-governmental organizations but

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because it had been offended by the behaviour of some of their members.

Turning to the issue of UNAMIR, Mr. Bakuramutsa said that while Rwanda had had reservation towards some aspects of its mandate and its details, it had never had animosity towards that Mission. The mandate was not meeting the Rwandan Government needs. There would be no problem with UNAMIR if it met Rwanda's needs.

On the issue of the regional conference, he said that the views of Rwanda and other countries should have been sought before it was convened. Such a course of action would have given the forum a greater chance of success. Rwanda had taken part in bilateral and trilateral contacts with its neighbours. The United Nations should have asked for and received input from such discussions before embarking on its own conference, which had resulted in a failure. Rwanda opposed sterile conferences.

The Permanent Representative said that discussions were going on inside and outside the Security Council on the possible deployment of military force in the region. That was an unwelcome idea as some Rwandan militias were already armed and supporting extremist infiltration into Burundi. Rwanda would not support the deployment of such a force. The problem concerning Rwanda was the "culture of impunity" in which people who engaged in killings were not made to pay for their actions. Intervention might look as though the international community was trying to support the criminals who had indulged in the Rwandan genocide.

Overall, he said, he would like the international community to use a holistic approach in tackling the Rwandan problem, rather than going about it piecemeal. The issues of genocide, refugee camps, prisons, the regional conference and reconciliation should be tackled as a whole.

Asked why he thought the United Nations continued to pursue faulty policies, he said that the Secretariat seemed to be in the service of some of the permanent five members of the Council while it failed to pay enough attention to small countries. Problems arose when the United Nations tended to propose a solution for the smaller countries rather than wait for their input. For example, it could have waited for Rwanda to ask for a conference rather than impose its own ideas. The Organization should allow Rwanda to take part in a search for solutions to its problems. "You don't have the solution; you are not God", he said, referring to the United Nations.

In response to a question on his Government's attitude towards UNAMIR, Mr. Bakuramutsa said the Government did not harbour any animosity towards the Mission. It only had some problems with some of its personnel and some aspects of its mandate, which should respond to Rwanda's needs. The Mission sometimes failed to do so. "When we needed UNAMIR, they took them out. When we didn't want them, they bring them", he said. The Mission would be ending

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Rwanda Press Conference

- 4 -

24 January 1996

in March as things now stood.

After nearly 40 years of killings, how would Rwanda ensure that they would not resume? a correspondent asked. Mr. Bakuramutsa said his Government had already shown that it did not intend to kill anyone. If it had wanted to, it could have killed lots of people soon after it took power, and not put suspects in prison. The Government had to break the cycle of killing to ensure the country's survival.

Asked whether he agreed with estimates of the International Monetary Fund (IMF) that Rwanda's economy had grown by about 40 per cent and whether the United Nations had insisted on having the former Prime Minister included in the Government, he said that the Government had done a lot of work to improve the economy. Many developments had taken place in his country and relationships between people had improved. Nations whose delegates had visited Rwanda had witnessed the progress that had been made and decided to render more support for Rwanda.

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S/1996/103

13 FEBRUARY 1996

ORIGINAL: ENGLISH

LETTER DATED 13 FEBRUARY 1996 FROM THE PRESIDENT OF THE  
SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

THE MEMBERS OF THE SECURITY COUNCIL HAVE CONSIDERED YOUR  
PROGRESS REPORT DATED 30 JANUARY 1996 (A/50/868-S/1996/61) ON  
THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA.

THE MEMBERS OF THE SECURITY COUNCIL CONCUR WITH YOUR  
OBSERVATION THAT THE UNITED NATIONS STILL HAS A USEFUL ROLE TO  
PLAY IN RWANDA. THEY ENCOURAGE YOU TO UNDERTAKE CONSULTATIONS  
WITH THE GOVERNMENT OF RWANDA, AS WELL AS WITH RELEVANT UNITED  
NATIONS AGENCIES, ON THE APPROPRIATE NATURE OF THE ROLE OF THE  
UNITED NATIONS IN RWANDA AFTER THE EXPIRATION OF UNAMIR'S  
FINAL MANDATE PERIOD ON 8 MARCH 1996. SUCH A PRESENCE SHOULD  
ASSIST THE PROCESS OF ESTABLISHING AND CONSOLIDATING A CLIMATE  
OF RELATIVE NORMALITY AND STABILITY. THEY LOOK FORWARD TO  
RECEIVING YOUR NEXT REPORT IN ADVANCE OF 8 MARCH 1996  
CONTAINING YOUR RECOMMENDATIONS ON THE NATURE AND MANDATE OF A  
CONTINUED UNITED NATIONS PRESENCE IN RWANDA.

THE MEMBERS OF THE SECURITY COUNCIL URGE YOU, IN LIGHT OF  
THE UNIQUE CIRCUMSTANCES AND RECENT HISTORY OF RWANDA, TO  
EMPLOY FLEXIBILITY, WHILE STAYING WITHIN THE BOUNDS OF THE  
REGULATIONS ESTABLISHED BY THE GENERAL ASSEMBLY, IN RESOLVING  
THE QUESTION OF THE DISPOSITION OF UNAMIR'S EQUIPMENT.

(SIGNED) MADELEINE KORBEL ALBRIGHT  
PRESIDENT OF THE SECURITY COUNCIL

END OF PART 1 OF 1

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**REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS  
ASSISTANCE MISSION FOR RWANDA**

**I. INTRODUCTION**

1. The present report is submitted pursuant to resolution 1029 (1995) of 12 December 1995, in which the Security Council decided to adjust the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) and to extend it for a final period until 8 March 1996. The report covers the main developments in Rwanda since my report of 30 January 1996 (S/1996/61 and A/50/868) and outlines possible options regarding the United Nations' role after 8 March 1996.

**II. POLITICAL DEVELOPMENTS**

2. Since my last report, relative calm and stability have continued to prevail throughout Rwanda, with the exception of areas bordering Zaire. In these areas the situation is tense as a result of an increase in the level of insurgent activities by elements of the former Rwandese Government Forces (RGF). The progress achieved by Rwanda since the end of the civil war and genocide in July 1994 is apparent from the following statistics: agricultural production has reached 82% of pre-war output; child immunization, sanitation, urban water supply and healthcare, 80%; industrial production, 75%; while public transport, primary schools and university education are above 60%. These achievements are quite considerable.

3. However, there remains a number of outstanding issues which need to be addressed with the support of the international community. These include the return and resettlement of 1.7 million refugees, progress towards national reconciliation, the revival of the national judicial process, improvement of prison conditions, effective measures to curb destabilisation activities by the former RGF, and the equitable disbursement of aid. The prospect of UNAMIR's withdrawal after 8 March 1996 has also caused representatives of some international organizations in Rwanda to express concern about their safety, particularly after the expulsion of 38 non-governmental organizations (NGOs) and an incident, albeit isolated and immediately acted upon by the Government, in which three members of the International Tribunal were assaulted by a Rwanda Patriotic Army (RPA) guard unit.

4. During the past two months, there has been a marked increase in insurgent actions carried out by former RGF elements, particularly in the north-western Prefecture of Gisenyi. The most important was the sabotage on the night of 2 February 1996 of the electricity power line and water intake to the local brewery in Gisenyi. According to the Rwandese Government, a large number of infiltrators has been sent into Rwanda to coordinate insurgent activities, as a result of which patrolling by the RPA has increased in the belt adjacent to the Zairian border.

5. During the period under review, the former Heads of State of Mali and Tanzania, General Amadou Toumani Touré and Mr. Julius Nyerere, facilitators of the Cairo summit of Heads of State of the Great Lakes Region in November 1995, visited Rwanda and other countries in the region to monitor steps being taken in pursuance of the recommendations adopted at that meeting. These visits have contributed to an improvement in Rwanda's relations with Zaire and Tanzania. According to the Vice-President of Rwanda, Major-General Paul Kagame, the recent exchanges of visits between Zaire and Rwanda have promoted the normalization of relations. The hand-over by Zaire on 13 February of military equipment belonging to Rwanda and removed by the former RGF is seen as a step forward in the improvement of bilateral relations, as recommended at the Cairo summit.



6. One of the factors which discourages refugees from returning to Rwanda continues to be the non-functioning of the justice system. Although some constitutional changes have been introduced to allow the adoption of special procedures to deal with the cases of those suspected of crimes related to the genocide, no trials have yet taken place. The Minister of Justice has recently declared that the first trials will start in April. Meanwhile, the number of detainees has continued to rise, reaching the figure of 65,515 at the end of January. Despite serious overcrowding, conditions in prisons have slightly improved through the construction of new detention centres (see sections III and VI below).

7. On 19 February 1996, the International Criminal Tribunal for Rwanda announced the indictment of two persons, currently in the custody of the Zambian authorities, on charges of genocide and crimes against humanity. Warrants of arrest were sent to the Zambian authorities with a request to hold the accused until such time as detention facilities are available in Arusha. Temporary arrangements are now being made for the detention of persons awaiting trial pending the construction of permanent detention facilities. Following the termination of UNAMIR's mandate, security arrangements for the Office of the Prosecutor will be made in agreement between the Tribunal and the Government of Rwanda.

8. Relations between the Government of Rwanda and UNAMIR have been stable. There are, however, several issues which remain to be resolved. In paragraph 7 of its resolution 1029 (1995), the Security Council requested me to examine, in the context of existing United Nations regulations, the feasibility of transferring UNAMIR non-lethal equipment, as elements of UNAMIR withdraw, for use in Rwanda. In a letter dated 13 February 1996, the President of the Council also asked me to exert flexibility in the disposition of UNAMIR equipment (S/1996/103). Accordingly, I will shortly submit recommendations to the appropriate legislative bodies regarding UNAMIR equipment which, in the context of the liquidation process, can be released for use in Rwanda. I hope that, in the meantime, there will be no obstacles to the transfer of equipment needed in other peace-keeping operations.

9. As mentioned in my last progress report, I dispatched a team of experts to Kigali to discuss with Government officials other issues of common concern to the United Nations and the Government of Rwanda, such as liability for corporate taxes by United Nations contractors operating in support of UNAMIR. The United Nations maintained the position that UN contractors and their expatriate personnel should be exempted from host country taxation on the grounds that they have been engaged solely to provide logistic support services, distribution of rations to the various components of the mission, and air and land transportation in support of UNAMIR activities. In the course of the discussions, the United Nations delegation received assurances that the Government would not insist on imposing taxes with respect to UNAMIR contractors. For its part, the United Nations agreed that social security taxes for locally-recruited employees are payable to the Government of Rwanda, in accordance with national legislation. The United Nations also indicated its willingness to pay, as appropriate, charges for communication services used by UNAMIR and other United Nations agencies in Rwanda, since these were charges for public utility services, in accordance with the provisions of the Convention on United Nations Immunities and Privileges.

### III. HUMAN RIGHTS

10. The Human Rights Field Operation in Rwanda (HRFOR) has established a presence in all but one of Rwanda's eleven prefectures and developed relationships with the authorities, including the security forces, which contribute to the prevention of human rights violations and to appropriate investigation and action. It systematically presents information regarding reported human rights violations to the competent ministries. The Ministry of Defence, which is responsible for the National Gendarmerie as well as for the RPA, has established formal liaison channels with HRFOR at national and local levels. The information resulting from HRFOR's own investigations, together with the Government of Rwanda's response, is reported to the High Commissioner for Human Rights and made available to the Special Rapporteur on Rwanda.

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11. Conditions of detention are one of the most serious aspects of the current human rights situation. They form an important subject of HRFOR's overall monitoring, dialogue with the authorities and reporting. In seeking to redress violations of the human rights of detainees and to improve conditions of detention in accordance with international human rights standards, HRFOR coordinates its work with that of the International Committee of the Red Cross (ICRC). HRFOR plans to give high priority, as the judicial system becomes operational, to promoting the reduction of the numbers of those detained without charge or trial.

12. HRFOR assesses the state of readiness of home communes to receive returnees and assists those communes in the resettlement process. UNHCR has expressed its concern that the presence of human rights field officers in the receiving prefectures and communes should be maintained and strengthened so that HRFOR can continue to provide information on the state of readiness in communes that may receive returnees and assist in their resettlement and reintegration.

13. Following the appointment of a new Chief of HRFOR in October 1995, the High Commissioner for Human Rights has reviewed the priorities of the operation for 1996. The conclusions have been shared with the Government of Rwanda and with those Governments which have provided voluntary contributions to the Trust Fund for HRFOR. The Government of Rwanda has made clear its wish to have the presence of HRFOR maintained after UNAMIR's mandate expires. I believe that HRFOR must continue to constitute an important element of the United Nations' presence in Rwanda, beyond 8 March 1996.

14. However, the High Commissioner has faced great difficulties in securing sufficient voluntary contributions to fund HRFOR. In mid-November 1995, he drew these difficulties, and their adverse implications for the management of the operation, to the attention of the General Assembly. In its resolution 50/58L of 22 December 1995, the General Assembly recognized the valuable contribution that the human rights officers have made and requested

me to take appropriate steps to ensure adequate financial and human resources and logistical support for HRFOR.

15. Unfortunately, the request for regular budget funding for HRFOR was not approved by the last session of the General Assembly. The High Commissioner therefore appealed to donors in January 1996. He has so far received pledges of some \$2.5 million, available to fund HRFOR beyond its current financial allotment covering the period to 31 March 1996. However, the High Commissioner is committed to reimbursing a \$3 million loan received from the Central Emergency Revolving Fund to start operations in September 1994 and the financial requirement for 1 April - 31 December 1996 is estimated at approximately \$7 million, based on a staffing of 120, of whom 80 would be United Nations Volunteers. Additional funding to enable HRFOR to meet its administrative, logistical, communications and security needs will also be required following the withdrawal of UNAMIR.

16. The High Commissioner has asked me to draw the attention of the Security Council and the General Assembly to the fact that, unless sufficient voluntary funds can be secured in the very near future, he will not be able to maintain a field operation with human rights officers deployed throughout the prefectures of Rwanda and will have to close down HRFOR in its present form. I share his view that it would be most regrettable if this closure has to occur before a major return of refugees has taken place, the Rwandan justice system is functioning adequately and national institutions are better able to promote and protect human rights.

#### IV. MILITARY AND SECURITY ASPECTS

17. In accordance with the provisions of the current mandate, the reduction of the UNAMIR force level to 1,200 formed troops and 200 military observers and headquarters staff was achieved by early February. Some adjustment had to be made to the original projections of reduction of personnel on account of the decision taken by Canada to withdraw its contingent with effect from 2 February 1996. The removal of the force logistics support unit

at this late stage has placed some strain on the Mission, with the result that the functions of this unit have had to be contracted out or deleted from the capability base of UNAMIR.

18. As stated in my last progress report, two logistic elements have been deployed at Nyundo, near Gisenyi, and Shagasha, near Cyangugu, in order to allow UNAMIR to assist UNHCR in the refugee repatriation process. All other formed troops are deployed in the Kigali area, although some elements have been made available to ensure security at the communications site on Mount Karongi and for the protection of members of the International Tribunal working at Kibuye, in western Rwanda. The troops stationed in Kigali contribute to the security of the Tribunal, provide humanitarian assistance, protect United Nations property and assist in rehabilitation and the repair of infrastructure. Military observers are deployed in five sectors, with their regional headquarters at Hibungo, Gitarama, Butare, Cyangugu and Gisenyi (see map attached as annex 2).

19. UNAMIR has continued to assist the Government of Rwanda in facilitating the safe and voluntary return of refugees to their home communes. When the Burundian authorities closed the camp of Ntamba in the first week of February, UNAMIR troops and military observers, working in support of UNHCR and other agencies, provided assistance to resettle the returnees. Tasks performed by UNAMIR have included the construction and improvement of transit camps, transportation on behalf of United Nations agencies and other partners, and engineering work, including roads and bridges repair. UNAMIR assisted the RPA in transporting a number of weapons systems and major pieces of equipment belonging to Rwanda, which were returned by Zaire on 13 February. Military observers have continued to patrol and monitor the situation. However, the reduction in the number of military observers has curtailed UNAMIR's reporting and investigation capabilities.

20. Pursuant to resolution 1029 (1995), which requires that UNAMIR be withdrawn within six weeks of the end of the mandate, a liquidation plan has been drawn up. It is expected that the last military elements will have withdrawn by mid-April and that staff officers will leave

shortly thereafter. An adequate level of security troops will be maintained until mid-April, at which time all installations will be turned over to other United Nations agencies or to the Government of Rwanda.

## V. HUMANITARIAN DEVELOPMENTS

21. The humanitarian situation in Rwanda continues to warrant a centralized coordination structure, given the challenge to be confronted with the return and absorption of refugees and internally displaced persons. The present authority for the coordination of humanitarian assistance rests with the United Nations Humanitarian Coordinator/Resident Coordinator, who is supported by a small Department of Humanitarian Affairs office. Under his authority an overall contingency plan is being prepared, should mass repatriation of refugees from Zaire occur. However, funding for the Office of the Humanitarian Coordinator remains a problem and this may require adjustments to the coordination structure in the future.

22. UNHCR, Rwanda and the countries hosting some 1.7 million Rwandan refugees, namely Zaire, Burundi and Tanzania, have made a concerted effort to accelerate the voluntary return of refugees. During the period under review, the number of refugees returning to Rwanda rose considerably. From an average of around 5,000 a month through much of 1995, January 1996 saw the number of returnees increase to more than 14,000. In the first three weeks of February alone, refugee returns topped 20,000.

23. The pace of return from the countries of asylum, however, has not been uniform. Following intensive discussions among UNHCR, Zaire and Rwanda to implement decisions taken by the Tripartite Commission Meeting in December 1995, which included a proposal for targeted voluntary repatriation leading to the closure of camps, an operation launched by Zaire began on 13 February. However, the number of refugees returning from Zaire remains very low.



24. On the other hand, refugee returns from Burundi have increased dramatically in February in the wake of fighting in the northern part of the country, which emptied two Rwandan refugee camps. Following the abandonment of the Ntamba camp in Burundi by some 14,000 refugees fearing the spread of ethnic fighting, on 27 January a delegation led by Rwanda's Minister for Rehabilitation and Social Integration visited Ntamba to urge refugees who had returned to the camp to go back to Rwanda. Members of the UNHCR/Burundi/Rwanda Tripartite Commission and a second delegation from Rwanda also made efforts to persuade those remaining to repatriate rather than follow the bulk of the camp's residents into Tanzania. As a result, more than 4,400 Rwandans decided to repatriate during the first two days of February and the camp was subsequently closed.

25. During the fourth meeting in Bujumbura on 29 and 30 January 1996, the Burundi/Rwanda/UNHCR Tripartite Commission decided to have the remaining camps in Burundi progressively closed, starting with those nearest the border with Rwanda. The Commission expressed the hope that all remaining Rwandan refugees in Burundi would have repatriated by July, and all the camps closed. Those refugees who decide not to return will be transferred farther away from the border areas inside Burundi.

26. The number of returnees from Tanzania also showed a significant rise in February. A delegation from Rwanda and Tanzania led by the Rwandan Prime Minister, Mr. Pierre Rwigema, held meetings with Rwandan refugees in Tanzania. An attentive audience of more than 10,000 people in Benaco camp listened for three hours as he discussed the situation in Rwanda and answered questions on security and property. Over 500 people repatriated during the week of the 12-16 February, more than during the past two months combined.

27. An estimated 1.1 million Rwandan refugees remain in Zaire, 511,000 in Tanzania and 97,000 in Burundi -- taken together, one of the world's largest refugee populations. UNHCR, responsible for their protection, assistance and repatriation, is facing a serious financial problem in the Great Lakes region. Among programmes likely to be affected by

UNHCR's difficulties in generating the \$288 million it needs in 1996 are rehabilitation and other projects associated with the repatriation and reintegration of refugees. The construction of 30,000 shelters, latrine buildings and supply of potable water, as well as the distribution of non-food items to returnees and activities carried out by NGO partners, may have to be curtailed or abandoned if the current trend continues.

28. In an attempt to launch a series of projects to repair damage to the environment and infrastructure in countries hosting Rwandan refugees, UNHCR and UNDP proposed a \$70.5 million programme on 24 January. The projects, presented at a donors meeting in Geneva, are the result of one of the decisions taken during the Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes region in February 1995 in Bujumbura.

29. On 6 December 1995, 38 NGOs were requested by the Ministry of Rehabilitation to cease operations (19 of them had already left the country), leaving behind 114 NGOs still operating. In a letter addressed to the NGO community, the Ministry regretted the misinterpretation of the expulsion as general hostility to all NGOs and stated that the reasons for this action included the involvement of NGOs in activities incompatible with their mandate, which affected the security of the country, and unethical behaviour such as selling of relief goods. The Ministry said it fully appreciated the work of the NGOs and assured them of the Government's commitment to continue its close collaboration with them.

30. The percentage of people receiving food aid through targeted distributions in Rwanda remained low during the reporting period. The emphasis of the World Food Programme (WFP) is now on food-for-work directed toward rehabilitation and development programmes, representing 62% of all food aid distributed. In addition, WFP provided food to over 7,500 children in January.

31. UNICEF, through its Trauma Recovery Programme, began recruiting 11 new trauma advisors to collaborate with 11 others already working in the prefectures. In 1996 training will be focused on teachers and medical workers as they have the most direct contact with traumatized children.

## VI. REHABILITATION, RECONSTRUCTION AND DEVELOPMENT

33. On the first anniversary of the Geneva Round Table conference, disbursements by donor countries reached US\$ 404 million, representing nearly 70% of pledges made by donors in January 1995. Donors' disbursements accelerated over the last quarter of 1995, which contributed to a stabilization of the exchange rate, a lower rate of inflation and a significant increase in foreign exchange reserves, bringing current Rwanda's import coverage to 5.1 months. Preparations are underway for the 1996 Round Table, due to be held on 2 and 3 May in Geneva. Three working groups have been established to focus on the Government's priority areas: justice and security, capacity-building, and the transition from humanitarian assistance to development. Documents outlining their strategies on each of these topics are being prepared by various Ministries, with the support of UNDP, UNICEF and WFP.

34. With regard to the justice system, the Ministry of Justice has communicated its revised plan for UNDP's "Rehabilitation of the Justice System" project. The plan proposes the recruitment of ten legal advisors to assist in the establishment of "special chambers" to handle genocide cases, which must be viewed in light of the recommendations made by the Conference on Genocide held in Kigali in November 1995. It further contemplates providing enhanced remuneration for over 1,000 judicial personnel in order for the Ministry of Justice to attract qualified staff. The project will also provide equipment for the public prosecutor's office and tribunals in the prefectures.

35. An extension to Cyangugu prison, a site experiencing acute overcrowding, will be financed through a project recently approved by the Government and UNDP. ICRC began installing

water/sanitation and kitchen facilities in two warehouses in Byumba and Kibungo that will serve as temporary detention sites. UNDP is building security perimeters at these sites and construction work continued on three others in Kigali and Byumba. Despite these improvements, overcrowding in several prisons and most other places of detention remains a matter of serious concern.

36. Capacity-building activities have continued during the reporting period. Phase II of the Rwandan Communal Police Training Programme signed by the Ministry of the Interior and UNDP on 18 January 1996 will fund training for a third group of 750 cadets at the training facility in Gishari and provide for the construction of living quarters for police in 100 communes. In a joint programme with UNDP, WFP is providing food for communal police trainees and continues to assist the training centre for Gendarmes in Ruhengeri.

37. In the health sector, various efforts were undertaken by WHO and UNICEF to provide equipment and supplies to hospitals and to rehabilitate health centres. Work on two hospitals in Gikongoro and Cyangugu and three health centres in Butare is expected to begin in early March. These efforts concentrated on training and education with regard to preventive measures on disease and nutrition. To improve the quality of teaching in primary schools, UNICEF has been financing the in-service training of 5,600 under-qualified teachers. The programme, which also includes instruction in land mine and cholera awareness, is now in its final stages. UNICEF also continues to provide technical assistance and logistical support to the Government of Rwanda in its efforts to assist children in especially difficult circumstances. The Ministry of Justice, in collaboration with UNICEF, has decided to expand the "Children in Conflict with the Law" Project to include legal defence for children claiming property left by their deceased parents. UNICEF and UNESCO are collaborating with various Government ministries in the elaboration of strategies for reintegrating child detainees into the Rwandan school system.

38. As reported in December (S/1995/1002), agricultural production in Rwanda is recovering beyond initial estimates. According to the FAO/WFP crop survey for the 1996-A season and

food-needs assessment report published in January, the area under cultivation in Rwanda increased by 14% over the 1995-A season. The report estimates the aggregate food production for the 1996-A season 24% as higher than the 1995-A season. The largest problem facing farmers remains the low availability of inputs.

## VII. FINANCIAL ASPECTS

39. By its resolution 50/211 of 23 December 1995, the General Assembly appropriated an amount of \$32,324,500 gross for the financing of the Assistance Mission for the period from 1 January to 8 March 1996.

40. Pursuant to the Security Council's request to initiate planning for the withdrawal of UNAMIR within a period of six weeks after the expiry of its mandate, I intend to seek the resources required for the withdrawal from the General Assembly at its forthcoming resumed fiftieth session. In addition, should the Security Council choose any of the options described in this report for a continuing political or military presence of the United Nations presence in Rwanda, I shall request the General Assembly at its resumed session to provide the resources required for its implementation.

41. As of 15 February 1996, the total outstanding contributions to the UNAMIR special account from the inception of the Mission to 8 March 1996 amounted to \$84.5 million, and the total outstanding contributions in respect of all peace-keeping operations stood at \$1,891.6 million.

### VIII. CONCLUSIONS AND OBSERVATIONS

42. When Rwanda emerged from civil war and genocide with the establishment of the Government of National Unity on 19 July 1994, conditions in the country were nothing short of disastrous. There was no administration, no functioning economy, no judicial or education system, no water or electricity supply and no transport; the population, moreover, was still in a state of profound shock.

43. Today, life in Rwanda has almost reverted to normal. This remarkable progress has essentially been achieved through the efforts of the people of Rwanda. UNAMIR, other UN and international agencies and NGOs have worked with the Government to restore basic infrastructures and to rehabilitate vital sectors of the economy. UNAMIR engineers have participated in the construction of transit camps for returning refugees. Its Civilian Police Unit has assisted in the establishment and training of a new gendarmerie and communal police. Its specialized units have helped clear mines. In cooperation with UN agencies and NGOs, UNAMIR has assisted orphans, moved to re-open schools and contributed to the rehabilitation of health care and sanitation facilities. It has also provided humanitarian assistance and helped to ease the appalling prison situation. UNAMIR by its presence has provided a sense of security and confidence to the representatives of United Nations Agencies, intergovernmental institutions and NGOs who, throughout the country and sometimes under very difficult circumstances, have worked for the recovery of Rwanda.

44. In considering what action to take before UNAMIR's mandate expires on 8 March 1996, the Security Council may first wish to address the question of whether, in the light of the progress described in this report, the time has come when continuing assistance to Rwanda can be entrusted to UNDP, the other programmes, funds, offices and agencies of the United Nations system (including UNHCR and UNHCHR) and the International Tribunal, each acting in accordance with its existing mandate; or whether, alternatively, a continuing politico-military presence of the



United Nations is desirable to assist the Government in consolidating peace and stability through justice and reconciliation, to support the return of refugees and to contribute to rehabilitation and reconstruction.

45. If the Security Council favours the first proposition in the preceding paragraph, it may wish to direct that the existing plan for the withdrawal of all the civilian and military components of UNAMIR be put into immediate effect. This would be option one.

46. If, on the other hand, the Council favours the second proposition in paragraph 44, there are three further options which my Special Representative has explored with the Rwandese Government and which he mentioned in his briefing to the members of the Council on 31 January 1996. They are outlined in the following paragraphs. Each would require the consent of the Government which has not yet given the United Nations a clear indication of its wishes.

47. Option two is to establish a small United Nations office which would essentially support the efforts of the Government of Rwanda on the lines indicated in the second proposition in paragraph 44. This office would be headed by my Special Representative, who would be entrusted with an enhanced coordination role with regard to the activities of the various United Nations agencies operating in Rwanda, including the Human Rights Field Operation and some aspects of the Prosecutor's Office of the International Tribunal. It would also promote and coordinate assistance from the international community to assist the Government of Rwanda in its rehabilitation and reconstruction efforts.

48. Option three is to establish a successor mission which, in addition to discharging the functions outlined in the preceding paragraph, would include a group of military observers and a military support component. The main task of these military observers would be to monitor the safe return of refugees. It is estimated that 200 military observers would be required for this purpose. The military support component would assist the Government of Rwanda with rehabilitation activities, basic infrastructure repair and transport aimed at facilitating the smooth

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reintegration of returnees in their home communities. This component would include specialized engineering, logistics and communications units, representing a total of 350 all ranks. Formed troops would be required to ensure security for the specialized units. The minimum number of troops needed to perform this task adequately is estimated at 850 all ranks. It should be stressed, in this connection, that Member States, including the present contributors to UNAMIR, are unlikely to agree to provide specialized units for service in Rwanda in the absence of a security component. Moreover, this option would be viable only if Member States were ready to provide the specialized military units. These are in short supply worldwide and no potential contributor has yet responded positively to the Secretariat's informal approaches.

49. Option four is to establish a regional office which would assume responsibilities for the promotion of peace, stability and development in the Great Lakes region as a whole. The tasks to be performed under this option and those foreseen under options two and three are not, of course, mutually exclusive. However, the implementation of this option would probably raise both practical and political difficulties and it is unlikely to be feasible under present conditions.

50. In concluding this final report, I wish to record my warm appreciation to my Special Representative, Mr. Shaharyar Khan, to the last UNAMIR Force Commander, Major General G. Tousignant, and to the current Acting Force Commander Brigadier General Shiva Kumar, all of whom have demonstrated the highest qualities of leadership. I am also deeply grateful to all the men and women, civilian and military, including staff of United Nations agencies and programmes and NGOs, who have devoted themselves to translating into reality the commitment of the United Nations to the people of Rwanda.



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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS  
ASSISTANCE MISSION FOR RWANDA

I. INTRODUCTION

1. The present report is submitted pursuant to resolution 1029 (1995) of 12 December, by which the Security Council adjusted and extended the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) for a final period until 8 March 1996 and requested me to gradually reduce its troop level. Since the adoption of the resolution, I have reported to the Council and the General Assembly on the situation in Rwanda on 30 January (S/1996/61 and A/50/868). The present report describes the activities carried out by UNAMIR in implementation of resolution 1029 (1995), provides an update of the situation as of 4 March and contains recommendations regarding the United Nations role after the conclusion of the mandate of the United Nations Assistance Mission for Rwanda on 8 March.

II. POLITICAL DEVELOPMENTS

2. Since my last report, relative calm and stability continue to prevail throughout Rwanda, with the exception of areas bordering Zaire where the situation is tense due to an increase in the level of insurgent activities by elements of the former Rwandan Government Forces (RGF). A perceptible improvement in Rwanda's relations with Tanzania and Zaire has taken place during the period under review and has led to a co-ordinated effort to induce the return of refugees. However, despite an increase in last month's figures, the return of refugees remains desultory.

3. The months of January and February have seen a marked increase in insurgent actions carried out by former RGF elements who infiltrated Rwanda, particularly in the north-western Prefecture of Gisenyi. The most important of these actions was the sabotage on the night of 2 February of the electricity power line and water intake to the local brewery in Gisenyi, resulting in 10 deaths. Seven people have been arrested by the Rwandan Patriotic Army (RPA) in connection with these acts of sabotage. In other clashes with former RGF elements, a number of insurgents, including a suspected Zairian soldier, were killed or captured by the RPA. According to statements made to the RPA by captured infiltrators, a large number of infiltrators have been sent into Rwanda to coordinate insurgent activities. As a result RPA has increased its patrolling and its questioning of suspected collaborators in the belt adjacent to the Zairian border.

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4. As I mentioned in my last progress report on UNAMIR (S/1996/61 and A/50/868), the allegations of sale or supply of arms to the former Rwandan government forces continue to be a matter of concern. The International Commission of Inquiry established pursuant to resolution 1011 has continued its activities and presented to the Council its interim report (S/1996/67). The President of the Council informed me in her letter dated 13 February of the decision taken by the Council that the Commission shall continue its work and submit its final report in due course. This decision also reflects the position of the Rwandan Government, as expressed in the request put to the President of the Council by the Permanent Representative of Rwanda to the United Nations (S/1996/84). I urge the assistance of all Member States in resolving some of the difficulties encountered in the past by the International Commission so as to enable it to successfully carry out its mandate.

5. High-ranking officials from the Government of Rwanda have continued to visit various parts of the country to address problems facing the population. In Kibuye, the capital of one of the main prefectures bordering Zaire, President Pasteur Bizimungu was informed that the lack of good road communication with Kigali and the security threat posed by infiltrations from Zaire are the main concerns of the inhabitants. In Ruhengeri, located in the north-west of the country, he urged the population to form agricultural cooperatives to help them market their products. During his visit to Cyangugu, a large prefecture bordering Zaire and Burundi in the south-west of the country, President Bizimungu, accompanied by Major General Paul Kagame, Vice-President and Minister of Defense, and Prime Minister Pierre-Célestin Rwigema, had the opportunity to discuss problems posed by a significant amount of old currency notes which had not been changed into new currency, and decided that the old currency notes would be compensated.

6. During the period under review, former President of Mali General Amadou Toumani Touré and former President of Tanzania Mwalimu Julius Nyerere, facilitators of the Cairo summit of Heads of State of the Great Lakes region, paid visits to Rwanda and other countries in the region to monitor steps being taken in implementation of the recommendations from the summit. During his first visit, from 21st to 23rd January, General Touré had meetings with the Rwandan President, the Vice-President and the Minister for Foreign Affairs and visited various parts of the country. The former President of Mali visited Rwanda again in February and witnessed at the Goma-Gisenyi border post the return by Zaire of military assets belonging to Rwanda. Former President Nyerere, who held meetings with the President, the Vice-President and the Prime Minister during his visit from 3rd to 5th February, gave assurances of measures taken by Tanzania to separate intimidators in the refugee camps, so as to facilitate the repatriation of refugees seeking to return home.

7. Encouraging signs in the relations between Rwanda and Zaire have occurred. Bilateral visits have been exchanged which Vice-President has characterized as working towards normalization of the relations between both countries. The hand over by Zaire on 13 February of some military equipment belonging to Rwanda that was taken to Zaire by former Rwandan government forces is seen as a step forward in the improvement of bilateral relations and in the implementation of the recommendations of the Cairo summit. In receiving the equipment on behalf of the Government of Rwanda Foreign Minister, Dr. Anasthase Gasana stated, inter alia, that the equipment returned constituted only a few of the assets of the Rwandan government in Zaire, and that this gesture should be viewed as a symbol, though a significant one.

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8. An improvement in Rwanda's relations with Tanzania was apparent from the four-day visit paid to Tanzania from 6 to 9 February by a Rwandan delegation led by the Prime Minister which focused on measures to accelerate the return of Rwandan refugees. The Rwandan Prime Minister met with the Prime Minister of Tanzania and addressed the Tanzanian Assembly to explain the current situation facing Rwanda. In order to facilitate the return of refugees, UNHCR is discussing with the Government of Tanzania modalities for the transfer to Burigi camp of those individuals suspected of carrying out intimidation acts in other camps. The Rwandan Prime Minister then visited the refugee camps in Ngara and Cyabalisa. During these visits, the Prime Minister was informed of the refugees' concerns with regard to the prompt return of their lands and houses, some of which are now being occupied by other settlers in Rwanda. The Prime Minister explained that the Government had devised a plan which includes the assistance of the international community for the construction of new houses to relocate those (mainly refugees from 1959 and subsequent migrations) who are currently occupying properties which do not belong to them. Over the past weeks, there has been a marginal increase in the voluntary return of refugees from Tanzania.

9. During the period under report, UNAMIR has continued to focus its activities on facilitating the safe and voluntary return of refugees. As stated in my last progress report, this process continues to fall well behind the international community's hopes and expectations. There are, however, signs that countries of asylum are taking concrete steps, in coordination with the Government of Rwanda and UNHCR, to have the refugees return to Rwanda. The monthly figure of returnees for the month of January was 14,274, approximately the same as in December. Included in the above are some ~~4,654~~ 5,129 that came from Burundi as a result of the closure of Ntamba camp in that country. February saw a significant increase in the number of returnees, as repatriations from Burundi and Tanzania rose and on 13 February Zaire took steps to close the refugee camps of Kibumba and Gasyushya, in the Goma region. Zaire's initiative has to be viewed in the context of the Rwanda/Zaire/UNHCR Tripartite Commission which, at its last meeting in Geneva on 20 December, decided that the parties should revive their efforts to encourage voluntary return to Rwanda through a variety of activities focusing on a camp by camp closure. The administrative closure of the camps starting on 13 February has been, however a unilateral action taken by Zaire, which has, thus far, respected assurances it gave UNHCR that no military action would be taken in the camps. The impact of the closure of these two camps on future repatriation efforts remain to be determined. It is worth noting that a significant number of Zairians of Rwandan origin (from 1885 and 1920 migrations), established in the Masisi region of Zaire, are entering Rwanda fearful of intimidation actions allegedly carried out by extremist elements from the camps in Zaire. The return of new case load refugees from Zairian camps remains negligible.

10. One of the factors which contributes to discouraging refugees from returning to Rwanda is the non functioning of the justice system. Although, as mentioned in my last progress report, some constitutional changes have been introduced to allow the adoption of special procedures to deal with the cases of those suspected of crimes related to the genocide, no trials have yet taken place. The Minister of Justice has recently declared that the first trials will start in April. Meanwhile, the population in detention in Rwanda continues to increase, having reached the figure of 65,515 detainees by the end of January. Despite the over-crowding conditions of detention have improved through the construction of new detention centres. However, no satisfactory solution to this problem can be expected until the justice system resumes its normal functioning.

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11. Relations between the Government of Rwanda and UNAMIR have continued to be cooperative. There are, however, a number of issues which remain to be resolved. Paragraph 7 of Security Council resolution 1029 (1995) requested me "to examine, in the context of existing United Nations regulations, the feasibility of transferring UNAMIR non-lethal equipment, as elements of UNAMIR withdraw, for use in Rwanda". Both my Special Representative in Rwanda and Mr. Gharekhan, my Special Advisor, have recently briefed the Council on this issue. I have taken note of the request of the Security Council members contained in the letter addressed to me by the President of the Council on 13 February to exert flexibility in the disposition of UNAMIR equipment. Taking into account the above, I have instructed my Special Representative to submit his recommendations regarding UNAMIR equipment which, in the context of the liquidation process and conforming to existing regulations, can be immediately released for use in Rwanda. As regards other categories of equipment for which current regulations prevent me from making a final decision, the Secretariat will submit its recommendations to the competent appropriate legislative bodies. I wish to once again express my hope that, in the meantime, there will be no obstacles to the transfer to other peace-keeping operations of equipment which the United Nations intends to ship out of Rwanda.

12. As mentioned in my last progress report, I dispatched a team of experts to Kigali to discuss with Government officials other issues of common concern to the United Nations and the Government of Rwanda, such as payment of corporate taxes by United Nations contractors operating in support of UNAMIR. Following a series of exchanges, both the Government and the United Nations have shown flexibility in their respective positions. I am confident that satisfactory solutions will be found by the Government and the United Nations to this and other issues of contention in a spirit of mutual cooperation and understanding.

13. In anticipation of UNAMIR's closure co-ordination meetings have taken place with Agencies with a view to replacing the facilities being provided by UNAMIR. These include medical, security, air transportation, communications for which alternative arrangements are being made. It is proposed that Radio UNAMIR should continue to be utilized as an independent, non-political mouthpiece of the UN in Rwanda and that all UN Agencies participate and share in the cost of running "Radio UN-Rwanda".

### III. HUMAN RIGHTS

14. The protection of human rights of all Rwandans is of crucial importance to bringing about the voluntary repatriation of Rwandan refugees. Its significance, however, extends far beyond this. Impunity for previous grave violations of human rights contributed to the conditions in which genocide was perpetrated in Rwanda. Ensuring the full respect for human rights irrespective of perceived ethnic origin is critical to the future peace and stability of post-genocide Rwanda.

15. The Human Rights Field Operation in Rwanda (HRFOR), established by the High Commissioner for Human Rights on the basis of an agreement with the Government of Rwanda, is playing an important role in the immediate context of refugee return and in the longer term task of human rights protection and promotion in Rwanda.

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16. HRFOR played a major role in the investigation of genocide in Rwanda and contributed to the reports of the Special Rapporteur on Rwanda and the Commission of Experts. HRFOR handed over to the Prosecutor of the International Tribunal for Rwanda (ITR) all information it had received while the Tribunal was becoming operational. The Operation continues to make available to the Tribunal new information regarding the genocide which comes to the attention of its teams, and cooperates fully with the Tribunal, facilitating investigation in the field. HRFOR has assisted the Government of Rwanda in the convening of its Genocide Conference in November 1995, and in the work of the Inter-Ministerial Commission for the memorial of the Genocide, and intends to continue to offer assistance to Rwanda's efforts to address the genocide and other past grave violations of human rights and humanitarian law.

17. HRFOR has established a presence in all but one of Rwanda's eleven prefectures, and has developed relationship with the authorities, including the security forces, which contribute to the prevention of human rights violations and to appropriate investigation and action. It presents information regarding reported human rights violations systematically to the competent ministries. The Ministry of Defence, which is responsible for the National Gendarmerie as well as for the RPA, has established formal liaison channels with HRFOR at national and local levels. The information resulting from HRFOR's own investigations, together with the Government of Rwanda's response, is reported to the High Commissioner for Human Rights and made fully available to the Special Rapporteur on Rwanda.

18. Conditions of detention are one of the most serious aspects of the current human rights situation. They form an important part of HRFOR's overall monitoring, dialogue with the authorities and reporting. In seeking to redress violations of the human rights of detainees and to improve conditions of detention in accordance with international human rights standards, HRFOR coordinates its work with that of the ICRC. HRFOR plans to give high priority, as the judicial system becomes operational, to promoting the processing of cases of detainees according to the law and with a view to progressive reduction of the numbers of those detained without charge or trial. As long as exceptional procedures, such as the commissions de Triage, are in operation pending the full functioning of an independent judicial system, HRFOR will endeavour to ensure that the review cases of detainees is carried out as expeditiously and fairly as possible.

19. HRFOR assesses the state of readiness of home communes to receive returnees, and assists those communes in the resettlement process. HRFOR is cooperating closely with UNHCR, in accordance with the memorandum of understanding concluded between the two agencies in Rwanda, as well as with the coordinating ministry, the Ministry of Rehabilitation in regard to an anticipated major repatriation of refugees. It attempts to ensure that basic human rights are respected at all stages of return, resettlement and reintegration, through monitoring of conditions at principal frontier crossing points; processing in transit centres; treatment of returnees while they await transfer to communes; treatment of those placed in interim detention; and all aspects of reintegration into home communes, including the continuing security and treatment of returnees. UNHCR has expressed its concern that the presence of human rights field officers in the receiving prefectures and communes should be maintained and strengthened so that HRFOR can continue providing its important information and evaluation on the state of readiness in communes that may receive returnees and assist in their resettlement and reintegration.

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20. HRFOR has given significant support to the Government of Rwanda's efforts to re-establish the administration of justice. Its unique local outreach has enabled it to identify material needs in the justice system and work with donors to ensure that these needs are met. HRFOR follows the performance of the justice system and provides professional support as well as feedback to the relevant authorities at various levels and to donors formulating projects to assist the Government of Rwanda.

21. HRFOR is working to ensure that promotion of the respect for human rights is incorporated in the training of professionals, especially those with direct responsibility to maintain respect for law and order, i.e. the gendarmerie and communal police, judicial officials, prison wardens and military officers. It is also engaged in a variety of forms of human rights promotion aimed at the general population, or particular sectors, such as young people, with special attention to promoting the rights of women, children and minorities. It plans to contribute to the development of national institutions contributing to the promotion and protection of human rights, both within the machinery of government and the Transitional National Assembly, and within civil society. It intends to give high priority to contributing to the strengthening of non-governmental human rights organizations.

22. Following the appointment of a new Chief of HRFOR in October 1995, the High Commissioner for Human Rights has reviewed the priorities of the operation for 1996. The conclusions as summarized in the preceding paragraphs, have been shared with the Government of Rwanda and with those governments which have provided voluntary contributions to the Trust Fund for HRFOR. The Government of Rwanda has made clear its wish to have the presence of HRFOR maintained after UNAMIR's mandate expires. I believe that HRFOR must continue to constitute a most important element of the U.N. presence in Rwanda, beyond March 1996.

23. Unfortunately, the High Commissioner has faced great difficulties in securing sufficient voluntary contributions to fund HRFOR. In his report of 13 November 1995, he drew these difficulties, and their adverse implications for the management of the operation, to the attention of the General Assembly. The contributions have been unforeseeable, and have therefore not provided a basis on which sound planning could take place; indeed, attrition of staff in the field has had to be successively planned and suspended. Staff have only been able to be given contracts of abnormally short duration even for a field mission; this has posed difficulties in both recruitment and retention of staff, and the very high turnover experienced has been disruptive of sustained relationships of cooperation with the authorities and other organizations, as well as the professional standards of the Operation. In its resolution 50/58L of 22 December 1995, the General Assembly recognized the valuable contribution that the human rights officers have made, and requested me to take appropriate steps to ensure adequate financial and human resources and logistical support for HRFOR.

24. The request for regular budget funding for HRFOR had unfortunately not been approved by the last session of the General Assembly. HRFOR's financial difficulties have therefore continued. The High Commissioner therefore then appealed to donors in January, and so far had received pledges of some USD 2.5 million, available to fund HRFOR beyond its current financial allotment covering the period to 31 March 1996. However, the High commissioner is committed to reimburse a \$3 million loan received from the Central Emergency Revolving Fund to start operation in September 1994, and the financial requirement for 1 April - 31 December 1996 is estimated at approximately \$7 million. This is based upon a staffing of 120, of whom 80 would be United Nations Volunteers. Additional

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administrative, logistical, communications and security needs may have to be separately funded if in the event that a peace-keeping operation no longer provides them.

25. The High Commissioner has therefore asked me to draw to the attention of the Security Council and the General Assembly that, unless sufficient voluntary funds can be secured in the very near future, he will not be able to maintain a field operation with human rights officers deployed throughout the prefectures of Rwanda and will have to close down HRFOR in its present form. I share his view that it would be most regrettable if this closure had to occur before the major return of refugees has taken place, the Rwandan justice system is functioning adequately, and national institutions are better able to promote and protect human rights.

#### IV. MILITARY AND SECURITY ASPECTS

26. In accordance with the provisions of the current mandate, the reduction of the UNAMIR force level to 1,200 formed troops and 200 military observers and headquarters staff was achieved by early February. Some adjustment had to be made to the original projections of reduction of personnel due to the decision taken by Canada to withdraw its contingent with effect from 2 February. The result of the removal of the force logistics support unit at this late stage of the Mission has placed some strain on the Mission, and the functions this unit had been performing have had to be contracted out or deleted from the capability base.

27. As stated in my last progress report, in order to maintain the ability of UNAMIR to assist UNHCR in the refugee repatriation process, two logistic bases of about 40 personnel each have been deployed at Nyundo, near Gisenyi, and Shagasha, near Cyangugu, which allow UNAMIR to provide the necessary logistic support to move refugees from border crossing points to transit camps in Sectors 4 and 5. All other formed troops are deployed in Kigali, although some elements were provided to ensure security at the communications site on Mount Karongi and for the protection of members of the International Tribunal working on the site of Kibuye, in Western Rwanda. The troops stationed in Kigali continue to be tasked to contribute to the security of the Tribunal, the provision of humanitarian assistance, the protection of United Nations property and assets, construction works and assistance in rehabilitation and the repair of infrastructure. Military observers are deployed in five sectors, with their regional headquarters at Kibungo, Gitarama, Butare, Cyangugu and Gisenyi, which allow UNAMIR to monitor the return of refugees and their subsequent resettlement in their home communes.

28. UNAMIR's troops have continued to assist the Government of Rwanda in facilitating the safe and voluntary return of refugees to their home communes. When Burundi authorities closed the camp of Ntamba in the first week of February, UNAMIR troops and military observers, working in support of UNHCR and other agencies, provided assistance to resettle in a smooth manner returnees to their home communes. Work continued throughout the period under review to provide assistance in the construction and improvement of transit camps, to provide transportation on behalf of United Nations agencies and other partners, and engineering capabilities to develop new projects and repair roads and bridges. When some military assets belonging to Rwanda were returned by Zaire, UNAMIR assisted the RPA in transporting a number of weapons systems and major pieces of equipment into Rwanda. Military observers have continued to patrol and monitor the situation. Although the

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relationship with the RPA remains amicable, as manifested by the exchange of information on incidents within the country in the interest of mutual cooperation, the reduced numbers of military observers have severely curtailed UNAMIR's reporting and investigation activities.

29. In implementation of resolution 1029, which requires that the Mission be closed within six weeks of the end of the mandate, a liquidation plan has been drawn up. It envisages the departure of the last military element on 14 April, with staff officers departing on 19 April. During the closure phase, an adequate level of security troops will be maintained until 14 April, at which time all installations should be closed or turned over to other United Nations agencies for their use.

## V. HUMANITARIAN DEVELOPMENTS

30. During the period under review, the number of refugees returning to Rwanda has considerably increased as a result of actions taken in countries of asylum to prompt the return of refugees. The total figure of returnees for the month of January was 14,274, and for February xx,xxx. An estimated 1,800,000 Rwandans are still refuged in neighboring countries: 1,100,000 in Zaire, 600,000 in Tanzania and 100,000 in Burundi. Countries of asylum have continued to refole Rwandan refugees. Tanzania forcibly sent back to Rwanda 119 persons and Burundi 26 persons during the month of January. Figures indicate that the return of refugees from Burundi is assuming significant proportions. There is an increase of refugees returning from Tanzania though not yet significant while new case-load refugees from Zaire remain at a trickle despite major efforts by UNHCR and the Zairian Government.

31. On 24 January, UNHCR and UNDP convened a technical meeting of donors in Geneva in which they proposed a US\$ 70.5 million programme to contribute to the repair of damage to the environment and infrastructure in countries hosting Rwandan refugees. The proposed portfolio of projects was designed for rapid implementation over a short period and would complement projects already underway. They involve efforts to stop environmental damage, including an end to unregulated wood cutting by refugees outside the camps; reafforestation; rehabilitation of roads, ports and communication facilities and sanitation, health and education services; and poverty alleviation and income generating activities.

32. Following the abandonment of Ntamba camp in Burundi by some 14,000 refugees fearing the spread of ethnic fighting, as described in my last progress report, on 27 January a delegation from the Government of Rwanda led by Mr. Patrick Mazimpaka, Minister for Rehabilitation and Social Integration, in an unprecedented move to encourage voluntary repatriation, visited Ntamba camp to urge the refugees which had returned to the camp to go back to Rwanda. The visit of Minister Mazimpaka was followed by the visits of the members of the Burundi/Rwanda/UNCHR Tripartite Commission and of a second delegation from the Government of Rwanda. As a result of those visits to the camps, a total of 4,476 refugees decided to repatriate on 1 and 2 February and the camp was subsequently closed by the Burundi authorities. Ntamba became the third refugee camp in Burundi to close after Majuri in November 1995 and Mugano in early January.

33. During its fourth meeting in Bujumbura on 29 and 30 January, the Burundi/Rwanda/UNCHR Tripartite Commission decided to have the remaining camps in Burundi progressively closed, starting with those nearest the border with Rwanda. The Commission expressed the hope that all remaining Rwandan refugees in Burundi would have

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repatriated by July, and all the camps closed. Those refugees who decide not to return will be transferred farther away from the border areas inside Burundi.

34. The deteriorating security situation in the Masisi region in Zaire has prevented UNCHR from organizing the repatriation of some 5,500 "old caseload" refugees. Meanwhile, some of these refugees are crossing spontaneously into Rwanda through the Gisenyi entry point, in the North-west of the country, on a daily basis. The Government of Rwanda has designated Nasho in the prefecture of Kibungo (South-east) as a settlement site for those returnees. However, some of them, claiming they hold Zairian citizenship, are unwilling to go to Kibungo and wish to stay in the communes bordering Zaire hoping that they can return to Masisi as soon as the unrest is over. The Government of Rwanda has decided that those claiming Zairian citizenship will be granted asylum as refugees and a camp will be set up for them in either Gisenyi or Ruhengeri, prefectures bordering Zaire.

35. UNHCR has continued to harmonize its programmes with the Government for the resettlement and reintegration of refugees; the next phase will entail UNHCR's contribution to the planning by the Government for the settlement sites and provision of comprehensive infrastructure facilities for these sites, including construction of roads, provision of health services, water and sanitation for returnees throughout the country. On 26 January, UNHCR donated 10 vehicles and 40 complete sets of metal detectors to the Government, for a total value of \$ 273,400. This equipment is part of a package of assistance UNHCR has agreed to provide to the Government of Rwanda in order to accelerate the resettlement of refugees from the transit centres to their home communes.

36. The expulsion of 38 NGOs, as mentioned in my last progress report, is being felt throughout the country. The provision of medical services to the population is the sector which has been most affected, causing in certain areas of the country a shortage of medicines and medical equipment.

37. The percentage of people receiving food aid through targeted distributions in Rwanda remained low during the reporting period as WFP's emphasis is now on food-for-work (FFW) directed toward rehabilitation and development programmes. At present FFW represents 62% of all food aid distributed, much higher than one year ago when the country still had internally displaced persons' (IDP) camps and a large vulnerable population in urban and rural areas. WFP continues to regularly provide food for most of the children placed in Rwandan institutions for unaccompanied minors. During January, over 7,500 such children benefited from WFP's assistance.

38. UNICEF, through its Trauma Recovery Programme began recruiting 11 new trauma advisors to collaborate with 11 others already working in the prefectures. In 1996 training will be focused on teachers and medical workers as they have the most direct contact with traumatised children.

39. The ICRC has continued to operate the Red Cross Message (RCM) service, which is an integral part of re-establishing links between family members. More than 124,000 Red Cross Messages were distributed and 133,000 collected during the month of January. As of 15 February the exchange of RCMs between Rwanda and Burundi remained suspended due to the general insecurity prevailing in Burundi.

## VI. REHABILITATION, RECONSTRUCTION AND DEVELOPMENT

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40. On the first anniversary of the Geneva Round Table conference disbursements by donor countries reached US\$ 404 million, representing nearly 70% of pledges made by donors in January 1995. Donors' disbursements have accelerated over the last quarter of 1995, which has contributed to a stabilisation of the exchange rate, reduced price inflation and a significant increase in foreign exchange reserves, bringing Rwanda's import coverage in mid-February to 5.1 months. Preparations are underway for the 1996 Round Table, due to be held on 2 and 3 May in Geneva. Three working groups have been established to focus on the Government's three priority areas: justice and security, capacity building, and the transition from humanitarian assistance to development. Support documents outlining their strategies on each of these topics are being prepared by various Ministries, with the support of UNDP, UNICEF and WFP.

41. Progress is being made regarding rehabilitation of the justice system. The Ministry of Justice has communicated its revised plan for UNDP's "Rehabilitation of the Justice System" project. The plan proposes the recruitment of ten legal advisors to assist in the establishment of "special chambers" to handle genocide cases, which must be viewed in light of the recommendations made by the Conference on Genocide held in Kigali from 1st to 5th November, as mentioned in my report S/1995/1002. The plan further contemplates providing enhanced remuneration for over 1,000 judicial personnel in order for the Ministry of Justice to attract qualified staff. The project will also provide equipment for the public prosecutor's office and tribunals in the prefectures.

42. Recent nominations of staff for the Prosecutors' offices also aided in remedying the paralysis of the judicial system: six jurist Prosecutors of the Republic were appointed by decision of the Council of Ministers on 19 January. The work of the Tribunals of First Instance was assisted in most prefectures by the deployment of interns who will eventually be appointed non-jurist magistrates. These individuals have already completed a formal training course organised by the NGO Citizen's Network and funded by UNDP. The work of the prefectural triage committees (commissions de triage), which are an administrative mechanism devised to recommend the temporary release of some of those held in preventive detention in the prisons, continued to be at a virtual standstill. However, communal-level commissions began to function in increasing numbers during the reporting period. These commissions de triage will be strengthened by funding from a new project, approved by the Government and UNDP on 13 January, intended to alleviate prison overcrowding.

43. The total number of detainees in Rwanda's prisons rose during the reporting period, with the largest increases seen in Kibungo and in Kigali Central Prisons. By the end of January, 65,515 detainees were registered by the ICRC in 262 places of detention. Transfers of prisoners were carried out from communal detention centres in Butare and Kibungo Prefectures to the Nyanza and Kibungo Prisons. An extension to Cyangugu prison, a site experiencing acute overcrowding, will be financed through a project recently approved by the Government and UNDP. ICRC began installing water/sanitation and kitchen facilities in two warehouses in Byumba and Kibungo that will serve as temporary detention sites. UNDP is constructing security perimeters at these same sites. Construction work continued on three other temporary detention sites in Kigali and Byumba. Despite these improvements, overcrowding in several prisons and most other places of detention remains a matter of serious concern.

44. Capacity building activities have continued during the reporting period. Phase II of the Rwandan Communal Police Training Programme signed by the Ministry of the Interior

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and UNDP on 18 January will fund training for a third group of 750 cadets at the training facility in Gishari and provide for the construction of living quarters for police in 100 communes. In a joint programme with UNDP, WFP is providing food for communal police trainees and continues to assist the training centre for Gendarmes in Ruhengeri. From 7 to 14 January, a seminar was held for bourgmestres from all communes of the country. The objective of the seminar was to provide the bourgmestres, most of whom have been in office for one year or less, with basic notions of community-based management. In an effort to assist in capacity building in Rwanda, the Government, in coordination with IOM, has developed an accelerated return assistance programme for qualified Rwandese professionals. By the end of the 15-month programme, a total of 330 highly-qualified Rwandan, now living abroad, will have been placed in key positions, thus contributing to the rehabilitation and development of the country.

45. In the health sector, various efforts were undertaken by WHO and UNICEF to provide equipment and supplies to hospitals and to rehabilitate health centres. Work on two hospitals in Gikongoro and Cyangugu and three health centres in Butare is expected to begin in early March. With the collaboration of the Ministry of Health, WHO conducted a one-month training programme in the pharmaceutical sector. The Ministry of Health/UNICEF programme for the training of communal health promoters has entered its last phase. Since the programme began in January 1995, over 6,000 people country-wide have been trained in the prevention of diarrhoeal diseases and malaria, family planning, mother and child health, nutrition, and HIV/STD awareness. The Ministry of Primary and Secondary Schools, the Rwandan National AIDS Control Programme and UNICEF, with technical assistance from UNESCO-PEER, are now working towards a concrete HIV/AIDS awareness programme for primary and secondary schools. During the reporting period, a sensitisation campaign for all regional education authorities was conducted to publicise the programme.

46. To improve the quality of teaching in primary schools, UNICEF has been financing the in-service training of 5,600 under-qualified teachers. The programme, which also includes instruction in land mine and cholera awareness, is now in its final stages.

47. As reported in December (S/1995/1002), agricultural production in Rwanda is recovering beyond initial estimates. According to the FAO/WFP crop survey for the 1996-A season and food-needs assessment report published in January, the area under cultivation in Rwanda increased by 14%, as compared to the 1995-A season. The report estimates the aggregate food production for the 1996-A season 24% higher than in the 1995-A season. The total production represents 82% of the average for 1989-1993. The largest problem facing farmers remains the low availability of inputs. Fertilizers, potato stem cuttings and pesticides, in particular, are in short supply, the cost of these items being relatively high. For the 1996-B season (February to July 1996) the FAO assisted the Ministry of Agriculture and Livestock in estimating agricultural input needs for vulnerable groups and in gathering information on pledges made by different donors in this area. As regards the livestock sector, veterinary departments of regional directions have resumed functioning but the lack of logistical means and veterinary products often limits their activities. As is the case for agricultural inputs, the availability of veterinary products remains problematic.

48. In the social sector, UNICEF continues to provide technical assistance and logistical support to the Government of Rwanda in its efforts to assist children in especially difficult circumstances. The Ministry of Justice, in collaboration with UNICEF, has decided to expand the "Children in Conflict with the Law" Project to include legal defence for children

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claiming property left by their deceased parents. UNICEF and UNESCO-PEER are collaborating with various Government ministries in the elaboration of strategies for reintegrating child detainees into the Rwandan school system.

## VII. FINANCIAL ASPECTS

*Input from Headquarters.*

## VIII. OBSERVATIONS AND RECOMMENDATIONS

49. The United Nations Assistance for Rwanda (UNAMIR) was established in 1993 to assist the Rwandan parties in the implementation of the Arusha Peace Agreement. Under Security Council resolution 872(1993) of 5 October 1993 establishing the Mission, UNAMIR was mandated inter alia to supervise observance of the cease fire agreement, to monitor the security situation and the process of repatriation of Rwandan refugees as well as to assist in the coordination of humanitarian assistance.

50. That mandate has since been adjusted several times to meet the requirements and exigencies of the moment as Rwanda went from total chaos due to the terrible events of 1994 to a nearly normal situation today.

51. When Rwanda emerged from the genocide and the massacres with the establishment of the Government of National Unity on 19 July 1994, the whole country stood shattered and ravaged. There was no administration, no economy, no judiciary system, no school open, no water, no electricity, no transport and the population was still in a state of shock.

52. Today, life in Rwanda has reverted to almost normal. This remarkable progress has been made through the efforts of the people of Rwanda. The role of the United Nations has been to support the people of Rwanda in achieving this return to normalcy and relative stability. Gradually, through the implementation of the various phases of its mandates, UNAMIR has worked with the Government to restore basic infrastructure and to rehabilitate vital sectors of the economy and society. Its engineers, in cooperation with United Nations agencies and Non Governmental Organizations have helped the Government to restore water, electricity and communications. They have helped to open the Kigali International Airport, and to repair roads and bridges. They have participated in the construction of transit camps for the refugees to return home. UNAMIR's Civilian Police has assisted in the training of the gendarmerie and the communal police. Its specialized units have helped clear mines. It has provided transport by air and by road. In cooperation with U.N. agencies and NGOs, UNAMIR has assisted orphans, helped to reopen schools and contributed to the rehabilitation of health care and sanitation facilities. It has also provided humanitarian assistance and helped to ease the appalling situation in the Rwandan prisons.

53. Most importantly, UNAMIR by its presence has provided a sense of security and confidence to all those -- representatives of United Nations Agencies, Intergovernmental Institutions and NGOS -- who, throughout the country including in the most remote areas and sometimes under very difficult circumstances, work for the recovery of Rwanda.

54. As stated above, one of the main tasks entrusted to UNAMIR in this last mandate is to exercise its good offices and provide logistics to facilitate the repatriation of the refugees. In this regard, I must report once again that the large scale efforts deployed by UNAMIR

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with the assistance of UNHCR, UN Agencies and NGOs over the past three months to fulfil that mandate have yielded only limited results. While the role of the intimidators in discouraging those refugees willing to return to their country cannot be underestimated, it increasingly appears that the leading cause for the current blockage in the repatriation process is the persistent fear by many refugees of being mistreated, arrested or killed upon return. I note with satisfaction the ongoing efforts of the Government to correct that perception by the refugees of the internal security situation in Rwanda. It is my earnest hope that these efforts, including the measures being taken by the Government to reactivate the judicial system and to improve internal security will contribute to the attainment of that goal.

55. As UNAMIR's final mandate draws to its conclusion, it is important that careful consideration should be given to the shape and form, if any, of UN's presence in Rwanda after March 8. Obviously, any alternative, successor presence would have to be willingly accepted by the Government of Rwanda with whom discussions have been held on this issue through my Special Representative. Basically, the following three broad options may be considered.

56. The first option [Option A] is that the UN phases out its presence altogether from Rwanda on March 8th and leaves the UN Agencies, the International Tribunal and the Human Rights Field Operations (HRFOR) to pursue their respective tasks. In evaluating this option, it is relevant to take stock of the implementation of objectives contained in various UNAMIR mandates that included: supervision of the cease-fire agreement, monitoring of security, the processing of repatriation of Rwandan refugees and co-ordination of humanitarian assistance.

57. In fulfilling its mandate, UNAMIR II had to contend with a country that had been devastated by the ravages of genocide and civil war. There was no administration, no economy, no judiciary system, no schools, no water, no electricity, no transport and a population that was traumatised. Today, life in Rwanda has reverted to almost normal which is due mainly to the progress achieved by the people of Rwanda. The role of the United Nations has been to support Rwanda in achieving this return to normalcy and relative stability. Gradually, through the implementation of the various phases of its mandates, UNAMIR has worked with the Government to restore basic infrastructure and to rehabilitate vital sectors of the economy and society. Its engineers have helped the Government to restore water, electricity and communications. They have helped to open the Kigali International Airport, and to repair roads and bridges. They have participated in the construction of transit camps for the refugees to return home. UNAMIR's Civilian Police has assisted in the training of the gendarmerie and the communal police. Its specialized units have helped clear mines. It has provided transport by air and by road. In cooperation with UN agencies and NGOs, UNAMIR has assisted orphans, helped to reopen schools and contributed to the rehabilitation of health care and sanitation facilities. It has also provided humanitarian assistance and helped to ease the appalling situation in the Rwandan prisons. Most importantly, UNAMIR by its presence has contributed to providing a sense of security and confidence to UN Agencies, Intergovernmental Institutions and NGOs who work for the recovery of Rwanda.

58. Therefore, in assessing this first option, it may be reasoned that UNAMIR, having helped to achieve normalisation and stability, should now phase-out and hand over the task of consolidation to UN Agencies and the international community. Conversely, it can be argued that the UN needs to retain a certain presence with a view to implementing mandated

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tasks that remain still to be fulfilled. The Security Council clearly shares the latter view as indicated to me by its President in her letter No. S/1996/103 of 13th February.

59. The second option [Option B] flows from the reasoning contained in paragraph 51 of my report [December 1st] and is confirmed in the President of the Security Council's letter referred to in paragraph 4 above. In this Option, while it is accepted that much progress towards stabilisation and normalcy has been achieved in Rwanda, there remain important outstanding issues that need to be addressed through a successor political presence to UNAMIR. These include: the repatriation and resettlement of 1.8 million refugees, the revival of a national judicial system, the effective disbursement of funds pledged by donor states, reconciliation at all levels of society, improving prison conditions and an improvement of Rwanda's relations with its neighbours. Clearly, this option is the most favoured one and needs to be developed further.

60. The third option [Option C] projects UNAMIR being succeeded by a UN presence that would be mandated to play a co-ordinating, harmonising role in the regional context. However, there are practical difficulties to creating such an office. Nevertheless, some of the objectives of achieving regional harmony are not mutually exclusive with Option "B" and can be entrusted to a successor office to UNAMIR.

61. Examining Option B in greater depth and developing the concept of a successor entity to UNAMIR, it is necessary to take into account the consistent stand taken by the Government of Rwanda during previous negotiations on this issue. In a nutshell, the Government has insisted on a phase-out of the military component of UNAMIR, and the need for a UN assistance mission to provide technical assistance (engineers, doctors, experts, etc.) to address Rwanda's immediate needs of post-conflict, socio-economic infrastructural restoration. These objectives of the Security Council, on the one hand and the Government, on the other, can be met through one of the following two formulations:

- (i) A UN civilian office with the following formulation and mandate:
  - (a) A civilian office headed by an SRSG and which would retain the civilian element of the current UNAMIR with an appropriate scaling down of numbers based on the phase-out of the military.
  - (b) An enhanced co-ordinating role related to the operations of the UN Agencies, International Tribunal and HRFOR especially with a view to supervising the direction and timing of expenditures and implementation of major projects. An appropriate Trust Fund should be placed at the disposal of the SRSG and all existing Trust Fund dispensations may be made only with the approval of the Special Representative.
  - (c) A mandate that would entrust the UN Successor office with achieving objectives stated in paragraph 5 above.
  - (d) A change in the nomenclature so that UNAMIR is succeeded by the UN Office for Rwanda (UNOR).

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- (e) UNOR may include, specifically, the HRFOR as part of its operation. HRFOR would retain its independence and take its direction from the High Commissioner for Human Rights. However, HRFOR would closely consult and work with UNOR and would depend on assessed contributions for its funding.
- (f) Retention of Radio UN as a facility to be shared with other UN Agencies.
- (g) International Tribunal and Deputy Prosecutor's Office would coordinate closely with UNOR but would continue to operate independently. The security of the International Tribunal and the Deputy Prosecutor's office would be the responsibility of the Tribunal.

62. The second formula for a successor UN presence for UNAMIR aims to respond to the Government's consistent stand that the UN should provide direct support for socio-economic, structural restoration that bridges the gap between the end of civil war and normal development programmes by UN Agencies, World Bank, etc. In effect, this direct support aims to address peace-preservation tasks with a view to preventing a break-down of fragile stability. Consequently, the second formula envisages an expansion of the formula B(i) outlined in paragraph 7 with the following additions/amendments:

- (i) The nomenclature for the successor presence would be changed to UN Confidence Restoration Mission for Rwanda (UNCREMIR).
- (ii) The mandate, in addition to items a-g in paragraph 7 (i) above would include:
  - (a) Employing logistic/construction units [engineers, logistic, communications units] whose tasks would be to provide a rapid response to construction/logistics projects in support of the Government, UN Agencies and NGO in their rehabilitation and socio-economic infrastructural restoration efforts.
  - (b) Transporting material for returnee housing and social infrastructure such as schools, clinics.
  - (c) Preparation of returnee transit camps and commune level resettlement camps.
  - (d) Repair of roads and bridges, water, power and communications.
  - (e) Assist in improvement of prison facilities.
  - (f) Provide similar assistance to support survivors of genocide in rural areas and towns.
  - (g) Assist in de-mining and de-mobilisation.

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63. In order to achieve this objective that would aim to respond to Rwanda's expectations, the ideal solution would be to introduce civilian engineering, logistic units to perform the tasks outlined in paragraph 8. However, funding for such an operation would come from voluntary contributions and, in any case, it is unlikely that civilian units would be available from member States to take over these functions. Thus, for practical reasons, a civilian component cannot realistically be expected to fulfil this task.

64. The alternative to having a civilian unit is for the existing military component of UNAMIR, consisting of engineers, logistic and communications units, supported by a minimum number of support troops, to take over the responsibility for the expanded mandate outlined at paragraph 8 above. Should this formulation be acceptable to the Government, it is necessary to point out that the new mandate would be carried out with the revised nomenclature (UNCREMIR), a new mandate and with the existing component of UNAMIR's military contingent which has a total of 1400.

65. In addition, a helicopter lift capacity would need to be retained as also the current fixed wing capacity to service the needs of the successor entity which would approximate closely to UNAMIR's current strength.

66. In my assessment the first formula at paragraph 7 represents the minimum common denominator of the objectives aiming to be achieved by the UN, the Security Council and by the Government. I would, therefore, recommend its acceptance.

67. The second formula would need to be accepted, in writing, by the Government of Rwanda as it has previously firmly opposed the continued presence of any UN military contingent in Rwanda. It would also need to have the acceptance of the Security Council as a peace-keeping operation financed by assessed contributions. In this context, I would like to add that similar post-conflict peace-preservation operations have been carried out by UN armed contingents in Somalia, Haiti, etc. funded by UN Peace-Keeping budgets.



Conseil de sécurité

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LETTRE DATÉE DU 26 JANVIER 1996, ADRESSÉE AU PRÉSIDENT  
DU CONSEIL DE SÉCURITÉ PAR LE SECRÉTAIRE GÉNÉRAL

J'ai l'honneur de vous faire tenir ci-joint le rapport intérimaire de la Commission internationale d'enquête, que le Président de la Commission m'a soumis en application de la résolution 1013 (1995) du Conseil de sécurité, en date du 7 septembre 1995.

Vous constaterez, à la lecture des conclusions du rapport (par. 68), que la Commission entend présenter son rapport final à une date aussi rapprochée que possible, conformément au paragraphe 4 de la même résolution. Compte tenu des éléments d'information et des observations que contient le rapport ci-joint, et à moins que la Commission ne parvienne à régler bon nombre des difficultés auxquelles elle se heurte dans les semaines qui viennent, je compte la prier de me soumettre son rapport final d'ici à la fin février 1996.

Je vous serais très obligé de bien vouloir porter la présente lettre et le rapport qui l'accompagne à l'attention des membres du Conseil de sécurité.

(Signé) Boutros BOUTROS-GHALI

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## ANNEXE

(Original : anglais/français)

17 janvier 1996

Rapport intérimaire de la Commission internationale chargée d'enquêter sur les informations faisant état de la vente ou de la fourniture d'armes aux anciennes forces gouvernementales rwandaises, en violation de l'embargo décrété par le Conseil de sécurité, et sur les allégations selon lesquelles ces forces recevraient un entraînement militaire en vue de déstabiliser le Rwanda

## I. INTRODUCTION

1. Au paragraphe 1 de sa résolution 1013 (1995) du 7 septembre 1995, le Conseil de sécurité a prié le Secrétaire général :

"D'établir d'urgence une commission internationale d'enquête ayant pour mandat :

a) De recueillir des renseignements et d'enquêter sur les informations faisant état de la vente ou de la fourniture d'armes et de matériel connexe aux anciennes forces gouvernementales rwandaises dans la région des Grands Lacs, en violation des résolutions 918 (1994), 997 (1995) et 1011 (1995) du Conseil de sécurité;

b) D'enquêter sur les allégations selon lesquelles ces forces recevraient un entraînement militaire en vue de déstabiliser le Rwanda;

c) D'identifier les parties qui aident les anciennes forces gouvernementales rwandaises à acquérir illégalement des armes ou les soutiennent dans cette entreprise, contrevenant ainsi aux résolutions du Conseil visées plus haut;

d) De recommander des mesures visant à mettre un terme aux mouvements illicites d'armes dans la sous-région qui constituent une violation des résolutions du Conseil visées plus haut".

2. Au paragraphe 3 de la même résolution, le Conseil a aussi demandé aux États, aux organes compétents des Nations Unies, y compris le Comité créé par la résolution 918 (1994), aux organisations humanitaires internationales ainsi qu'aux organisations non gouvernementales, de rassembler les informations dont ils disposaient concernant les questions relevant du mandat de la Commission et de les communiquer dès que possible.

3. Le Conseil a en outre demandé, au paragraphe 5 de la résolution, aux gouvernements des États sur le territoire desquels la Commission devait accomplir sa tâche de coopérer pleinement avec elle, notamment en répondant favorablement à ses demandes concernant la sécurité, l'assistance et les

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facilités d'accès nécessaires au déroulement de ses enquêtes, cette coopération devant comprendre les éléments suivants :

a) Les États concernés devraient prendre toutes mesures nécessaires pour que la Commission et son personnel puissent accomplir leur tâche sur l'ensemble de leur territoire en toute liberté, indépendance et sécurité;

b) Ils devraient fournir toutes les informations en leur possession que la Commission leur demanderait ou qui seraient nécessaires pour que la Commission s'acquitte de son mandat, et permettre à la Commission et à son personnel de consulter librement toutes les archives pertinentes;

c) La Commission et son personnel devraient être libres de se rendre à quelque moment que ce soit dans tout établissement ou en tout lieu, selon qu'ils le jugeraient nécessaire pour leurs travaux, y compris les postes frontiers, les aéroports et les camps de réfugiés;

d) Les États concernés devraient prendre les mesures voulues pour garantir la sécurité des membres de la Commission ainsi que le plein respect de l'intégrité, de la sécurité et de la liberté des témoins, des experts et de toutes autres personnes aidant la Commission dans l'accomplissement de son mandat;

e) Les membres de la Commission devraient être libres de se déplacer et notamment de s'entretenir en privé avec quiconque, à quelque moment que ce soit et selon qu'il conviendrait;

f) Les États concernés devraient accorder les privilèges et immunités prévus par la Convention générale sur les privilèges et immunités des Nations Unies.

4. Dans une lettre datée du 16 octobre 1995 (S/1995/879), le Secrétaire général a informé la Président du Conseil de sécurité que la Commission internationale serait composée des six membres ci-après :

L'Ambassadeur Mahmoud Kassem (Égypte) (Président)  
L'inspecteur Jean-Michel Hanssens (Canada)  
Le colonel Jürgen G. H. Almeling (Allemagne)  
Le lieutenant-colonel Jan Meijvogel (Pays-Bas)  
Le général Mujahid Alam (Pakistan)  
Le colonel Lameck Mutanda (Zimbabwe)

5. Dans une lettre datée du 20 octobre 1995 (S/1995/880), le Président du Conseil de sécurité a informé le Secrétaire général que les membres du Conseil accueilleraient avec satisfaction sa décision et avaient pris note des informations contenues dans sa lettre.

## II. MÉTHODES DE TRAVAIL DE LA COMMISSION INTERNATIONALE

6. Ayant été créée par une résolution du Conseil de sécurité qui demandait aux États leur coopération et leur aide, la Commission internationale pouvait s'autoriser de cette résolution pour solliciter des gouvernements les éléments

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d'information et le concours qui lui seraient nécessaires. C'est ce qu'elle a fait auprès d'un certain nombre d'entre eux. Elle a toutefois décidé, puisque sa fonction consiste essentiellement à établir les faits et que ses membres sont presque tous des militaires ou des policiers en activité, de se fonder autant qu'elle le pourrait sur des éléments de première main, par exemple dépositions de témoins oculaires, documents originaux et constatations qu'elle aurait elle-même faites au cours de ses inspections ou dans d'autres circonstances.

7. La Commission n'est pas investie des pouvoirs que la loi donne à la police ou à un organe d'enquête institué, non plus que les moyens matériels et le personnel sur lesquels ceux-ci peuvent s'appuyer. Elle n'a donc pas beaucoup d'actes légaux à sa portée - elle ne peut pas, par exemple, recourir au mandat de perquisition, et n'a pas davantage les possibilités techniques dont s'accompagnent normalement les investigations sur des questions aussi importantes et aussi complexes que celle dont elle est chargée. La Commission a ainsi été obligée de compter très largement sur l'aide que les États Membres voulaient bien lui apporter et sur la bonne volonté des personnes dont elle sollicitait la coopération.

8. Mais aussi limités que soient ses moyens, la Commission a considéré qu'elle était tenue de suivre les normes, règles et méthodes qui sont de rigueur dans toute enquête sérieuse. Il faut cependant souligner que dans un travail de cette nature, quelles qu'en soient les circonstances, le délai qui s'écoule avant le début des investigations est toujours un élément déterminant : à mesure que le temps passe, en effet, il est de plus en plus difficile de retrouver les témoins, dont la mémoire devient par ailleurs moins sûre ou qui peuvent changer leurs déclarations, et des preuves matérielles qui auraient été essentielles peuvent disparaître ou être altérées. Le fait que les investigations aient commencé tardivement, puisqu'on a attendu quelque 16 mois après l'adoption de l'embargo pour créer un organe d'enquête, et qu'il n'existe pas de dispositif pour contrôler ou surveiller comme il faudrait l'application des mesures imposées, a eu de très sérieux inconvénients pour la Commission, qui est loin d'avoir travaillé dans des conditions idéales. Néanmoins, après les premiers temps passés à se familiariser avec les détails de la matière et à établir leurs assises dans la région, les enquêteurs sont parvenus à déterminer plusieurs voies dans lesquelles pourraient être orientées les investigations, qu'il reste maintenant à poursuivre jusqu'au bout.

9. La Commission a été constituée parce qu'il avait été rapporté dans plusieurs pays, notamment par la presse écrite et la télévision, avec plus ou moins de précisions, que malgré l'embargo imposé par l'ONU des armes avaient été vendues ou fournies aux anciennes forces gouvernementales rwandaises actuellement massées au Zaïre et que des hommes qui avaient trouvé refuge au Zaïre suivaient un entraînement militaire. Comme aucun organe de l'ONU n'est chargé de surveiller, faire respecter ou contrôler l'embargo et ne pouvait donc donner de renseignements, la Commission a dû commencer par se fonder sur les assertions des sources locales en attendant de pouvoir enquêter directement.

10. La Commission a donc écrit en novembre et au début de décembre 1995 aux gouvernements des pays dont les noms revenaient dans les allégations de trafic d'armes - l'Afrique du Sud, la Chine, la France et les Seychelles - afin de leur demander ce qu'ils avaient à répondre à ces mises en cause et s'ils avaient

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entrepris, ou prévoyaient, de faire la lumière sur les affaires présumées, en leur annonçant qu'elle devait présenter un rapport au Secrétaire général vers la fin de janvier 1996. La Commission a posé les mêmes questions au Gouvernement zaïrois lorsqu'elle s'est rendue pour la première fois dans le pays (voir ci-après, par. 23 à 33). À l'heure où nous achevons d'établir le présent rapport, seuls les Gouvernements français et zaïrois lui ont répondu. Le Gouvernement belge a aussi répondu à des questions techniques posées par la Commission (voir le par. 42 ci-après).

11. La Commission a également écrit au Gouvernement bulgare, auquel elle a demandé s'il avait entrepris ou prévoyait d'élucider les allégations concernant une société relevant de sa juridiction, Kintex, qu'une émission de la télévision britannique avait montrée apparemment disposée à enfreindre l'embargo de l'ONU sur les armes. Le Gouvernement bulgare n'a pas encore fait connaître sa réponse.

12. Les membres de la Commission voulaient, pour accomplir leur mandat, aller recueillir des éléments d'information dans tous les pays de la région des Grands Lacs et, au cas où on aurait fait état d'activités de réarmement et d'entraînement militaire dans un endroit ou un autre de cette région, tenter d'élucider la question. La Commission essaie déjà depuis quelque temps d'être reçue par les hauts responsables burundais, ougandais et tanzaniens. Toutefois, les gouvernements concernés ne sont toujours pas déclarés disposés à recevoir la Commission nationale.

13. Les membres de la Commission, après avoir établi leur assise administrative à l'Office des Nations Unies à Nairobi, se sont rendus au Rwanda et au Zaïre, où ils se sont entretenus avec de hautes personnalités, les responsables des organismes des Nations Unies qui s'occupent des réfugiés, et les représentants des ONG qui travaillent aux côtés de ces organismes (voir appendice).

### III. ACTIVITÉS DE LA COMMISSION INTERNATIONALE

14. La Commission est arrivée à Nairobi le 4 novembre 1995, à la suite d'une série intensive de réunions d'information et d'orientation au Siège de l'Organisation des Nations Unies. Après s'être installée dans des bureaux fournis par le Programme des Nations Unies pour l'environnement, elle s'est rendue dès qu'elle l'a pu à Kigali (Rwanda).

#### A. Activités au Rwanda

15. Dès son arrivée au Rwanda le 8 novembre 1995, le Président a donné une conférence de presse à l'aéroport, où il a expliqué la nature et le mandat de la Commission et en a présenté les membres. Le Représentant spécial du Secrétaire général, l'Ambassadeur Shaharyar Khan, et le commandant de la Force, le général Guy Tousignant, se sont ensuite entretenus avec lui au quartier général de la Mission des Nations Unies pour l'assistance au Rwanda (MINUAR), où ils l'ont mis au fait de la situation.

16. Dans l'après-midi, la Commission a conféré avec le Ministre rwandais des affaires étrangères, S. E. M. Anastase Gasana, et le lendemain matin avec le Vice-Président et Ministre de la défense, le général Paul Kagame.

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17. Au cours de l'entretien avec le Vice-Président, après avoir demandé qu'une assistance générale soit apportée à la Commission dans l'accomplissement de sa tâche, le Président a plus particulièrement prié le Gouvernement rwandais de faire le nécessaire pour que la Commission puisse se rendre dans l'île d'Iwawa, sur le lac Kivu. L'île, qui se trouve en territoire rwandais, avait été quelques jours auparavant la scène d'une bataille entre l'Armée patriotique rwandaise (APR) et des insurgents rwandais opérant apparemment sous le contrôle des anciennes forces gouvernementales rwandaises. Une grande quantité d'armes et de matériel militaire, et un certain nombre de prisonniers, y avaient été capturés.

18. La Commission s'est rendue dans l'île d'Iwawa le lendemain, 10 novembre 1995. Le danger que présentaient les mines terrestres, dont l'île avait été truffée, et les contraintes de temps liées au manque de moyens de transport ont empêché la Commission d'entreprendre une étude exhaustive du site et d'interroger les prisonniers qui lui ont été amenés de façon approfondie.

19. Cela étant, la Commission a pu inspecter des armes, explosifs et autres matériels militaires tant sur la côte qu'en un autre endroit, à l'intérieur des terres. La plupart des armes inspectées se sont révélées vétustes et inutilisables, et le matériel nouveau, toujours sous emballage plastique, se composait pour la plus grande partie de mitrailleuses démontées. Le plus élevé en grade des officiers de l'APR présents a informé la Commission que certaines armes en état de fonctionnement avaient été emportées et distribuées aux membres de l'APR, mais qu'aucune n'était neuve.

20. Le Président et quelques-uns des membres de la Commission ont alors interrogé des jeunes gens et un sous-officier des anciennes forces gouvernementales rwandaises qui, leur a dit l'officier de l'APR présent, avaient été capturés sur l'île. Les membres de la Commission ont dû demander audit officier de leur servir d'interprète lors de leurs entretiens, mais n'avaient pas de raison de douter de l'exactitude de son interprétation. Les jeunes gens ont été informés de la nature de la Commission et ont accepté de répondre aux questions qu'elle leur poserait. Il est ressorti de leurs réponses qu'ils étaient Rwandais et avaient vécu au camp de Mugunga, près de Goma (Zaire). Ils avaient été initiés au maniement des armes sur l'île sous la supervision d'un commandant des anciennes forces gouvernementales rwandaises et d'un civil. Aucun étranger n'aurait participé à l'opération.

21. Au cours de son séjour au Rwanda, la Commission s'est également entretenue avec des représentants du Haut Commissariat des Nations Unies pour les réfugiés (HCR) et d'autres organismes des Nations Unies, du Comité international de la Croix-Rouge (CICR) et d'un certain nombre d'organisations non gouvernementales, ainsi qu'avec des représentants des principaux pays donateurs (voir annexe). Elle a également établi des rapports de travail directs avec des fonctionnaires rwandais.

22. En novembre et décembre 1995, les membres de la Commission sont retournés à Kigali à plusieurs reprises afin de s'y entretenir avec des officiels et de rassembler et analyser le plus possible d'informations pouvant corroborer les allégations sur lesquelles ils enquêtaient. Les éléments d'information qu'elle

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a ainsi recueillis à ce jour n'ont pas permis à la Commission de se prononcer fermement sur la véracité de ces allégations.

## B. Activités au Zaïre

### 1. Activités à Kinshasa

23. La Commission internationale avait eu l'intention de se rendre au Zaïre le 22 novembre 1995. Il était prévu qu'elle passe par Kinshasa, Gbadolite et la région de Goma, y compris Bukavu et Uvira, et elle avait établi un itinéraire ainsi conçu avec l'assistance du chargé de liaison de la MINUAR à Kinshasa.

24. Dans l'après-midi du 21 novembre, veille du départ prévu, le Président de la Commission a cependant été informé que le Cabinet du Premier Ministre du Zaïre avait soulevé des questions concernant le mandat de la Commission et les activités qu'elle se proposait d'entreprendre en territoire zaïrois. Il a été donné à entendre à la Commission que la durée prévue de son séjour au Zaïre - initialement une vingtaine de jours - était "trop longue" et qu'il faudrait la réduire, et que le projet qu'elle avait fait de loger à Gisenyi (Rwanda) tout en menant son enquête à Goma, de l'autre côté de la frontière, serait rejeté. Il lui a également été indiqué que l'échelon supérieur du Gouvernement zaïrois était occupé par les préparatifs de la Conférence du Caire sur la région des Grands Lacs, qui devait se tenir les 28 et 29 novembre 1995. Il lui a donc été recommandé de remettre sa visite jusqu'à ce que les dispositions voulues aient pu être prises avec le Gouvernement zaïrois.

25. Le lendemain, le Président a donc rendu visite à l'Ambassadeur du Zaïre au Kenya, lui a expliqué le mandat de la Commission et a rappelé le rôle que le Gouvernement zaïrois avait joué dans la création de la Commission. Il a appelé l'attention de l'Ambassadeur sur la résolution 1013 (1995), par laquelle avait été établi le mandat de la Commission, et où il était demandé aux États sur le territoire desquels elle accomplirait sa tâche de coopérer pleinement avec elle. L'Ambassadeur s'est engagé à faire connaître la position du Président aux autorités de Kinshasa et de l'informer de la réaction de son gouvernement.

26. En tout état de cause, après plus de deux semaines au cours desquelles des efforts diplomatiques ont été déployés à un niveau élevé afin que la visite puisse avoir lieu rapidement, les autorités zaïroises ont enfin accepté, non sans une certaine réticence, d'autoriser la Commission à faire un séjour préliminaire à Kinshasa du 8 au 16 décembre 1995. Lors de ce passage, la Commission a été reçue par le Premier Ministre et par les Ministres des affaires étrangères, de la justice, de la défense, de l'intérieur et des transports. Elle s'est également entretenue avec les Ambassadeurs d'Allemagne, de Belgique, des États-Unis d'Amérique et de France au Zaïre, ainsi qu'avec les responsables des organismes des Nations Unies à Kinshasa et avec des représentants de l'Union européenne et du CICR. Au cours de l'entretien qu'il a eu avec lui, le Président de la Commission a remis au Premier Ministre une lettre personnelle du Secrétaire général.

27. Les ministres zaïrois, rappelant le rôle que leur pays avait joué lorsqu'il avait été proposé de la créer, se sont engagés à apporter leurs pleines coopération et assistance à la Commission. Celle-ci ayant demandé au

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Gouvernement zaïrois de désigner un chargé de liaison avec elle, le Ministre des affaires étrangères, M. Gérard Kamanda wa Kamanda, lui a proposé de faire un séjour "d'acclimatation" de 10 jours dans le nord et le sud du Kivu, et lui a offert l'assistance d'une équipe d'officiers zaïrois dirigée par le général Fariala Kutcha, vérificateur général des forces armées zaïroises.

28. Le Président a présenté au Ministre des affaires étrangères une liste écrite de questions visant à obtenir du Gouvernement zaïrois qu'il fasse connaître sa position sur les allégations publiées jusqu'à-là, dont il ressortait qu'il aurait contribué à armer les anciennes forces gouvernementales rwandaises en violation des résolutions du Conseil de sécurité, et que ces forces recevaient un entraînement militaire en territoire zaïrois. Le Ministre des affaires étrangères a déclaré que c'était à l'accusateur qu'incombait la charge de la preuve, et a présenté une réponse écrite dans laquelle étaient avancés les arguments suivants :

"Le questionnaire de la Commission est fondé essentiellement sur les allégations de l'association 'Human Rights Watch' et non sur des faits préalablement établis.

Après avoir enregistré les accusations formulées par cette association et pris connaissance des reportages filmés de la BBC rendus publics au début de cette année, le Gouvernement avait dépêché, pour son propre compte, au mois de mars dernier, une équipe d'enquête au Kivu, conduite par le Vice-Premier Ministre, Ministre de la défense nationale, pour déterminer la véracité des griefs portés contre le Zaïre au sujet de la prétendue déstabilisation du Rwanda.

Cette enquête avait conclu à un non-lieu.

Cependant, devant la persistance de ces accusations dans les médias internationaux et de la part des autorités rwandaises, le Gouvernement avait été amené à préconiser la création d'une commission internationale d'enquête.

À ce stade de la mission de la Commission, le Gouvernement était en droit d'attendre que cette dernière avance des faits précis auxquels il pourrait donner des réponses appropriées, au lieu de répondre à des allégations d'une association dont les accusations cachent des buts inavoués. Cela d'autant plus que, pour tout observateur tant soit peu averti, le reportage filmé de la BBC était un montage des plus grossiers."

29. Le Ministre a ensuite répondu à chacune des questions de la Commission. Le Gouvernement n'avait eu aucune connaissance de certains des incidents censés s'être produits et, pour certains autres, estimait que les éléments de preuve n'étaient pas suffisants pour justifier une action quelconque. Il n'avait donc pas entrepris d'enquête concernant l'éventuelle participation de ressortissants ou d'établissements zaïrois à la vente ou la fourniture d'armes aux anciennes forces gouvernementales rwandaises en violation des résolutions du Conseil de sécurité.

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30. Soulignant qu'elles n'avaient pas l'intention de déstabiliser le Rwanda, ni ne disposaient des ressources nécessaires pour le faire, les autorités zaïroises ont nié avoir armé les anciennes forces gouvernementales rwandaises ou avoir pris part à leur entraînement en violation de l'embargo décrété par le Conseil de sécurité.

31. Le Ministre des affaires étrangères a également fait observer qu'au cours de la période pendant laquelle nombre des livraisons d'armes auxquelles il aurait été procédé en violation de l'embargo étaient censées avoir eu lieu, à savoir au milieu de l'année 1994, la situation aux alentours de Goma était marquée par des troubles et une confusion considérables. Quelque 2 millions de réfugiés avaient passé la frontière, débordant les organismes de secours qui s'efforçaient de les loger et de les nourrir, une épidémie de choléra avait fait 50 000 morts, et la guerre faisait toujours rage au Rwanda. Sur les instances de la communauté internationale, les autorités avaient suspendu l'application des règlements d'immigration et de douane afin d'accélérer l'acheminement des secours. L'aéroport de Goma accueillait nuit et jour des vols transportant du matériel et des fournitures de toutes sortes, notamment des tonnes d'eau potable. D'après le Gouvernement, le HCR coordonnait alors les vols arrivant à l'aéroport.

32. Le Ministre a rappelé que la communauté internationale était largement représentée à Goma au cours de la période considérée et n'aurait certainement pas manqué de remarquer des tentatives visant à faire transiter des armes par l'aéroport. La Commission savait aussi que pendant la période de l'opération Turquoise (juin-août 1994), l'armée française maintenait une forte présence à l'aéroport de Goma, où elle exerçait un contrôle assez étroit sur les opérations.

33. Lors de son entretien avec la Commission, le Ministre de la défense a déclaré que l'armée zaïroise avait désarmé les forces gouvernementales rwandaises en retraite lorsqu'elles avaient passé la frontière. Les armes confisquées avaient été rassemblées dans des entrepôts, qu'il invitait la Commission internationale à inspecter. Il se pouvait cependant que certaines armes de petit calibre clandestinement importées à la faveur de l'afflux de réfugiés et de soldats n'aient pas été confisquées.

## 2. Activités à Goma

34. Deux des membres de la Commission sont arrivés à Goma le 5 janvier 1996 et se sont rendus dans les camps de Mugunga et de Kibumba les deux jours suivants, avec l'autorisation du Gouverneur par intérim de la province du Kivu, M. Athanase Tassi. Ils se sont également entretenus avec le chef de la sous-délégation du HCR à Goma, d'autres fonctionnaires du Haut Commissariat, certains des membres d'une organisation d'aide humanitaire allemande, et le commandant ainsi que les autres officiers du Groupe de liaison de la sécurité civile. Ils ont en outre pris contact avec le contingent zaïrois chargé d'assurer la sécurité dans les camps. La Commission a appris de source indépendante que le Gouvernement zaïrois avait enquêté sur des allégations selon lesquelles des Rwandais se trouvant dans les camps y avaient recruté des jeunes pour leur faire suivre un entraînement clandestin et à d'autres fins militaires.

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35. Peu de temps après, toutefois, l'officier que le Gouvernement zaïrois avait détaché auprès de la Commission pour l'aider dans ses enquêtes, le général Fariala Kutcha, accompagné de huit autres officiels zaïrois, est arrivé à Goma, en provenance de Kinshasa. Le Président et d'autres membres de la Commission étant arrivés aux aussi, de vifs désaccords se sont aussitôt élevés entre la Commission et les officiels zaïrois concernant les activités que la Commission se proposait d'entreprendre. Les deux parties ont tenu une série de réunions au cours desquelles elles ont débattu d'interprétations diamétralement opposées du mandat de la Commission. La partie zaïroise semblait vouloir renégocier le mandat de la Commission et a insisté pour assister à ses entretiens avec des témoins potentiels et à examiner son projet de rapport sur les activités qu'elle aurait menées à Goma avant qu'elle ne quitte le Zaïre.

36. La Commission a fermement rejeté ces exigences. Elle a souligné que son mandat lui avait été confié par le Conseil de sécurité, qui seul avait le pouvoir d'en modifier les termes. Elle ne pouvait donc pas engager de négociations sur la question. Elle a insisté pour que soient respectés tant son droit à une entière liberté de mouvement que celui de mener ses entretiens en privé, faisant valoir à ce propos le paragraphe 5 de la résolution 1013 (1995), a souligné son obligation de rendre compte directement au Secrétaire général et a déclaré sans équivoque qu'aucune tierce partie ne serait autorisée à prendre connaissance de son rapport par avance.

37. Le 9 janvier 1996, le Premier Ministre du Zaïre a écrit au Secrétaire général pour lui demander de lui faire connaître son interprétation de la résolution 1013 (1995) : le Secrétaire général a souscrit à la position prise par la Commission internationale. Le 12 janvier 1996, le Ministre des affaires étrangères a adressé au Secrétaire général une lettre dans laquelle il réitérait les exigences contre lesquelles la Commission s'était élevée. La partie zaïroise s'obstinant dans son intransigeance, la Commission a alors déclaré qu'elle ne pouvait pas poursuivre ses enquêtes à Goma face à cette attitude obstructionniste des autorités zaïroises et qu'elle estimait n'avoir plus qu'à se replier sur Nairobi.

38. Bien qu'ils n'aient pas été en mesure de mener une enquête en règle à Goma, au cours de la brève période qu'ils y ont passée, les membres de la Commission ont recueilli auprès de sources diverses des éléments d'information supplémentaires qui leur ont fait soupçonner des activités clandestines. Nombre de témoins oculaires disaient notamment avoir observé des vols de nuit mystérieux, bien que l'aéroport de Goma n'ait pas été équipé comme il se devrait pour fonctionner à la nuit tombée, et que les autorités leur en aient interdit l'accès aux heures signalées. Il aurait par ailleurs été constaté que certains avions étaient déchargés en secret. La Commission a également appris que les anciennes forces gouvernementales rwandaises interdisaient au personnel du HCR et à celui des ONG d'accéder à certaines zones, notamment celles des alentours du camp du Lac Vert communément appelée "l'État-major". Il fallait en outre quitter les camps une fois la nuit tombée, et un couvre-feu y était en vigueur. La Commission ne dispose pas de preuves suffisantes pour tirer des conclusions quant à leur signification, mais elle est persuadée que les informations qui lui ont été communiquées sont exactes. Enfin, il aurait été impossible à la Commission de ne pas se rendre compte que la crainte de représailles pèse lourdement sur Goma.

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C. Autres activités de la Commission internationale

1. Démarches auprès des gouvernements

39. Bien que la Commission ait décidé de ne pas fonder ses travaux sur des témoignages indirects, certaines informations extraites de sources publiées qui lui ont été communiquées étaient extrêmement détaillées et circonstanciées. Aussi le Président de la Commission a-t-il adressé une lettre à plusieurs gouvernements, dont des ressortissants auraient participé à la livraison d'armes et de matériel connexe aux anciennes forces gouvernementales rwandaises en violation de l'embargo imposé par le Conseil de sécurité, pour leur demander s'ils avaient enquêté, étaient en train d'enquêter ou se proposaient d'enquêter sur la participation éventuelle des particuliers ou sociétés en question à cette opération sur la base des allégations formulées par le Human Rights Watch Arms Project, organisation non gouvernementale ayant son siège à Washington. Les destinataires de cette lettre étaient les Gouvernements bulgare, chinois, français, seychellois, sud-africain et zairois. La Commission a envoyé des lettres de suivi au Gouvernement français, lui demandant de désigner un fonctionnaire avec lequel elle pourrait avoir des relations de travail et qui pourrait répondre à ses questions concernant les informations détaillées qui lui ont été communiquées.

40. Après inspection par la Commission des armes saisies sur l'île d'Iwawa, le Président a également écrit aux Gouvernements belge et sud-africain, qui étaient apparemment les pays d'origine de certaines de ces armes lorsque celles-ci ont pu être identifiées, pour les informer des numéros de série inscrits sur le matériel et leur demander de lui communiquer les dates de fabrication et de vente et l'identité de l'acheteur, la date de livraison à l'acheteur ainsi que tous autres renseignements pertinents. En outre, la Commission a demandé au Gouvernement sud-africain de lui faire part des conclusions de la Commission Cameron qui pourraient avoir un rapport avec ses travaux.

41. Par ailleurs, le Président de la Commission internationale a adressé une lettre au Président du Comité créé par la résolution 918 (1994), pour lui demander de lui communiquer toute information pouvant avoir trait aux questions relevant du mandat de la Commission. Le Président du Comité, l'Ambassadeur indonésien, S. E. M. Wisnumurti, a répondu qu'en réponse aux questions soulevées au sein du Comité au sujet du rapport de Human Rights Watch communiqué à la Commission internationale, les Gouvernements chinois et français avaient officiellement nié les allégations contenues dans ce rapport.

42. Dans une lettre datée du 10 janvier 1996, le Gouvernement belge a fait savoir au Président de la Commission qu'il avait commencé d'enquêter sur la provenance des armes inspectées sur l'île Iwawa. Il ne ressortait en rien des éléments d'information apportés par les autorités belges que lesdites armes aient été vendues ou fournies aux anciennes forces gouvernementales rwandaises en violation de l'embargo. La Commission n'a pas encore reçu de réponse des Gouvernements bulgare, chinois et sud-africain.

43. Le 5 janvier 1996, la Commission a reçu la réponse du Gouvernement français qui a déclaré ce qui suit :

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"De l'enquête que les autorités françaises ont menée après les accusations et insinuations contenues dans le rapport de Human Rights Watch, il ressort, comme le Gouvernement français l'a déjà dit, que la France a respecté de la manière la plus stricte l'embargo sur les armes décidé par le Conseil de sécurité le 17 mai 1994 à propos du Rwanda, et qu'aucune livraison d'armes n'a été faite à des Rwandais réfugiés à l'extérieur de leur pays.

Les autorités françaises ne disposent d'aucun élément d'information concernant la participation éventuelle de ressortissants français ou de sociétés françaises à des trafics d'armes contrevenant audit embargo. Le Gouvernement français serait intéressé à recueillir de la part de la Commission d'enquête internationale tout élément et précision que cette dernière pourrait détenir afin de procéder à des investigations et d'examiner les suites à donner à toute éventuelle infraction à la législation française en vigueur.

Les autorités françaises vous communiquent, suite à la demande de la Commission et conformément au paragraphe 3 de la résolution 1013 (1995) du Conseil de sécurité du 7 septembre 1995 qui demande aux États de rassembler les informations dont ils disposent concernant les questions relevant du mandat de la Commission, les éléments d'information collectés par les militaires français de l'Opération Turquoise pendant leur séjour au Rwanda dans la zone humanitaire sûre.

Ces renseignements avaient déjà été transmis le 24 août 1994 à la Commission d'experts créée par la résolution 935 (2994) du 1er juillet 1994."

Comme la Commission l'en avait prié, le Gouvernement français a désigné un haut fonctionnaire, le Représentant permanent adjoint de la France auprès de l'Organisation des Nations Unies, pour répondre à toutes les questions que pourrait avoir la Commission.

44. Bien que la Commission ait fait porter une grande partie de ses efforts sur Goma, elle n'était pas sans savoir que de nombreuses personnes ayant une connaissance directe des événements qui se seraient produits dans cette région ne se trouvaient peut-être plus sur place. Un grand nombre d'entre elles travaillaient pour le compte d'organisations non gouvernementales où, comme la Commission en a été informée, les mouvements de personnel étaient très importants. La Commission s'est donc mise en rapport avec les principales organisations non gouvernementales dont elle savait qu'elles avaient du personnel en poste dans la région de Goma depuis le 17 mai 1994 pour leur demander le nom des employés qui n'étaient plus à leur service et, dans la mesure du possible, des indications sur l'endroit où ils pourraient se trouver actuellement.

45. Un membre de la Commission, accompagné d'un spécialiste des questions politiques, s'est rendu à Londres du 8 au 12 janvier 1996 pour s'entretenir avec des fonctionnaires britanniques chargés des questions d'assistance, des enquêteurs des services de douanes, du personnel d'organisations non gouvernementales, des équipages de compagnies aériennes qui auraient été à bord

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de vols à destination de Goma et des journalistes qui avaient réalisé des films dans la région.

46. Les fonctionnaires de la British Overseas Development Administration (Administration britannique pour le développement outre-mer), que la Commission a interrogés avaient passé beaucoup de temps à l'aéroport de Goma depuis la crise et avaient été associés de très près aux opérations de déchargement et de manutention des marchandises. Il s'agissait pour la plupart d'anciens militaires capables de reconnaître la taille, le poids et l'apparence d'armes, de munitions et de matériel même à l'intérieur de caisses. Les fonctionnaires en question ont indiqué à la Commission qu'ils n'avaient été témoins d'aucune livraison d'armes à l'aéroport de Goma, qu'ils ne détenaient aucun élément de preuve confirmant de telles livraisons, qu'ils n'avaient eux-mêmes déchargé aucune cargaison autre que des fournitures destinées à des fins humanitaires des appareils dont ils avaient assuré le chargement et le déchargement.

47. La Commission a également rencontré des enquêteurs des services de douanes qui ont déclaré avoir ouvert une enquête sur les sociétés et particuliers britanniques soupçonnés d'avoir participé aux livraisons d'armes en violation de l'embargo et n'avaient pas recueilli de preuves suffisantes pour justifier une action en justice devant les tribunaux britanniques.

48. Les équipages interviewés par la Commission ont nié avoir transporté des armes ou des munitions à Goma après l'imposition de l'embargo et ne pouvaient pas donner le nom d'autres personnes dont on savait qu'elles avaient participé à ces opérations.

49. La Commission internationale a également écrit aux Gouvernements du Burundi, de l'Ouganda, de la République-Unie de Tanzanie pour leur demander la permission de se rendre dans leurs pays afin d'y tenir des réunions de haut niveau avec des représentants gouvernementaux. La Commission a en outre prié ces gouvernements de lui communiquer tous les éléments d'information dont ils pourraient disposer concernant la question relevant du mandat de la Commission. Aucune réponse n'a encore été reçue de ces gouvernements.

## 2. Étude de cas : allégations concernant la participation des Seychelles

50. Une allégation extrêmement détaillée concernant la participation à la vente ou à la livraison d'armes et de munitions aux anciennes forces gouvernementales rwandaises après l'imposition de l'embargo vise les Seychelles. Les dates et autres faits entourant cette affaire ayant été décrits avec précision, la Commission internationale a pu porter une attention particulière à cette allégation.

51. D'après le rapport de Human Rights Watch intitulé "Rearming with Impunity: International Support for the Perpetrators of the Rwandan Genocide" (Le pays se réarme dans l'impunité : les auteurs du génocide rwandais reçoivent une aide de l'étranger), un DC-8 de la compagnie aérienne Air Zaire avait transporté deux cargaisons d'armes, dont des grenades et des munitions de haut calibre des Seychelles à Goma les 17 et 19 juin 1994. La facture, d'un montant de 300 000 dollars, aurait été réglée en espèces par un officier supérieur de

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l'armée rwandaise, accompagné d'un ressortissant sud-africain, lesquels ont tous deux été identifiés dans le rapport. Le Gouvernement zaïrois aurait délivré un certificat d'utilisation pour ces armes. Or, lorsque la Commission internationale a rencontré à Kinshasa des ministres zaïrois auxquels elle a demandé des précisions à ce sujet, le Gouvernement a répondu par écrit qu'il n'avait pas connaissance de cette affaire.

52. La Commission internationale d'enquête a, par la suite, établi de son côté qu'un appareil de la compagnie aérienne Air Zaïre avait quitté Kinshasa à destination de Mombasa le 16 juin 1994 puis était revenu de Goma à Kinshasa le 20 juin. Cette information, de sources seychelloises, tend à confirmer l'exactitude des renseignements fournis dans le rapport de Human Rights Watch et indique que de très hauts fonctionnaires seraient impliqués dans cette affaire.

53. Le 7 décembre, la Commission internationale a adressé une lettre au Ministre seychellois de la défense, M. James Michel, appelant son attention sur les allégations formulées et invitant le Gouvernement seychellois à lui communiquer les informations dont elle pourrait avoir besoin pour l'établissement de son rapport. Elle a également demandé à ce gouvernement s'il avait ou non mené une enquête, était en train de mener une enquête ou se proposait de mener une enquête sur tout ressortissant seychellois ou société ayant son siège aux Seychelles accusé de violations éventuelles de l'embargo du Conseil de sécurité sur les livraisons d'armes aux anciennes forces gouvernementales rwandaises et l'a invité à désigner un représentant avec lequel la Commission internationale pourrait établir des relations de travail. Aucune réponse n'a été reçue à ce jour.

54. La Commission internationale a également demandé à l'Organisation de l'aviation civile internationale de l'aider à déterminer quels avaient été les vols effectués par le DC-8 d'Air Zaïre qui aurait transporté les munitions.

#### IV. OBSERVATIONS ET CONCLUSIONS

##### A. Observations

55. La Commission internationale a disposé de nombreuses informations détaillées donnant lieu de croire que des armes avaient été livrées à l'aéroport de Goma, au Zaïre, à l'intention des anciennes forces gouvernementales rwandaises en violation de l'embargo décrété par le Conseil de sécurité en mai 1994. Ces informations provenaient essentiellement du rapport établi par l'ONG Human Rights Watch dans le cadre de son projet concernant les armes, dont l'investigateur, durant les quatre mois passés en Afrique centrale, s'était entretenu notamment avec plusieurs officiers des anciennes forces gouvernementales rwandaises, y compris ceux du grade le plus élevé. L'investigateur avait également rencontré des officiers zaïrois, du personnel de l'aéroport et des hommes d'affaires locaux. Au moins trois documentaires de la télévision britannique et un certain nombre d'articles de la presse britannique et française ont été également consacrés à des allégations de même nature.

56. Citant de nombreux incidents ayant eu lieu à des dates précises, Human Rights Watch dit explicitement dans son rapport que "les auteurs du génocide rwandais ont rétabli leur infrastructure militaire, surtout au Zaïre, et se

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réarment en prévision d'un retour violent au Rwanda", en ajoutant plus loin que "plusieurs membres de la communauté internationale, dont la France, le Zaïre et l'Afrique du Sud, ont activement soutenu cet effort en envoyant directement des armes, en facilitant les livraisons d'armes d'autres sources et en fournissant d'autres formes d'assistance militaire, y compris un entraînement". Le rapport de Human Rights Watch a été ultérieurement confirmé par Amnesty International.

57. Pour sa part, la France, dans sa réponse à la Commission internationale d'enquête et au Comité du Conseil de sécurité créé par la résolution 918 (1994), a catégoriquement nié avoir été impliquée dans de telles livraisons.

58. Dans ses réponses orales et écrites à la Commission internationale, le Gouvernement zaïrois a également nié avoir eu connaissance de livraisons d'armes ou d'activités d'entraînement qu'auraient effectuées les anciennes forces gouvernementales rwandaises, et y avoir participé.

59. Toutefois, bien que le Premier Ministre et d'autres ministres zaïrois aient promis à la Commission internationale de lui accorder tout leur concours durant sa visite à Kinshasa, comme le Conseil de sécurité l'avait demandé dans sa résolution 1013 (1995), la Commission n'a pas jugé satisfaisante l'attitude de la délégation zaïroise qui devait l'aider à Goma. Tout en étant consciente des conditions de sécurité précaires et du mauvais état de l'infrastructure à Goma et, par conséquent, de la nécessité d'avoir l'aide officielle du Gouvernement, la Commission a estimé que l'insistance avec laquelle les fonctionnaires zaïrois avaient demandé à assister à tous les entretiens avait constitué une entrave, n'avait en rien facilité le processus et ne respectait pas la lettre et l'esprit de la résolution 1013 (1995) du Conseil de sécurité, en particulier des alinéas a) et e) du paragraphe 5 de cette résolution. De l'avis de la Commission, le Gouvernement zaïrois n'a pas respecté les dispositions de la résolution 1013 (1995) et a manqué à l'engagement qu'il avait lui-même pris à Kinshasa de fournir à la Commission toute son aide et sa coopération. Dans ces circonstances, à la suite de l'intervention du Secrétaire général, la Commission internationale a informé le Gouvernement zaïrois qu'il ne lui restait plus qu'à quitter le Zaïre et a fait savoir au Secrétaire général qu'elle n'avait pas pu mener son enquête à Goma en raison de la position adoptée par le Gouvernement zaïrois, attitude qui avait entraîné un nouveau retard d'une semaine à Goma.

60. Nul doute qu'il est très difficile à ce stade de déterminer ce qui s'est exactement produit à Goma au milieu de 1994. Toutes les personnes directement intéressées ont déclaré à la Commission que la situation avait été chaotique et confuse. Un nombre sans précédent d'avions avaient apporté des centaines de tonnes de matériel et de fournitures de secours à l'aéroport de Goma alors que les contrôles officiels étaient relâchés ou suspendus, plus d'un million de réfugiés avaient afflué dans le pays et la guerre faisait rage de l'autre côté de la frontière. De nombreux témoins de ces événements, qui auraient pu faire la lumière sur les violations présumées de l'embargo, ont quitté les lieux et se trouvent maintenant dans divers pays.

61. Les journalistes et les investigateurs des ONG, qui disposent d'une mobilité et d'une souplesse auxquels les organismes intergouvernementaux peuvent rarement prétendre, ont immédiatement cherché à élucider les rumeurs persistantes d'envois d'armes qui circulaient parmi les ONG dans les camps de la

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frontière. Pour les diverses raisons exposées plus haut, la Commission internationale n'a pas encore pu confirmer les violations persistantes de l'embargo qu'ont décrites ces journalistes et investigateurs, ni d'ailleurs constater jusqu'ici un seul cas de vente ou de fourniture d'armes ou de matériel connexe aux anciennes forces gouvernementales rwandaises, en violation des résolutions pertinentes du Conseil de sécurité.

62. Des doutes importants n'en subsistent pas moins. Les circonstances dans lesquelles la Commission internationale a effectué son enquête ont été loin d'être idéales, les plus grands obstacles ayant été, d'une part, le délai de 16 mois qui s'est écoulé entre l'imposition de l'embargo en mai 1994 et la création de la Commission en septembre 1995 et, d'autre part, le manque de coopération des autorités zaïroises. Tout en étant obligée de conclure qu'elle n'a pas découvert, à ce stade, d'éléments d'information indiquant de façon probante que des violations ont été commises, la Commission internationale n'est pas pour autant convaincue qu'il ne s'est effectivement produit aucune violation. Elle tient à noter à cet égard que les rumeurs de violations persistantes de l'embargo semblent avoir considérablement diminué à la suite de la publication des rapports de Human Rights Watch et d'Amnesty International et de l'attention que les médias leur ont accordée.

63. En ce qui concerne l'entraînement militaire, la situation est à la fois plus simple et plus compliquée. La Commission internationale a établi qu'un certain nombre de camps "militaires" avaient été créés au Zaïre et a vu un film de la télévision britannique montrant censément des hommes qui s'entraînaient de nuit au maniement des armes. La MINUAR lui a également communiqué des informations sur la multiplication des incursions au Rwanda en provenance du Zaïre, sur l'importance numérique et l'expérience croissantes des groupes en cause et sur l'ampleur des pertes et des dégâts provoqués par ces incursions - ce qui laissait entendre qu'un entraînement militaire avait lieu.

64. La Commission a également pris connaissance d'informations persistantes faisant état d'activités d'"entraînement" de jeunes Hutus dans les camps zaïrois. Toutefois, le fait que des groupes d'hommes fassent du jogging, s'exercent ou entonnent même des chants martiaux ne signifie pas nécessairement qu'ils suivent un entraînement militaire, et il n'est pas clairement établi non plus que le but de cet entraînement est de déstabiliser le Rwanda. Il convient de noter à cet égard qu'en l'absence de tout élément indiquant que les armes aperçues ont été fournies aux anciennes forces gouvernementales rwandaises en violation de l'embargo, le fait que des "caches d'armes" auraient été découvertes présente également un intérêt limité du point de vue du mandat de la Commission. Il pourrait s'agir d'armes que les forces gouvernementales rwandaises ont emportées avec elles en s'enfuyant de l'autre côté de la frontière. Pour les raisons expliquées plus haut, la Commission n'a pas pu non plus se rendre sur les lieux où l'entraînement se produirait, ni s'entretenir avec des réfugiés.

65. Les experts militaires de la Commission n'ont pas jugé entièrement convaincant le film de la télévision britannique censé montrer des activités d'entraînement. De plus, on remarque clairement que les hommes vus à l'écran comprennent aussi bien des Rwandais que des Burundais résidant dans les camps.

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ce qui pourrait indiquer que le but de l'entraînement n'est peut-être pas lié au Rwanda ou exclusivement à ce pays.

66. Néanmoins, la Commission a tenu compte du fait que le Conseil de sécurité ne s'intéressait pas à la qualité ou aux lieux de l'entraînement reçu, mais qu'il se préoccupait plutôt du but proposé. Il peut suffire, pour les besoins d'une force de guérilla à faible intensité, d'avoir une pratique élémentaire du maniement d'armes légères et de la pose de mines. Les entretiens que la Commission a eus avec les hommes capturés par l'Armée patriotique rwandaise dans l'île d'Iwawa (voir les par. 17 à 20 ci-dessus) indiquent fortement que certains éléments rwandais qui ont cherché refuge au Zaïre reçoivent un entraînement - aussi rudimentaire soit-il -, que le but de cet entraînement est d'effectuer des incursions au Rwanda et que ces incursions ont un effet déstabilisateur sur le Rwanda.

#### B. Conclusions

67. Eu égard à son mandat énoncé dans la résolution 1013 (1995) du Conseil de sécurité, la Commission internationale d'enquête voudrait par conséquent formuler les conclusions suivantes :

a) Après avoir recueilli à Nairobi, Kigali, Kinshasa, Goma et Londres, des informations auprès de ministres et de fonctionnaires nationaux, de diplomates, de fonctionnaires des Nations Unies, de membres d'organismes de secours, d'équipages d'avion, d'agents des douanes, de journalistes et d'autres personnes, et après avoir étudié de près les informations détaillées en provenance d'ONG respectées, de la presse écrite et de la télévision, la Commission internationale d'enquête n'est pas en mesure, à ce stade, de confirmer les allégations suivant lesquelles des armes, des munitions et du matériel connexe auraient été vendus ou fournis aux anciennes forces gouvernementales rwandaises en violation des résolutions pertinentes du Conseil de sécurité;

b) La Commission internationale estime que des Rwandais reçoivent un entraînement militaire afin d'effectuer des incursions déstabilisatrices au Rwanda et que, plus particulièrement, des Rwandais ont reçu à cet effet un entraînement de ce genre dans l'île d'Iwawa au Rwanda;

c) Dans les limites du temps qui lui était imparti, la Commission internationale n'a pas pu établir de manière sûre que des gouvernements, des sociétés ou des personnes avaient aidé les anciennes forces gouvernementales rwandaises à obtenir ou acquérir des armes et du matériel connexe ou les avaient soutenues dans cette entreprise, en violation des résolutions pertinentes du Conseil de sécurité.

68. Conformément aux paragraphes 1 d) et 4 de la résolution 1013 (1995) du Conseil de sécurité, la Commission internationale d'enquête présentera dès que possible un rapport final contenant ses recommandations, ainsi que toutes autres informations importantes provenant des enquêtes qu'elle continuera d'effectuer.

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Appendice

## CONTACTS EFFECTUÉS PAR LA COMMISSION INTERNATIONALE D'ENQUÊTE

La Commission internationale d'enquête tient à exprimer sa profonde gratitude aux personnalités officielles, aux diplomates, aux ONG, aux membres des organismes de secours, aux journalistes et aux autres personnes qui l'ont aidée dans ses travaux.

A. Au Rwanda

## Personnalités officielles :

Le général Paul Kagame, Vice-Président et Ministre de la défense  
M. Anastase Gasana, Ministre des affaires étrangères

## Représentants de pays ou d'organismes donateurs :

Allemagne  
Belgique  
États-Unis d'Amérique  
France  
Pays-Bas  
Royaume-Uni de Grande-Bretagne et d'Irlande du Nord  
Union européenne

## Organismes des Nations Unies et organisations humanitaires internationales :

PNUD, HCR, UNICEF, PAM, Opération des Nations Unies pour les droits de l'homme au Rwanda, OMS, Banque mondiale, UNESCO, CICR

## Organisations non gouvernementales :

MERLIN

B. Au Kenya

## Représentants d'État :

Belgique  
Burundi  
Canada  
États-Unis d'Amérique (attaché militaire)  
France  
Ouganda  
Pays-Bas  
République-Unie de Tanzanie  
Zaire

## Organismes des Nations Unies et organisations humanitaires internationales :

PNUD, PAM, FAO, PNUE, OACI, CICR

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Organisations non gouvernementales :

Médecins sans frontières  
CARE

C. Au Zaïre

À Kinshasa

Personnalités officielles :

Premier Ministre  
Vice-Premier Ministre et Ministre des affaires étrangères  
Vice-Premier Ministre et Ministre de la défense  
Vice-Premier Ministre et Ministre de l'intérieur  
Ministre de la justice  
Ministre des transports  
Président-Directeur général de la Régie des voies aériennes

Représentants d'État :

Allemagne  
Belgique  
États-Unis d'Amérique  
France

Organismes des Nations Unies et organisations humanitaires internationales :

HCR, OMS, UNICEF, FAO, Union européenne (Office humanitaire de la Communauté européenne), CICR, MINUAR (bureau de liaison)

À Goma

M. Athanase Tassi, Gouverneur par intérim de la province du Kivu

Le général Fariala Butcha, Contrôleur général des forces armées zaïroises, et ses collaborateurs

Représentants du HCR

Commandant et officiers du Groupe de liaison pour la sécurité dans les camps

Membres de l'organisation humanitaire GTZ

D. Au Royaume-Uni

Douanes britanniques  
Agents de la Couronne de l'Overseas Development Administration  
Amnesty International

La Commission s'est également entretenue avec certaines personnes qui ont demandé à garder l'anonymat mais qui n'ont toutefois fourni aucun élément d'information concluant sur des violations de l'embargo décrété par le Conseil de sécurité.

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NATIONS  
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ASSEMBLÉE GÉNÉRALE  
Cinquantième session  
Point 20 b) de l'ordre du jour  
RENFORCEMENT DE LA COORDINATION DE L'AIDE  
HUMANITAIRE ET DES SECOURS EN CAS DE  
CATASTROPHE FOURNIS PAR L'ORGANISATION  
DES NATIONS UNIES, Y COMPRIS L'ASSISTANCE  
ÉCONOMIQUE SPÉCIALE : ASSISTANCE ÉCONOMIQUE  
SPÉCIALE À CERTAINS PAYS OU RÉGIONS

CONSEIL DE SÉCURITÉ  
Cinquante et unième année

Rapport intérimaire du Secrétaire général sur la Mission  
des Nations Unies pour l'assistance au Rwanda

## I. INTRODUCTION

1. Le présent rapport est soumis en application de la résolution 1029 (1995) du Conseil de sécurité en date du 12 décembre 1995, par laquelle le Conseil modifiait et prorogeait le mandat de la Mission des Nations Unies pour l'assistance au Rwanda (MINUAR) une dernière fois jusqu'au 8 mars 1996 et me priait de ramener à 1 200 personnes les effectifs de la Mission et à 200 le nombre des observateurs militaires et membres du personnel d'état-major et autre personnel militaire d'appui. Le Conseil me priait en outre de retirer la composante de police civile de la Mission et de commencer à établir des plans en vue du retrait complet de la MINUAR qui devait se faire dans les six semaines suivant l'expiration de son mandat.

2. Il contient une description des mesures prises par la MINUAR en application de la résolution 1029 (1995) et fait le point de la situation depuis mon précédent rapport daté du 1er décembre 1995 (S/1995/1002). Un nouveau rapport sera présenté au Conseil de sécurité avant l'expiration du mandat de la MINUAR le 8 mars 1996.

3. Le présent rapport est également soumis en application de la résolution 50/58 L de l'Assemblée générale en date du 22 décembre 1995, dans laquelle j'étais prié de consulter le Gouvernement rwandais et les organismes compétents des Nations Unies quant à la nature d'un maintien de la présence de l'Organisation des Nations Unies au Rwanda après le 8 mars 1996 et quant au rôle que cette présence pourrait jouer en vue de favoriser la recherche de la paix et de la stabilité grâce à la justice, à la réconciliation et au retour des réfugiés et d'aider le Gouvernement rwandais à accomplir sa tâche pressante de

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relèvement et de reconstruction, et de lui rendre compte d'ici au 1er février 1996 des résultats de ces consultations.

## II. ASPECTS POLITIQUES

4. Depuis mon dernier rapport, la situation est demeurée sensiblement la même à l'intérieur du Rwanda. Les signes de retour à la normale et de stabilité sont de plus en plus nombreux et, parallèlement, les actes de violence déclarée ont nettement diminué. Les relations du Rwanda avec ses voisins, notamment la République-Unie de Tanzanie et le Zaïre, se sont également améliorées. Le Président Bizimungu s'est rendu le 14 décembre en République-Unie de Tanzanie où il s'est entretenu avec le Président récemment élu, M. Benjamin Mkapa. Une réunion tripartite avec le Zaïre et le Haut Commissaire des Nations Unies pour les réfugiés (HCR) sur la question des réfugiés a été suivie d'une visite du Ministre rwandais des affaires étrangères à Kinshasa. Au cours de cette visite, le Zaïre a accepté en principe de restituer les biens que les anciennes forces gouvernementales rwandaises avaient transférés au Zaïre en 1994. Ces faits, à la fois à l'intérieur et à l'extérieur du pays, témoignent d'une évolution positive de la situation.

5. Toutefois, deux événements ont eu des répercussions néfastes sur la situation politique au Rwanda. Tout d'abord, 38 organisations non gouvernementales (ONG) ont été priées de cesser leurs activités dans le pays et 18 autres ont été frappées d'interdiction, leurs avoirs gelés et leur matériel confisqué. Mon Représentant spécial au Rwanda a fait part au Ministre des affaires étrangères de ce pays de l'inquiétude que cette décision suscitait au sein de la communauté internationale, et j'espère que le Gouvernement prendra dûment en considération les appels lancés par les ONG. Le deuxième événement concernait la défection de certains hauts fonctionnaires civils et militaires, dont le Gouverneur de la Banque d'État. Après le départ de l'ancien Premier Ministre, M. Faustin Twagiramungu, et de l'un de ses proches collaborateurs, ces défections compromettent les perspectives de réconciliation nationale.

6. À l'heure actuelle, la MINUAR a pour mission essentielle de fournir une assistance en vue de faciliter le retour librement consenti des réfugiés dans de bonnes conditions de sécurité. Toutefois, malgré les efforts intenses déployés par le HCR, ce processus demeure insignifiant. Le nombre de rapatriés, qui avait atteint les 35 000 par mois en janvier 1995, est tombé à environ 6 000 en novembre, bien qu'il soit remonté à 13 500 en décembre (voir plus loin sect. V). Les réfugiés hésitent à rentrer surtout parce qu'ils craignent toujours de faire l'objet d'actes d'oppression et de manoeuvres d'intimidation et de manipulation politique de la part des chefs des anciennes forces gouvernementales rwandaises dans les camps et aussi parce qu'ils ont le sentiment que les conditions de vie sont relativement meilleures dans les camps que celles qui les attendent s'ils rentreraient chez eux. Malgré les efforts incessants faits pour s'attaquer à ces problèmes épineux, ceux-ci n'ont toujours pas été réglés et le nombre de réfugiés rentrant chez eux ne devrait donc pas augmenter sensiblement.

7. Durant cette période qui correspond à la fin de son mandat, la MINUAR continue d'entretenir avec le Gouvernement d'assez bonnes relations de coopération même s'il existe parfois des frictions. La liquidation du matériel et des avoirs de la MINUAR demeure un sujet de préoccupation. À cet égard, il

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convient de rappeler qu'au paragraphe 7 de sa résolution 1029 (1995), le Conseil de sécurité m'a prié "d'envisager, compte tenu des règlements existants de l'Organisation des Nations Unies, la possibilité de transférer, à mesure que des éléments de la MINUAR se retireront, du matériel non militaire de la MINUAR qui serait utilisé au Rwanda". Le Secrétariat a élaboré des recommandations à l'intention des organes délibérants compétents. J'espère que, dans l'intervalle, le Rwanda ne fera pas obstacle au transfert à d'autres opérations de maintien de la paix de matériel devenu disponible du fait de la réduction actuelle des opérations de la MINUAR.

8. Une autre source de préoccupation tient au fait que le Gouvernement rwandais tient à imposer diverses taxes aux entreprises fournissant des biens et services destinés à l'usage exclusif de la MINUAR. Cette exigence soulève des problèmes juridiques complexes et pourrait gravement entamer les capacités opérationnelles de la MINUAR ainsi que la volonté des entreprises de fournir des biens et services à la Mission. Un problème analogue a surgi lorsque le Gouvernement a décidé de prélever des droits de gestion et de coordination des fréquences et exigé un permis pour l'exploitation du matériel de communications des Nations Unies. Un troisième point de désaccord concerne les tentatives du Gouvernement de renégocier l'accord relatif au statut de la Mission. Le Secrétariat s'est efforcé de répondre aux questions soulevées par le Rwanda en vue d'un règlement à l'amiable. Si, dans plusieurs domaines, les positions des parties demeurent fort éloignées, dans d'autres, le Secrétariat a dûment tenu compte des préoccupations du Rwanda touchant le versement de cotisations de sécurité sociale pour le personnel engagé par des entrepreneurs à l'appui des activités de la MINUAR et de redevances au titre des services publics de distribution pour les communications et la gestion des fréquences et l'utilisation des installations à l'aéroport de Konombe. Soucieux de continuer de répondre aux préoccupations du Rwanda et de régler les problèmes en suspens, j'ai envoyé à Kigali un groupe d'experts qui est chargé d'examiner ces questions avec le Gouvernement.

### III. DROITS DE L'HOMME

9. Les effectifs de l'Opération pour les droits de l'homme au Rwanda sont tombés de 120 membres au 30 novembre 1995 à 93 au 31 janvier 1996. En effet, les contributions volontaires n'étaient pas suffisantes pour recruter de nouveaux spécialistes affectés aux opérations sur le terrain (dont la majorité sont des Volontaires des Nations Unies) qui prendraient la relève de ceux dont le contrat était venu à expiration. La Commission des droits de l'homme attend encore de recevoir des donateurs une assistance financière suffisante non seulement pour répondre aux besoins opérationnels immédiats de l'Opération mais aussi pour rembourser un prêt de 3 millions de dollars octroyé par le Fonds central autorenewable de secours d'urgence pour le lancement des opérations en septembre 1994. Les prêts ainsi consentis doivent normalement être remboursés dans un délai de six mois. L'Opération a réussi à maintenir des antennes dans 10 préfectures, mais avec des effectifs aussi restreints, elle ne peut surveiller convenablement la situation dans toutes les communes et se concentrer particulièrement sur celles où le plus grand nombre de réfugiés sont revenus ou doivent revenir.

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10. Les responsables de l'Opération ont continué de se rendre régulièrement dans les prisons et les centres de détention. Si les transferts dans de nouvelles installations ont permis de décongestionner quelque peu les établissements pénitentiaires surpeuplés, le surpeuplement demeure un grave problème dans les prisons et les centres de détention locaux. Les arrestations se sont poursuivies, le plus souvent sans que soit respectée la procédure prévue par la législation rwandaise et les progrès concernant l'ouverture et la préparation des dossiers d'instruction étaient lents. Les commissions de triage se sont réunies dans un petit nombre de préfectures seulement et très peu de prisonniers ont été libérés de ce fait. Le Ministre de la justice a cherché à revitaliser les commissions qui existaient et à en créer de nouvelles pour couvrir les 147 communes. Outre le surpeuplement, le mauvais traitement de prisonniers dans de nombreux centres de détention locaux, qui était à l'origine de plusieurs décès, suscitaient des inquiétudes dont l'Opération a fait part au Gouvernement.

11. Les autorités ont pris certaines dispositions importantes pour traiter des violations des droits de l'homme qui leur avaient été signalées. À la fin du mois de décembre 1995, un tribunal militaire a jugé et condamné quatre soldats qui avaient tiré sur quatre civils et en avaient tué trois. L'Armée patriotique rwandaise avait coopéré à l'enquête menée par l'Opération sur le massacre de civils commis le 25 novembre par des soldats dans une zone d'installation provisoire dans la forêt de Nyungwe. C'est désormais le Procureur militaire qui a la charge de l'enquête officielle. Le Vice-Président, le général de division Paul Kagame, a insisté publiquement sur la nécessité de créer un état de droit tout en tenant compte des problèmes de sécurité lors des visites effectuées sous sa conduite par le Conseil de sécurité nationale dans deux préfectures en décembre. Toutefois, l'Opération demeurait préoccupée par le fait que des enquêtes officielles n'étaient ouvertes que pour certaines violations éventuelles des droits de l'homme qui lui avaient été signalées, y compris des massacres de civils dont ont été accusés des membres des forces de sécurité.

12. L'Opération a continué d'apporter son assistance au système judiciaire et de promouvoir les droits de l'homme. Elle a également poursuivi ses activités de renforcement des mesures de confiance et de surveillance des droits de l'homme dans le contexte du processus de rapatriement des réfugiés.

13. Le Tribunal criminel international pour le Rwanda a délivré ses premiers actes d'accusation le 12 décembre 1995 afin que l'on puisse commencer à traduire en justice les personnes accusées de génocide et de crimes contre l'humanité. Tous les États Membres de la région ont donné l'assurance qu'ils coopéreraient avec le Tribunal, comme convenu lors du Sommet du Caire. Des procédures devraient être engagées prochainement contre les suspects accusés de génocide au Rwanda.

14. Le Tribunal a tenu sa première session plénière à Arusha le 9 janvier 1996. À cette occasion, la seconde chambre de première instance a examiné une demande de renvoi des enquêtes et poursuites lancées par la Belgique contre trois suspects actuellement détenus dans ce pays, qui avait été présentée par le Procureur. Le 11 janvier, la chambre de première instance a décidé officiellement de prier la Belgique de renvoyer à la juridiction du Tribunal les enquêtes et poursuites dont faisaient l'objet les trois suspects.

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état les infrastructures. Un petit contingent est également déployé à Kibuye pour protéger les membres du Tribunal qui se trouvent dans cette ville. À un mois de la fin de la Mission, les préparatifs de départ ont inévitablement entravé l'accomplissement des tâches.

19. Le 5 janvier 1996, le Représentant permanent du Canada m'a informé que son gouvernement avait décidé de ne plus participer à la MINUAR. Dans une lettre datée du 16 janvier (S/1996/35), il a expliqué que son gouvernement estimait que le mandat de la Mission, tel qu'il avait été modifié en décembre 1995, n'était pas viable en raison de la réduction du volume des forces à compter du 2 février. Je n'ai pas réussi à persuader les autorités canadiennes de reconsidérer leur décision. Je comprends tout à fait la position de principe qui a amené le Gouvernement canadien à agir de la sorte, mais le retrait de l'unité de soutien logistique, qui est d'une importance capitale, contribuera à réduire encore l'efficacité opérationnelle de la MINUAR durant la phase délicate de l'achèvement de sa mission. Étant donné l'impossibilité d'adopter d'autres dispositions à aussi brève échéance, le commandant par intérim de la force a pris des mesures pour réduire au niveau de la garnison les effectifs de la MINUAR qui restent à Kigali.

20. Dans les régions frontalières entre le Rwanda et le Zaïre, des éléments des anciennes forces gouvernementales rwandaises ont continué de mener des actions d'infiltration et de sabotage, dont l'intensité a néanmoins faibli. Des pylônes électriques, des ponts et des usines ont été pris pour cible. Des "cachots" (centres de détention improvisés) ont été attaqués et des prisonniers se sont échappés. Dans le domaine des mines, on a signalé durant la période considérée huit incidents au cours desquels des civils et des soldats de l'Armée patriotique rwandaise ont été blessés en enlevant des mines antipersonnel ou après avoir marché sur des engins de ce genre.

21. Un autre aspect des activités des anciennes forces gouvernementales rwandaises a trait aux allégations concernant la vente et la fourniture d'armes et de matériel connexe à ces forces, ainsi qu'aux informations selon lesquelles celles-ci recevraient un entraînement militaire en vue de déstabiliser le Rwanda. On se rappellera qu'afin de mener des enquêtes à ce sujet, le Conseil de sécurité, dans sa résolution 1013 (1995) du 7 septembre 1995, m'a prié d'établir une commission internationale d'enquête. Celle-ci se trouve dans la zone de la mission depuis le début de novembre 1995 et a présenté un rapport intérimaire (voir S/1996/67).

22. Étant donné les problèmes de sécurité créés par les anciennes forces gouvernementales rwandaises, l'Armée patriotique rwandaise a augmenté le nombre de ses patrouilles. Les mesures préventives qu'elle a prises à l'encontre de la population locale ont été sensiblement plus dures dans la région frontalière que dans les autres parties du pays, et la tension y est montée en conséquence. Le 4 janvier 1996, l'Armée patriotique rwandaise a tiré des roquettes contre certains secteurs de l'île d'Ijwi, sur le lac Kivu, du fait qu'elle soupçonnait des saboteurs d'utiliser cette île. En dépit de ces incidents, la sécurité ne cesse de s'améliorer d'une manière générale.

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## V. ÉVOLUTION DE LA SITUATION HUMANITAIRE

23. Les opérations humanitaires au Rwanda continuent d'être coordonnées sous la direction générale du Département des affaires humanitaires. Le Coordonnateur résident des Nations Unies assure aussi maintenant les fonctions de Coordonnateur humanitaire des Nations Unies. Bien que le Bureau des Nations Unies pour les secours d'urgence au Rwanda ait été officiellement fermé à la fin d'octobre 1995, une structure d'appui a été mise en place afin de faciliter la tâche du Coordonnateur humanitaire. Il s'agira notamment d'assurer la continuité de l'aide humanitaire fournie au Rwanda après le départ de la MINUAR.

24. En décembre 1995, le nombre de rapatriés a légèrement augmenté. Suivant le HCR, plus de 13 500 réfugiés sont retournés au Rwanda, contre 6 700 environ en novembre. Cette augmentation est due à un afflux de réfugiés en provenance du Burundi, 5 499 personnes ayant traversé la frontière entre le 19 et le 23 décembre grâce à des convois organisés par le HCR. Malheureusement, l'arrivée de réfugiés en provenance de la République-Unie de Tanzanie a pratiquement cessé.

25. Durant la période considérée, le HCR a lancé un appel afin d'obtenir la somme de 288 millions de dollars qui sera nécessaire en 1996 pour couvrir le coût de ses opérations en faveur des réfugiés et des rapatriés rwandais et burundais dans la région des Grands Lacs. Une importance particulière est accordée au rapatriement librement consenti au Rwanda en 1996 et il est prévu que les programmes du HCR, qui visaient surtout jusqu'ici à subvenir aux besoins des réfugiés dans les pays d'asile, mettront davantage l'accent sur le retour et la réintégration dans le pays d'origine. Le Programme des Nations Unies pour le développement (PNUD), le Programme alimentaire mondial (PAM) et le Fonds des Nations Unies pour l'enfance (UNICEF), ainsi que d'autres organismes des Nations Unies et des ONG, collaborent à ces efforts.

26. Lors de la réunion de la Commission tripartite Rwanda/Zaire/HCR tenue à Genève le 20 décembre 1995, les trois parties ont exprimé leur vive préoccupation devant la diminution récente du nombre de réfugiés et rapatriés au Rwanda. Le Haut Commissaire pour les réfugiés a informé la réunion que la lenteur des opérations de rapatriement était due en partie aux facteurs politiques, à la détérioration de la sécurité dans la région et au fait que les parties n'avaient pas pu concrétiser les engagements qu'elles avaient pris auparavant. Dans un communiqué conjoint, le Rwanda a réaffirmé qu'il entendait créer les conditions nécessaires pour assurer le retour des réfugiés en toute sécurité et pour renforcer ses capacités d'accueil. Le Zaire s'est déclaré à nouveau résolu à débarrasser les camps des individus qui avaient recours à des actes d'intimidation pour empêcher les réfugiés de rentrer chez eux. Cette réunion entre le HCR, le Rwanda et le Zaire était la deuxième consacrée à cette question. La Commission tripartite composée du Rwanda, de la République-Unie de Tanzanie et du HCR s'est réunie pour la troisième fois à Kigali les 7 et 8 décembre 1995. Durant les mois de décembre 1995 et de janvier 1996, des réfugiés ont continué de se rendre au Rwanda pour voir comment les choses se passaient. Depuis que ce programme a débuté au milieu de 1995, 474 réfugiés ont participé à plus de 30 visites de ce genre à partir de trois pays d'asile, à

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savoir 342 réfugiés en provenance du Burundi, 122 de la République-Unie de Tanzanie et 10 du Zaïre.

27. Les accrochages signalés entre des groupes armés et des soldats au Burundi ont provoqué une recrudescence des retours au Rwanda. Environ 7 000 réfugiés sont ainsi revenus en décembre 1995. Le 21 décembre, les autorités tanzaniennes ont refoulé quelque 2 000 autres réfugiés qui essayaient de passer du Burundi en République-Unie de Tanzanie.

28. Les combats qui se sont déroulés dans la nuit du 17 au 18 janvier 1996 à Mugano, dans la province de Mityanga au nord du Burundi, ont déclenché un exode de quelque 15 000 réfugiés rwandais vers la frontière tanzanienne qui avait été officiellement fermée. Selon le HCR, les fonctionnaires tanzaniens ont autorisé les réfugiés à entrer pour des motifs humanitaires. Le 20 janvier, plus de 14 000 réfugiés rwandais, craignant que les combats à motivation ethnique ne fassent tache d'huile, ont abandonné le camp de Ntamba et se sont dirigés vers la frontière tanzanienne. Au 25 janvier, on estimait que 3 000 réfugiés de Ntamba étaient passés en République-Unie de Tanzanie, que plus de 11 000 étaient retournés à Ntamba et que 140 avaient choisi de regagner le Rwanda de leur plein gré.

29. Le 15 décembre 1995, le PNUD et le Ministère rwandais de la planification ont signé un projet visant à réinstaller d'urgence les réfugiés en zone urbaine. Ce projet d'une durée d'un an sera exécuté par le Centre des Nations Unies pour les établissements humains (Habitat), en coopération avec le Ministère rwandais du relèvement et de la réintégration sociale. Le coût de 1,5 million de dollars est financé par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord. Le but du projet est d'aménager et de viabiliser des sites afin de faciliter la réinstallation des rapatriés en zone urbaine et semi-urbaine.

30. Le 9 décembre 1995, le PNUD a également signé un projet d'assistance préparatoire pour aider le Ministère rwandais du relèvement et de l'intégration sociale à exécuter le plan d'action accéléré du Gouvernement concernant la réinstallation et la réinsertion des réfugiés et personnes déplacées. Ce projet d'une durée d'un an sera exécuté par le Bureau des services d'appui aux projets de l'ONU et réalisé par le Ministère susmentionné. Le budget s'élève à 1 159 000 dollars, dont un montant de 186 336 dollars provient d'un cofinancement des Pays-Bas. Cette assistance préparatoire permettra de renforcer les moyens dont dispose le Gouvernement et les administrations locales pour planifier, exécuter, contrôler et évaluer les activités de réinstallation aux niveaux national et local.

31. En raison du départ d'un certain nombre d'ONG, dont quatre étaient associées à l'exécution de ses projets, l'UNICEF a pris des mesures d'urgence pour éviter l'interruption des services assurés dans plusieurs centres destinés aux enfants non accompagnés, qui fonctionnaient grâce aux ONG. Des organismes de remplacement ont été trouvés pour deux de ces centres. Les trois autres ne bénéficient plus d'une assistance financière et technique des ONG, mais le personnel national s'y trouve toujours. Les activités du HCR, du PAM et des autres organismes des Nations Unies ont été également touchées par la décision du Gouvernement rwandais d'expulser un certain nombre d'ONG.

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32. L'UNICEF collabore avec un certain nombre d'ONG pour les activités prévues en 1996 en faveur des femmes et des enfants vulnérables. Afin d'appuyer la réalisation d'une étude sur les enfants des rues et de fournir des compétences techniques au centre de Miyova destiné aux femmes détenues et à leurs enfants, l'UNICEF signera deux accords avec Save the Children's Fund-États-Unis d'Amérique. Il aidera également l'ONG "Food For The Hungry" à fournir une assistance aux ménages vulnérables du pays ainsi que pour la réintégration et la réinstallation des familles de placement rapatriées.

#### VI. RELÈVEMENT, RECONSTRUCTION ET DÉVELOPPEMENT

33. À ce jour, le montant des contributions annoncées par les donateurs est de 1 milliard 264 millions de dollars, alors que 587 millions de dollars avaient été annoncés initialement à la table ronde de Genève, en janvier 1995. Cette augmentation tient essentiellement aux éléments suivants : a) poursuite de l'exécution de projets, précédemment dans la filière, que le Gouvernement rwandais n'avait pas considérés comme figurant sur sa nouvelle liste de priorités; et b) nouvelles annonces de contributions faites par des donateurs lors de la réunion consacrée à un bilan d'étape en juillet 1995. Des annonces supplémentaires ont été faites par l'Union européenne et le Japon lors de la consultation sur les réfugiés tenue en novembre 1995. Les engagements pris à ce jour par les donateurs sont estimés à 878,5 millions de dollars. Les engagements les plus importants sont ceux de la Banque mondiale (224 millions), de l'Union européenne (125 millions), des États-Unis (122 millions) et de l'Allemagne (103 millions).

34. Les montants versés à ce jour par les donateurs sont estimés à 403,9 millions de dollars, soit 69 % du montant total annoncé à Genève, ce qui dénote un progrès remarquable par rapport à la situation en mai (9 %), en juillet (15 %) et en septembre (43 %). À la demande du Gouvernement, quelques donateurs ont accéléré leurs procédures de versement de contributions bilatérales ou ont versé leurs contributions par l'intermédiaire du Fonds d'affectation spéciale du Secrétaire général ou du Fonds d'affectation spéciale du PNUD. Le Fonds du Secrétaire général avait été créé immédiatement après la crise rwandaise en vue de permettre des paiements rapides. Quant au Fonds du PNUD, il a été constitué au début de 1995 pour acheminer les ressources de donateurs destinées à des projets de relèvement. À ce jour, les contributions annoncées au titre de ce fonds et des arrangements de participation aux coûts gérés par le PNUD s'élèvent au total à 43,5 millions de dollars.

35. La remise en état du système judiciaire reste une tâche prioritaire des organismes des Nations Unies au Rwanda. Les progrès sont lents, en raison de l'absence de moyens du Gouvernement et de l'énorme complexité de la tâche qui consiste à juger tous ceux qui sont soupçonnés de génocide, mais des mesures ont été prises en décembre pour remédier à la situation. Le Ministère chargé du relèvement et du fonctionnement du système judiciaire a déterminé quatre secteurs prioritaires, et l'application de programmes destinés à remettre le système en état a commencé.

36. Conformément à une recommandation faite lors d'une conférence sur le génocide tenue à Kigali, le Ministère de la justice a annoncé qu'il souhaitait créer 11 "tribunaux spéciaux" chargés des cas de génocide. Ces tribunaux

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pourraient bénéficier de l'appui de six experts internationaux recrutés dans le cadre de la phase II du projet du PNUD consacré à l'appui à la remise en état du système judiciaire. Quatre autres juristes pourraient être recrutés pour aider le Procureur de la Cour suprême. On envisage l'application de mesures d'incitation qui permettraient d'accroître la productivité des fonctionnaires du système judiciaire et de recruter des candidats qualifiés et expérimentés pour pourvoir des postes clefs.

37. Les travaux des "commissions de triage" devraient reprendre à la mi-janvier et le Ministère de la justice prépare actuellement les décisions administratives nécessaires, qui seront soumises au Gouvernement pour approbation. L'évaluation des éléments matériels nécessaires au bon fonctionnement de la Cour suprême est maintenant terminée.

#### VII. ASPECTS FINANCIERS

38. Dans sa résolution 50/211 du 23 décembre 1995, l'Assemblée générale a ouvert un crédit d'un montant total brut de 32 324 500 dollars au titre du fonctionnement de la Mission pour la période allant du 1er janvier au 8 mars 1996.

39. Comme le Conseil de sécurité m'a prié de commencer à établir des plans en vue du retrait complet de la MINUAR, celui-ci devant se faire dans les six semaines suivant l'expiration du mandat actuel, je demanderai à l'Assemblée générale, lors de la reprise de sa cinquantième session, les ressources supplémentaires nécessaires à ce retrait.

40. Au 15 janvier 1996, le montant total des contributions non acquittées au compte spécial de la MINUAR depuis la création de la Mission jusqu'au 8 décembre 1995 s'élevait à 58,5 millions de dollars. Ce montant ne tient pas compte des crédits récemment ouverts par l'Assemblée générale pour la période allant du 1er janvier au 8 mars 1996. Le montant total des quotes-parts non versées pour l'ensemble des opérations de maintien de la paix se montait à 1 702 800 000 dollars au 15 janvier 1996.

#### VIII. OBSERVATIONS

41. Plus de six semaines se sont maintenant écoulées depuis que le Conseil de sécurité a adopté la résolution 1029 (1995) ajustant le mandat de la MINUAR de façon que celle-ci soit essentiellement chargée d'offrir ses bons offices et de fournir un appui logistique pour faciliter le rapatriement des réfugiés rwandais. Or, je constate avec préoccupation qu'à ce jour, malgré les efforts conjoints de la MINUAR et d'autres organismes et programmes des Nations Unies au Rwanda, en particulier le HCR, le processus de rapatriement continue d'être très lent. De plus, rien ne permet encore de penser qu'il s'accélérera avant la fin de ce dernier mandat de la MINUAR.

42. Comme je l'ai dit dans mes rapports précédents, je demeure convaincu qu'une paix durable ne pourra être instaurée au Rwanda tant qu'il continuera d'y avoir de très nombreux Rwandais dans des camps dans les pays voisins. Je me félicite par conséquent des initiatives prises au niveau régional pour aider à régler le problème.

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43. L'instauration d'une paix véritable et d'une réconciliation effective au Rwanda dépendra aussi de ce que le Gouvernement et la communauté internationale auront pu faire pour mettre fin à l'impression actuelle d'impunité, en traduisant en justice ceux qui sont accusés d'avoir pris part au génocide et aux massacres. Je constate avec satisfaction que le Tribunal international pour le Rwanda a émis les premiers actes d'accusation le 12 décembre 1995, qu'il a pu tenir sa première session plénière à Arusha le 8 janvier 1996 et que ses travaux commenceront au mois de mars. Il y a lieu aussi de se féliciter des mesures prises actuellement par la Cour suprême du Rwanda pour remettre en état le système judiciaire.

44. Des progrès sont réalisés également dans les domaines du relèvement, de la reconstruction et du développement. Les contributions annoncées par des pays donateurs en vue du développement du pays ont augmenté sensiblement depuis la table ronde de donateurs tenue en janvier 1995. Les montants versés ont eux aussi augmenté, ce qui a permis de lancer un certain nombre de projets de relèvement et de reconstruction. Dans ce contexte, j'espère que les efforts entrepris pour améliorer les conditions de détention dans les prisons au Rwanda se poursuivront.

45. Le mandat de la MINUAR expirera le 8 mars 1996 et le retrait se fera ensuite en six semaines, comme prévu dans la résolution 1029 (1995) du Conseil de sécurité. Dans mon dernier rapport au Conseil (S/1995/1002), j'ai dit que l'ONU avait encore un rôle utile à jouer au Rwanda. Je continue de le penser, d'autant que le Gouvernement a indiqué que le pays continuait d'avoir besoin de l'attention et de l'assistance de la communauté internationale, étant donné son profond dénuement.

46. Le processus de rétablissement de conditions normales au Rwanda, après le traumatisme et la destruction provoqués par le génocide en 1994, a progressé de façon tangible, mais il est évident qu'il reste beaucoup à faire. Il est certain que la communauté internationale devra continuer à soutenir les efforts faits par le Gouvernement rwandais pour instaurer une paix véritable et une réconciliation effective - conditions nécessaires à un relèvement et à une reconstruction qui soient durables.

47. Mon Représentant spécial étudie actuellement avec le Gouvernement, ainsi qu'avec les organismes compétents des Nations Unies, sous quelle forme l'ONU pourrait continuer d'être présente au Rwanda après l'expiration du dernier mandat de la MINUAR, le 8 mars 1996, ainsi que les fonctions qu'elle pourrait assumer. Compte tenu de ces discussions, je présenterai des recommandations à cet égard dans le prochain rapport que je soumettrai au Conseil de sécurité.

ANNEXE

Composition de l'élément militaire de la MINUAR au 22 janvier 1996

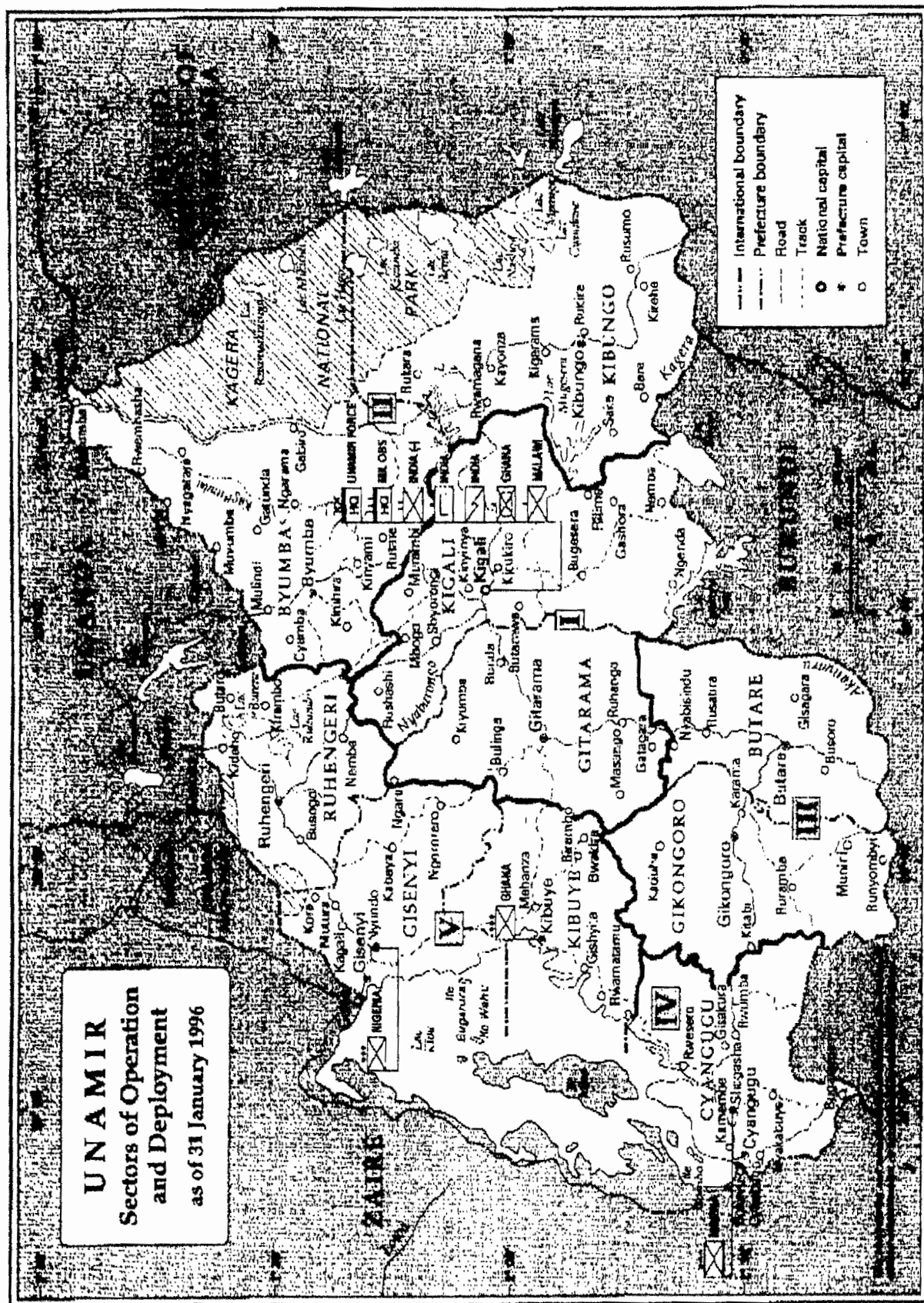
Pays	Personnel militaire			Total
	Troupes	État-major/ police militaire	Observateurs	
Autriche			1	1
Bangladesh			1	1
Canada <sup>a</sup>	97	4	9	110
Congo			7	7
Fédération de Russie			15	15
Ghana <sup>b</sup>	296	17	25	338
Guinée			15	15
Guinée-Bissau			1	1
Inde <sup>c</sup>	841	12	22	875
Malawi	85		8	93
Nigéria	133	14	12	159
Sénégal		1	2	3
Uruguay			17	17
Zambie		15	8	23
Zimbabwe			13	13
Total	1 452	63	156	1 671

<sup>a</sup> Tous les Canadiens (110) quitteront la Mission le 2 février 1996.

<sup>b</sup> Cent cinquante-trois militaires auront quitté la Mission au 31 janvier 1996.

<sup>c</sup> Cinq officiers d'état-major quitteront la Mission le 31 janvier 1996.

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## Security Council

Distr.  
GENERAL

S/1996/67  
29 January 1996

ORIGINAL: ENGLISH

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LETTER DATED 26 JANUARY 1996 FROM THE SECRETARY-GENERAL  
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith the interim report of the International Commission of Inquiry, submitted to me by the Chairman of the Commission, in pursuance of Security Council resolution 1013 (1995) of 7 September 1995.

You will note that in the conclusions of the report (para. 68), the Commission indicates that it will submit its final report as soon as possible, in accordance with paragraph 4 of Security Council resolution 1013 (1995). In the light of the information and observations contained in the attached report, and unless substantial progress can be made in the coming weeks towards resolving some of the difficulties encountered by the Commission, it would be my intention to request it to submit its final report by the end of February 1996.

I should be grateful if you would bring this letter and the attached report to the attention of the members of the Security Council.

(Signed) Boutros-BOUTROS-GHALI

96-01127 (R) 300196 310196



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## Annex

[Original: English/French]

17 January 1996

Interim report of the International Commission of Inquiry to investigate reports of the sale or supply of arms to former Rwandan government forces in violation of the Security Council arms embargo and allegations that those forces are receiving training to destabilize Rwanda

## I. INTRODUCTION

1. By paragraph 1 of its resolution 1013 (1995) of 7 September 1995, the Security Council requested the Secretary-General

"To establish, as a matter of urgency, an International Commission of Inquiry, with the following mandate:

"(a) To collect information and investigate reports relating to the sale or supply of arms and related matériel to former Rwandan government forces in the Great Lakes region in violation of Council resolutions 918 (1994), 997 (1995) and 1011 (1995);

"(b) To investigate allegations that such forces are receiving military training in order to destabilize Rwanda;

"(c) To identify parties aiding and abetting the illegal acquisition of arms by former Rwandan government forces, contrary to the Council resolutions referred to above;

"(d) To recommend measures to end the illegal flow of arms in the subregion in violation of the Council resolutions referred to above".

2. By paragraph 3 of the same resolution, the Council also called on States, relevant United Nations bodies, including the Committee established pursuant to resolution 918 (1994), international humanitarian organizations and non-governmental organizations (NGOs) to collate information in their possession relating to the mandate of the Commission and requested them to make that information available as soon as possible.

3. The Council, in paragraph 5 of the resolution, further called upon the Governments of the States in which the Commission was to carry out its mandate to cooperate fully with the Commission, including responding positively to requests from the Commission for security, assistance and access in pursuing investigations, including:

(a) Adoption by them of any measures needed for the Commission and its personnel to carry out their functions throughout their respective territories with full freedom, independence and security;

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(b) Provision by them of all information in their possession that the Commission requested, or was otherwise needed to fulfil its mandate and free access for the Commission and its staff to any relevant archives;

(c) Freedom of access at any time, for the Commission and its staff, to any establishment or place as they deemed necessary for their work, including border points, airfields and refugee camps;

(d) Appropriate measures to guarantee the safety and security of the members of the Commission and guarantees from the Governments of full respect for the integrity, security and freedom of witnesses, experts and any other persons working with the Commission in the fulfilment of its mandate;

(e) Freedom of movement for members of the Commission, including freedom to interview any person in private, at any time, as appropriate;

(f) The grant of relevant privileges and immunities in accordance with the General Convention on the Privileges and Immunities of the United Nations.

4. In a letter dated 16 October 1995 (S/1995/879), the Secretary-General notified the President of the Security Council that he had appointed the following persons as members of the International Commission:

Ambassador Mahmoud Kassem (Egypt) (Chairman)

Inspector Jean-Michel Hanssens (Canada)

Colonel Jürgen G. H. Almeling (Germany)

Lieutenant-Colonel Jan Meijvogel (Netherlands)

Brigadier Mujahid Alam (Pakistan)

Colonel Laneck Mutanda (Zimbabwe).

5. By a letter dated 20 October 1995 (S/1995/880), the President of the Security Council informed the Secretary-General that the members of the Council welcomed his decision and took note of the information contained in his letter.

## II. METHODS OF WORK OF THE INTERNATIONAL COMMISSION

6. As an organ established pursuant to a resolution of the Security Council, the International Commission was entitled to seek the assistance and cooperation of States as called for in that resolution, and it has approached a number of Governments to seek such information and cooperation. At the same time, being primarily a fact-finding body and being composed for the most part of serving military and police officers, the Commission decided to base its conclusions to the extent possible primarily on first-hand evidence concerning the subject of its mandate, such as eyewitness testimony, original documents and its own inspections and observations.

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7. The International Commission has neither the legal powers nor the physical and human resources of a police force or an established investigative agency. Accordingly, it does not have at its disposal a wide range of legal instruments, such as search warrants or the technical capabilities that are normally associated with major and complex investigations of the kind undertaken by the International Commission. Instead, the Commission was obliged to rely on the assistance of Member States willing to place at its disposal and the goodwill of individuals whose cooperation it sought.

8. Notwithstanding its investigative limitations, the International Commission has recognized the need to apply in its work the same professional standards, procedures and methods as would be applied in any credible investigation. It should be emphasized that in any investigation the response time taken to begin the inquiry is critical. Over time, witnesses to events become difficult to locate, memories fail or testimony may change and critical physical evidence can disappear or be altered. The International Commission has been seriously hampered by its late deployment, in that it was not created until some 16 months after the adoption of the embargo. This delay, compounded by the absence of any effective monitoring or verification mechanism for the implementation of the embargo, has greatly impaired the Commission's ability to conduct its investigations under optimum conditions. Nevertheless, following the initial period its members spent familiarizing themselves with the details of the subject-matter and establishing themselves in the region, a number of lines of inquiry have been opened, which have not yet been exhausted.

9. The International Commission was established following the publication of several more or less detailed reports in a number of countries, including press reports and television broadcasts, alleging that arms had been sold or supplied to the former Rwandan government forces now in Zaire in violation of the United Nations embargo, and that men who had sought refuge in Zaire were engaged in military training. In the absence of any information derived from any United Nations organ charged with enforcing, implementing, monitoring or verifying the operation of the embargo, the Commission was obliged in the first instance to use those reports and broadcasts as provisional sources of information until it was able to investigate the allegations at first hand.

10. The International Commission therefore wrote in November and early December 1995 to the Governments of China, France, Seychelles and South Africa, countries named in the reports on the illegal shipments of arms, to ask for their response to the allegations and to inquire if they had undertaken, were undertaking or contemplated undertaking any investigation into those allegations, and informing them that the Commission would submit its report to the Secretary-General towards the end of January 1996. During its first visit to Zaire (see paras. 23-33 below), the Commission put similar questions to the Government of that country. As of the time of completing the present Report, only the Governments of France and Zaire had replied to the Commission's letters. The Government of Belgium has also replied to technical questions posed by the Commission (see para. 42 below).

11. The Commission also wrote to the Government of Bulgaria concerning a Bulgarian company, Kintex, which had been featured in a British television programme as apparently willing to sell arms in violation of the United Nations

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embargo, asking what action, if any, the Government had taken or intended to take to investigate the allegations. No reply has yet been received.

12. In pursuance of its mandate, the International Commission wished to visit all the countries of the Great Lakes region in order to collect information and investigate reports, if any, concerning the possible rearming and training of those forces, wherever they might be in that region. The Commission has for some time been trying to arrange high-level meetings between the Commission and the leaders of Burundi, Uganda and the United Republic of Tanzania. However, the Governments concerned have not yet indicated their readiness to receive the International Commission.

13. The International Commission, having established an administrative base at the United Nations Office at Nairobi, visited Rwanda and Zaire and met in each country with senior government officials and the heads of United Nations agencies and representatives of NGOs operating among the refugees (see appendix).

### III. ACTIVITIES OF THE INTERNATIONAL COMMISSION

14. The International Commission arrived in Nairobi on 4 November 1995 following an intensive series of briefings and orientations at United Nations Headquarters. Having established itself in offices provided by the United Nations Environment Programme, the Commission proceeded as soon as possible to Kigali, Rwanda.

#### A. Activities in Rwanda

15. On arrival in Rwanda on 8 November 1995, the Chairman gave a press conference at the airport, explaining the nature and the mandate of the International Commission of Inquiry and introducing its members. The Commission was then briefed at the headquarters of the United Nations Assistance Mission for Rwanda (UNAMIR) by the Special Representative of the Secretary-General, Ambassador Shahryar Khan, and the Force Commander, Major-General Guy Tousignant.

16. That afternoon, the International Commission met with the Minister of Foreign Affairs of Rwanda, H.E. Mr. Anastase Gasana. The Commissioner met the following morning with the Vice-President and Minister of Defence, Major-General Paul Kagame.

17. During the meeting with the Vice-President, in addition to requesting general assistance in the discharge of the Commission's mandate, the Chairman requested the particular cooperation of the Rwandese Government in facilitating a visit by the Commission to Iwawa island in Lake Kivu. The island, which is Rwandese territory, had been the scene of a battle a few days before between the Rwandese Patriotic Army (RPA) and Rwandan insurgents apparently controlled by the former Rwandan government forces. A quantity of weapons and military material, as well as a number of prisoners, had been captured there.

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18. The Commission's visit to Iwawa island took place the next day, 10 November 1995. The danger from land-mines, which had been heavily and indiscriminately laid on the island, and the time constraints imposed by limitations on the means of transportation available, prevented the Commission from undertaking a comprehensive study of the site and interviewing in depth the prisoners presented to it.

19. Nevertheless, the Commission was able to inspect weapons, explosives and other military equipment both on the shore and at another site further inland. Most of the weapons inspected were found to be old and unserviceable, while the new matériel, still wrapped in plastic bags, mostly comprised unassembled machine-guns. The Commission was later informed by the RPA senior officer present that some weapons in working order had been removed from the island and distributed among the RPA, but that none of these had been new.

20. The Chairman and some members of the Commission then interviewed some young men and a senior non-commissioned officer of the former Rwandan government forces who, they were informed by the RPA officer present, had been captured on the island. The Commission members were obliged to use the RPA officer as an interpreter in their interviews, but had no reason to doubt that the interpretation was accurate. The young men were informed of the nature of the International Commission and agreed to answer questions posed by it. The answers they gave indicated that the men were Rwandans, and had been living in Mugunga Camp near Goma, Zaire. They had been undergoing elementary weapons training on the island under the supervision of a military commander of the former Rwandan government forces and a civilian. No foreigners were said to be involved.

21. During its stay in Rwanda, the International Commission also met with representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR) and other United Nations agencies, the International Committee of the Red Cross (ICRC) and a number of NGOs, as well as representatives of major donor countries (see annex). The Commission also established direct working-level links with Rwandan government officials.

22. During November and December 1995, Commission members travelled back to Kigali from time to time to meet with officials there in an effort to gather and analyse as much information as possible that might corroborate the allegations under investigation. However, on the basis of the information made available to it through this channel to date, the Commission has not been able to reach a firm conclusion as to the truth of the allegations.

## B. Activities in Zaire

### 1. Activities in Kinshasa

23. The International Commission had intended to travel to Zaire on 22 November 1995 for a visit to Kinshasa, Gbadolite and the Goma area, including Bukavu and Uvira, and had prepared an itinerary accordingly with the assistance of the UNAMIR Liaison Officer in Kinshasa.

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24. However, on 21 November, the afternoon before the Commission's scheduled departure, the Chairman was informed that the Office of the Prime Minister of Zaire had raised questions concerning the terms of reference of the Commission and its proposed activities while on Zairian soil. The Commission was given to understand that the proposed length of its stay in Zaire - some 20 days, initially - was "too much" and should be reduced, and its proposal to be accommodated at Gisenyi in Rwanda while conducting investigations just across the border in Goma would be rejected. It was also explained that senior figures in the Zairian Government were engaged in preparations for the Cairo Conference on the Great Lakes region to be held on 28 and 29 November 1995. It was therefore recommended that the visit of the International Commission to Zaire be postponed until arrangements could be agreed upon with the Zairian Government.

25. Accordingly, the following day the Chairman visited the Ambassador of Zaire to Kenya, explained to him the terms of reference of the International Commission and recalled the role played by the Zairian Government in the Commission's creation. He drew to the Ambassador's attention resolution 1013 (1995), which sets out the Commission's mandate and calls on the States on whose territory that mandate was to be carried out to cooperate fully with it. The Ambassador undertook to convey the Chairman's position to Kinshasa and to inform him of his Government's reaction.

26. In the event, after more than two weeks' delay, during which high-level diplomatic efforts were being made to expedite the visit, the Zairian authorities finally, and with some apparent reluctance, agreed to permit the International Commission to pay a preliminary visit to Kinshasa from 8 to 16 December 1995. During that visit, the Commission was received by the Prime Minister and the Ministers of Foreign Affairs, Justice, Defence, the Interior and Transport. The International Commission also met with the Ambassadors to Zaire of Belgium, France, Germany and the United States of America, as well as heads of United Nations agencies in Kinshasa and representatives of the European Union and ICRC. During his meeting with the Prime Minister, the Chairman of the International Commission presented to him a personal letter from the Secretary-General.

27. The Zairian government Ministers, recalling the role played by their country in proposing the creation of the International Commission of Inquiry, promised their full cooperation and assistance. In response to a request by the International Commission that the Zairian Government nominate an official to liaise with the Commission, the Minister for Foreign Affairs, Mr. Gérard Kamanda wa Kamanda, proposed a 10-day "acclimatization" visit for the Commission to North and South Kivu, and offered the International Commission the assistance of a team of Zairian officers led by the Auditor General of the Zairian Armed Forces (FAZ), General Fariala Rutcha.

28. The Chairman submitted to the Minister for Foreign Affairs a list of written questions concerning the reaction of the Government of Zaire to the allegations made public thus far to the effect that it had been involved in the arming of the former Rwandan government forces in violation of the Security Council resolutions and that those forces were receiving military training on Zairian soil. The Minister for Foreign Affairs, stating that the burden of

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proof lay on the accuser, delivered a written response making the following points:

"The Commission's list of questions is, in essence, based on the allegations by Human Rights Watch rather than on facts whose solidity has been established in advance.

"After registering the accusations by Human Rights Watch and taking note of the BBC television documentaries broadcast early in the year, the Government took the initiative in March by dispatching an investigation team to Kivu, under the Vice-Prime Minister and Minister of National Defence, to determine the accuracy of the complaints against Zaire in connection with the alleged destabilization of Rwanda.

"This investigation team declared the accusations to be unfounded.

"However, in the light of persistent accusations in the international media and by the Rwandan authorities, the Government felt obliged to call for the establishment of an international commission of inquiry.

"At this stage of the investigation, the Government is entitled to expect that the Commission put forward some specific facts to which it could provide appropriate responses. Instead, it is being asked to answer allegations by an association whose accusations conceal ulterior motives. In addition, it is clear to even the least well-informed observer that the BBC television documentary was most crudely staged."

29. The Minister then replied to each of the Commission's questions. The Government had no knowledge of some of the incidents said to have occurred, and considered in respect of others that the evidence was insufficient to warrant any action. It had therefore not undertaken any investigation into the possible involvement of any Zairian national or company in the sale or supply of arms to the former Rwandan government forces in violation of the Security Council resolutions.

30. Stressing that they had neither the intention nor the resources to destabilize Rwanda, the Zairian authorities denied having armed or provided training to the former Rwandan government forces in violation of the Security Council embargo.

31. The Minister for Foreign Affairs also pointed out that, during the period when many of the alleged arms deliveries in violation of the embargo were said to have taken place, namely in mid-1994, the situation around Goma was marked by great turmoil and confusion. Some 2 million refugees poured across the border, overwhelming the efforts of relief agencies to accommodate and feed them, an outbreak of cholera cost 50,000 lives, and the war was still raging in neighbouring Rwanda. In response to pleas from the international community, the authorities waived visa and customs requirements to expedite the delivery of relief supplies and personnel. The airport at Goma was receiving flights day and night carrying equipment and supplies of all kinds, including tons of drinking water. During that period, said the Government, incoming flights to the airport were coordinated by UNHCR.

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32. The Minister pointed out that the international community was present in Goma in full force during the period in question and would certainly have observed any attempts to transport weapons through the airport. The International Commission is also aware that during the period of Operation Turquoise (June-August 1994), the French military maintained a sizeable presence at Goma airport and exercised substantial control over its operations.

33. The Minister of Defence, in his meeting with the Commission, stated that the Zairian army had disarmed the retreating Rwandan government forces as they crossed the border. He said the confiscated weapons had been placed in storage in depots. He added that some small arms might have been smuggled in amid the large influx of refugees and soldiers, and not confiscated.

## 2. Activities in Goma

34. Two members of the Commission arrived in Goma on 5 January 1996 and on the following two days, with the permission of the Governor ad interim of Kivu Province, Mr. Athanase Tassi, visited Mugunga and Kibumba camps. The Commission members also met with the Chief of the UNHCR sub-office in Goma and other UNHCR officials, members of a German humanitarian aid organization and the commander and officers of the UNHCR Civilian Security Liaison Group. Contact was also made with the Zairian Camp Security Contingent. The Commission learned independently that the Zairian authorities had investigated allegations that Rwandan residents of the camps had been engaged in the recruitment of youths from the camps for clandestine training and other military purposes.

35. Shortly thereafter, however, the officer assigned by the Zairian Government to assist the International Commission in its inquiries, General Fariala Eutcha, accompanied by eight other Zairian officials, arrived in Goma from Kinshasa. The Chairman and other members of the Commission now having arrived, sharp disagreement immediately arose between the Commission and the Zairian officials over the Commission's proposed activities. The two sides held a series of meetings at which sharply conflicting interpretations of the Commission's mandate were debated. The Zairian side appeared to wish to renegotiate the terms of reference of the Commission and insisted on attending its meetings with potential witnesses and on reviewing the draft report of the Commission on its activities in Goma before it left Zaire.

36. The Commission firmly rebuffed these demands. It emphasized that its mandate had been entrusted to it by the Security Council, which alone had the power to change its terms of reference. The Commission therefore could not enter into negotiations on the matter. It insisted on the right to complete freedom of movement and the right to conduct its interviews in private, citing paragraph 5 of resolution 1013 (1995), stressed its obligation to report direct to the Secretary-General and made it clear that no third party would be allowed to see its report beforehand.

37. On 9 January 1996, the Prime Minister of Zaire appealed to the Secretary-General for his interpretation of resolution 1013 (1995), and the Secretary-General confirmed that the International Commission's interpretation of its mandate was correct. On 12 January 1996, the Minister for Foreign Affairs wrote

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to the Secretary-General, repeating the demands that the Commission had found objectionable. At that point, since the Zairian side maintained its uncooperative position, the Commission declared that it could not pursue its investigations in Goma in the face of that obstructionist attitude of the Zairian authorities and considered that it had no alternative but to withdraw to Nairobi.

38. Although unable to pursue a full and proper investigation in Goma, during the brief time they spent there, the members of the Commission gathered additional information from a variety of sources that gave rise to suspicion that clandestine activities were being carried out. These included persistent eyewitness reports of mysterious night flights, despite the fact that Goma airport is not properly equipped to receive flights after dark, and the exclusion of those witnesses from the airport by the authorities at those times. Sometimes cargo is reportedly unloaded from certain aircraft in secret. The Commission was also made aware that UNHCR staff and NGO personnel are excluded by the former Rwandan government forces from certain areas, notably an area outside Lac Vert camp commonly known as "L'Etat Major". Furthermore, they do not stay in the camps after dark, and a curfew is in effect. While the Commission has insufficient evidence to draw conclusions as to their significance, it is persuaded that these reports are accurate. Finally, the Commission could not but be impressed by the very noticeable climate of fear of retribution that prevails in Goma.

#### C. Other activities of the International Commission

##### 1. Approaches to Governments

39. Although the Commission had decided not to base its activities on second-hand testimony, some of the information made available to it from published sources was extremely detailed and circumstantial. The Chairman of the Commission therefore wrote to a number of Governments whose nationals were said to have participated in the delivery of weapons and related matériel to the former Rwandan government forces in violation of the Security Council embargo, asking if those Governments that had conducted an investigation were in the process of investigating or intended to investigate the alleged participation of these individuals or companies in this activity on the basis of the allegations made by Human Rights Watch Arms Project, a Washington-based NGO. The Governments approached in this way were those of Bulgaria, China, France, Seychelles, South Africa and Zaire. The Commission sent follow-up letters to the Government of France, requesting it to nominate an official with whom the Commission could deal on a working level in obtaining answers to its questions concerning the detailed information available to it.

40. Following the Commission's inspection of the arms captured on Iwawa island, the Chairman also wrote to the Governments of Belgium and South Africa, the apparent countries of origin of some of the weapons, where these could be identified, informing them of the serial numbers found on the equipment and requesting information on the date of manufacture, the date of sale and the identity of the buyer, the delivery date to the buyer, and any other relevant information. The Commission also asked the South African Government to supply

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information about the findings of the Cameron Commission, which might have a bearing on the work of the Commission.

41. The Chairman of the International Commission also wrote to the Chairman of the Committee established pursuant to resolution 918 (1994), requesting any information that might pertain to the Commission's mandate. The Chairman, Ambassador Wisnumurti of Indonesia, replied that the Governments of China and France, acting in response to questions raised in the Committee concerning the Human Rights Watch report available to the International Commission, had formally denied the allegations therein.

42. On 10 January 1996, the Government of Belgium replied to the Chairman of the International Commission, stating that it had initiated investigations in Belgium concerning the origin of the weapons inspected by the Commission on Iwawa island. The information provided by the Belgian authorities contained no indication that the weapons had been sold or supplied to the former Rwandan government forces in violation of the arms embargo. The Commission has as yet received no reply from the Governments of Bulgaria, China or South Africa.

43. The Commission received the reply of the Government of France on 5 January 1996. In it, the French Government stated the following:

"The investigation conducted by the French authorities into the accusations and insinuations contained in the Human Rights Watch report shows, as the French Government has already stated, that France has complied in the strictest possible manner with the arms embargo imposed on Rwanda by the Security Council on 17 May 1994 and that no arms have been supplied to Rwandans living as refugees outside their country.

"The French authorities have no information concerning the possible involvement of French nationals or French companies in arms trafficking which violates the embargo. The French Government would be interested to receive from the International Commission of Inquiry any evidence or clarification available to the latter which might help the Government to carry out investigations and to consider what measures might be required to deal with any possible offence against French law currently in force.

"At the request of the Commission and in accordance with paragraph 3 of Security Council resolution 1013 (1995) of 7 September 1995, which calls on States to collate information in their possession relating to the mandate of the Commission, the French authorities hereby transmit to you information gathered by French Operation Turquoise military personnel while deployed in Rwanda's safe humanitarian zone.

"This information was already transmitted, on 24 August 1994, to the Commission of Experts established pursuant to Security Council resolution 935 (1994) of 1 July 1994."

As requested by the Commission, the French Government nominated a senior official, the Deputy Permanent Representative of France to the United Nations, to assist the Commission with any further inquiries it might have.

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44. Although Goma was an important focus of the Commission's activities, the Commission was aware that many of the persons having first-hand knowledge of events said to have taken place there might no longer be in the area. Many worked for NGOs, which, as the Commission was informed, had a high rate of staff turnover. The Commission therefore contacted major NGOs known to have had personnel in the Goma area between 17 May 1994 and the present to ask for the names of staff who were no longer employed, and some indication, if possible, as to their current whereabouts.

45. A member of the Commission, accompanied by its political officer, visited London from 8 to 12 January 1996 to interview British Government aid officials, Her Majesty's Customs investigators, NOC staff, aircrews said to have been involved in flying to Goma and journalists who had filmed in the area.

46. The British Overseas Development Administration personnel interviewed by the Commission had spent considerable time at Goma airport, from the crisis period up to the present, and had been heavily involved in unloading and handling cargo. Most of their personnel are former military personnel familiar with the size, weight and appearance of arms, ammunition and matériel even when they are packed in boxes. The officials interviewed stated to the Commission that they had seen no arms flown into Goma; had no evidence of such deliveries; and had themselves unloaded nothing but humanitarian supplies from the aircraft they had handled.

47. The Commission also met with Her Majesty's Customs investigators, who stated that they had launched an investigation into British companies and individuals suspected of participating in arms flights in violation of the embargo, but had discovered insufficient evidence to support a prosecution under United Kingdom law.

48. Aircrews interviewed by the Commission denied having flown arms or ammunition to Goma after the imposition of the embargo and could not supply the names of any others known to have done so.

49. The International Commission also wrote to the Governments of Burundi, Uganda and the United Republic of Tanzania, requesting approval to visit and hold high-level meetings with government officials. The Commission also requested those Governments to make available information they had, if any, concerning the subject of the Commission's mandate. None of the Governments has yet replied.

## 2. Case-study: alleged involvement of Seychelles

50. A particularly detailed allegation of involvement in the sale or supply of arms and ammunition to the former Rwandan government forces after the imposition of the embargo concerns Seychelles. Because of the precision with which the dates and other circumstances had been described, the International Commission was able to devote particular attention to this allegation.

51. According to the Human Rights Watch report "Rearming with Impunity: International Support for the Perpetrators of the Rwandan Genocide", DC-8

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aircraft belonging to Air Zaire had taken two shipments of arms, including grenades and high-calibre ammunition, from Seychelles to Goma on 17 and 19 June 1994. The weapons were said to have been paid for with \$300,000 in cash supplied by a senior Rwandan military officer accompanied by a citizen of South Africa, both named in the report. The Government of Zaire was said to have provided an end-user certificate in respect of the arms, but when the International Commission met in Kinshasa with Zairian government Ministers and requested information, the Government replied in writing that it had no knowledge of this matter.

52. The International Commission of Inquiry subsequently independently established that an Air Zaire DC-8 aircraft had left Kinshasa for Mombasa on 16 June 1994 and returned from Goma to Kinshasa on 20 June. Information from sources in Seychelles indicates that the Human Rights Watch report is accurate, and that very senior government figures are said to be involved.

53. On 7 December, the International Commission wrote to the Seychelles Minister of Defence, Mr. James Michel, drawing his attention to the allegations and requesting information from the Seychelles Government to assist the Commission in making its report. The International Commission also asked whether or not the Government of the Seychelles had investigated, was investigating or planned to investigate any national of or company based in the Seychelles in connection with alleged violations of the Security Council embargo on arms for the former Rwandan government forces, and invited the Government to nominate an official with whom the International Commission could deal on a working level. No reply has yet been received.

54. The International Commission has also requested the assistance of the International Civil Aviation Organization in tracking the movements of the Air Zaire DC-8 aircraft said to have transported the ammunition.

#### IV. OBSERVATIONS AND CONCLUSIONS

##### A. Observations

55. The International Commission had before it detailed and voluminous information suggesting that arms deliveries had been made to Goma airport in Zaire for the use of the former Rwandan government forces in violation of the embargo imposed by the Security Council in May 1994. This information came primarily from the NGO Human Rights Watch Arms Project, whose report was based on four months of field investigation in Central Africa, and whose researcher interviewed, among others, several officers of the former Rwandan government forces, including those of the highest rank. The researcher also interviewed Zairian officers, airport staff and local businessmen. At least three British television documentaries and a number of stories in the British and French press were also devoted to similar allegations.

56. The Human Rights Watch Arms Project report explicitly states, citing numerous incidents with dates, that "the perpetrators of the Rwandan genocide have rebuilt their military infrastructure, largely in Zaire, and are rearming themselves in preparation for a violent return to Rwanda". The report adds that

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"[s]everal members of the international community, including France, Zaire and South Africa, have actively aided and abetted this effort through a combination of direct shipments of arms, facilitating such shipments from other sources and providing other forms of military assistance, including training". The Human Rights Watch report was subsequently confirmed by Amnesty International.

57. For its part, France, both in its reply to the International Commission of Inquiry and to the Security Council Committee established pursuant to resolution 918 (1994), has unequivocally denied being implicated in such shipments.

58. The Government of Zaire, too, in its oral and written responses to the International Commission, denied knowledge of or involvement in any such arms deliveries or in any training allegedly being carried out by the former Rwandan government forces.

59. However, although the Prime Minister and other senior government Ministers of Zaire promised during the International Commission's visit to Kinshasa to extend their full cooperation to the International Commission, as called for by the Security Council in its resolution 1013 (1995), the International Commission considered the attitude of the Zairian delegation assigned to assist it in Goma unsatisfactory. Though aware of the precarious security situation and the poor condition of the infrastructure in Goma and the consequent need for official government assistance, the Commission considered that the insistence of Zairian officials on attending all its interviews was obstructive, unhelpful and not in keeping with the letter and spirit of Security Council resolution 1013 (1995), and especially paragraphs 5 (a) and (e) thereof. Under the circumstances, following the intercession of the Secretary-General, the International Commission informed the Government of Zaire that it had no alternative but to withdraw from Zaire and report to the Secretary-General that it was unable to proceed with its investigation in Goma because of the position taken by the Government of Zaire, an attitude that resulted in a further week's delay in Goma.

60. There can be no doubt that it is very difficult at this stage to determine what exactly happened in Goma in mid-1994. All those involved at first-hand have described the situation to the Commission as chaotic and confused. Unprecedented numbers of flights were bringing hundreds of tons of equipment and relief supplies into Goma airport at a time when official controls had been relaxed or suspended, more than a million refugees had flooded into the country and war was raging on the other side of the border. Many of those who witnessed these events and might be in a position to shed light on the allegations of violations of the embargo have left the scene and are scattered throughout the world.

61. Journalists and researchers for NGOs, moving with a speed and flexibility that intergovernmental bodies can rarely match, were quick to investigate the persistent rumours of arms shipments that circulated among the NGO community in the border camps. For the various reasons set out above, the International Commission of Inquiry has not as yet been able to corroborate the picture they have painted of repeated violations of the Security Council arms embargo or, indeed, so far to establish to its own satisfaction a single case of the sale or

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supply of weapons or related matériel to the former Rwandan government forces in violation of the relevant Security Council resolutions.

62. None the less, significant doubts remain. The circumstances under which the International Commission carried out its investigation were far from ideal, the biggest obstacles being the 16-months that had elapsed between the imposition of the embargo in May 1994 and the creation of the International Commission in September 1995, and the lack of cooperation on the part of the Zairian authorities. If the International Commission is obliged to conclude that at this stage that it has not discovered firm and reliable evidence of violations, it is not necessarily convinced that no violations took place. The Commission would note, in this connection, that rumours of persistent embargo violations seem to have greatly diminished following the publication of the Human Rights Watch and Amnesty International reports and the accompanying media attention.

63. With regard to training, the situation is both simpler and more difficult. The International Commission established that a number of "military" camps had been set up in Zaire for young men, and had viewed a film shown on British television purportedly showing men training with weapons by night. The Commission had also been briefed by UNAMIR on the increasing numbers of incursions into Rwanda from Zaire, the growing size and military skill of the groups involved and the extent of the loss caused to life and property as a result of their incursions, considerations which suggest that military training was being carried out.

64. the Commission was also aware of persistent reports of "training" by young Hutu men in the Zairian camps. However, groups of men jogging, exercising or even singing military songs are not necessarily engaged in military training, nor is it clear that the purpose of the training is the destabilization of Rwanda. In this connection, it should be noted that, in the absence of any indication that the weapons sighted were supplied to the former Rwandan government forces in violation of the embargo, the reported sighting of "arms caches" also has limited relevance to the Commission's mandate. These could have been weapons brought with them across the border by the fleeing Rwandan government forces. Nor, for the reasons explained above, was the Commission able to visit the locations where the training is said to have taken place, or to interview refugees there.

65. The Commission's military experts did not find the British television film purporting to show training entirely convincing. Furthermore, the film itself makes it clear that the men so depicted included both Rwandan and Burundian residents of the camps, giving rise to the possibility that the purpose of the training might not be related to Rwanda, or exclusively related to Rwanda.

66. Nevertheless, the Commission bore in mind that the Security Council was not concerned with the quality of the training received, nor with the location in which it took place, but rather with the intention behind it. Basic familiarity with small arms and practice in laying mines can be sufficient for the needs of a low-intensity guerrilla force. The Commission's interviews with the men captured by the RPA on Iwawa island (see paras. 17-20 above) strongly indicate that certain Rwandan elements who have sought refuge in Zaire are receiving

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training, of however poor quality it might be, that the purpose of the training is to conduct incursions into Rwanda, and that these incursions have a destabilizing effect on Rwanda.

#### B. Conclusions

67. With reference to its mandate, as set forth in Security Council resolution 1013 (1995), the International Commission of Inquiry would therefore conclude as follows:

(a) Having gathered information in Nairobi, Kigali, Kinshasa, Goma and London from government Ministers and officials, diplomats, United Nations officials, relief workers, aircrews, customs investigators, journalists and others and having investigated detailed reports from respected NGOs and the print and television media, the International Commission of Inquiry is not at this stage in a position to confirm allegations that arms, ammunition and related matériel were sold or supplied to the former Rwandan government forces in violation of the relevant Security Council resolutions;

(b) The International Commission believes Rwandan men are receiving military training to conduct destabilizing raids into Rwanda and that, specifically, Rwandan men received military training on Iwawa island, Rwanda, for that purpose;

(c) In the time available to it, the International Commission was not able reliably to establish that specific Governments, companies or individuals had aided or abetted the sale or supply of arms and related matériel to the former Rwandan government forces in violation of the relevant Security Council resolutions.

68. In accordance with paragraphs 1 (d) and 4 of Security Council resolution 1013 (1995), the International Commission of Inquiry will submit as soon as possible a final report containing its recommendations, as well as any significant additional information that comes to light as a result of its continuing inquiries.

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### Appendix

#### Contacts made by the International Commission of Inquiry

The International Commission of Inquiry wishes to express its deep appreciation to the government officials, diplomats, non-governmental organizations, individual relief workers, journalists and others who assisted it in its inquiries.

#### A. In Rwanda

##### Government officials:

Vice-President and Minister of Defence, Major-General Paul Kagame  
Minister of Foreign Affairs, Mr. Anastase Gasana

##### Representatives of donor countries/organizations:

Belgium  
France  
Germany  
Netherlands  
United Kingdom of Great Britain and Northern Ireland  
United States of America  
European Union

United Nations agencies and international humanitarian organizations: United Nations Development Programme (UNDP), UNHCR, United Nations Children's Fund (UNICEF), World Food Programme (WFP), Human Rights Field Operation in Rwanda, World Health Organization (WHO), World Bank, United Nations Educational, Scientific and Cultural Organization (UNESCO), ICRC

##### Non-governmental organizations:

MERLIN

#### B. In Kenya

##### Representatives of States:

Belgium  
Burundi  
Canada  
Netherlands  
France  
United States of America (military attaché)  
Uganda  
United Republic of Tanzania  
Zaire

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United Nations agencies and international humanitarian organizations: UNDP, WFP, Food and Agriculture Organization of the United Nations (FAO), United Nations Environment Programme (UNEP), ICAO, ICRC

Non-governmental organizations:

Médecins sans frontières

CARE

C. In Zaire

In Kinshasa

Government officials:

The Prime Minister

The Vice-Prime Minister, Minister for Foreign Affairs

The Vice-Prime Minister, Minister of Defence

The Vice-Prime Minister, Minister of the Interior

The Minister of Justice

The Minister of Transport

President/Director-General, Régie des Voies Aériennes

Representatives of States:

Belgium

France

Germany

United States of America

United Nations agencies and international humanitarian organizations: UNHCR, WHO, UNICEF, FAO, European Union (ECHO), ICRC, UNAMIR (Liaison Office)

In Goma

The Governor ad interim of Kivu Province, Mr. Athanase Tassi

General Fariala Eutcha, Auditor General of the Zairian Armed Forces, and his team of officials

Representatives of UNHCR

Commander and officers of the Camp Security Liaison Group

Officials of GTZ, a humanitarian organization

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D. In the United Kingdom

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Her Majesty's Customs  
Overseas Development Administration Crown Agents  
Amnesty International

The Commission also interviewed certain individuals who requested anonymity but who, however, provided no firm evidence of violations of the Security Council embargo.

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