

UNAMIR

BOARD OF INQUIRY

9 FEB - 20 MAR 1995

PLEASE RETAIN
ORIGINAL ORDER

UNCLASSIFIED
RH/WG MAR 2009

UN ARCHIVES

SERIES	<u>51170</u>
BOX	<u>6</u>
FILE	<u>4</u>
ACC.	<u>1998/0270</u>

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA



NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

file

20 March 1995

TO: Mr. I. Minta
Political Affairs Officer

FROM: Kimso Nilsvang, Chief
Civilian Personnel Officer

A handwritten signature in dark ink, appearing to read 'Kimso Nilsvang', written over a horizontal line.

SUBJECT: Nomination to serve on Boards of Inquiry

With reference to the memorandum dated 7 March 1995 on the same subject as mentioned above, please be informed that it was sent to you in error. Please disregard it.

Thank you.



INTEROFFICE MEMORANDUM
MEMORANDUM INTERIEUR

Date: 09 March 1995

TO: Mr. M. Ncube
Chief, Boards of Inquiry Unit

FROM: K. Nilsvang
Chief Civilian Personnel Officer

SUBJECT: Nomination of civilian personnel to serve
on Boards of Inquiry

With reference to your memorandum of 27 February 1995 on the above subject, I am pleased to inform you that I have requested the following officers in alphabetical order to serve the above-mentioned Boards. You may wish to contact them at your convenience to present cases for inquiry.

Officers at P4 or above

- Mr. A. Bah, Chief General Services, GS Section
- Mr. Z. Benamadi, Chief Radio Unit, OSRSG
- Mr. M. Conde, Political Affairs Officer, OSRSG
- Mr. A.S. Dao, Humanitarian Affairs Officer, OSRSG
- Mr. B. Dessande, Chief Protocol, OSRSG
- Mr. M. Lessanu, Chief Building and Engineering Services, BES Section
- Mr. J. Licari, Radio Producer/Coordinator, OSRSG
- Mr. P. McNeill, Chief Finance Officer
- Mr. I. Minta, Political Affairs Officer, OSRSG
- Mr. L. Ouattara, Chief Airops
- Ms. I. Rivero, Special Assistant to the SRSG, OSRSG

Officers at P3 or above

- Mr. P. Aghadjanian, Accommodation Officer, BES Section
- Mr. M. Kiejna, Claims and Compensation Officer, GS Section
- Mr. P. Ishlika, Chief Security Officer, Security Section
- Ms. K. Scott, Political Affairs Officer, OSRSG

cc: Executive Director
CAO
Officers listed above



UNAMIR - MINUAR

Date: 07 March 1995

TO: Mr. I. Minta
Political Affairs Officer

FROM: K. Nilsvang
Chief Civilian Personnel Officer

A handwritten signature in black ink, appearing to be "K. Nilsvang", written over the printed name of the sender.

SUBJECT: Nomination to serve on Boards of Inquiry

Please find attached a self-explanatory memorandum, of 27 February 1995 from the Chief, Boards of inquiry Unit requesting nomination of senior officers to serve on the Boards of Inquiry.

I should be grateful for your kind cooperation to serve the Board at a date and time to be communicated to you by the Chief BOIU who will also inform you of the case that will be assigned to you.

Thank you for your kind cooperation.

cc: Mr. A.H. Golo, CAO
Mr. M. Ncube, CBOIU

UNITED NATIONS



NATIONS UNIES

ASSISTANCE MISSION IN RWANDA

MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

Date: 27 February 1995

To: Mr. Kimso Nilsvang
Chief Civilian Personnel Officer

From: Mtshana M. Ncube *Mtshana M. Ncube*
Chief, Boards of Inquiry Unit
Administrative/Legal Officer

Subject: Request for Civilian Personnel to Serve on Boards of Inquiry

The following five Headquarters Boards of Inquiry cases are now ready to be presented for an inquiry:

1. (a) A traffic accident in which a cyclist was hit and seriously injured (Case File No.0129).
- (b) A traffic accident in which an 11-year-old herds boy was hit and killed (Case File No.0173).
- (c) A traffic accident in which an RPA soldier was killed and another injured (Case File No.0176).
- (d) An accident in which a male pedestrian was hit and injured (File Case No.0186).
- (e) A traffic accident on 25 October 1994 in which a Rwandan citizen was hit and killed (File Case No. 187).

The Boards of Inquiry Unit urgently requires two civilian personnel at the level of P-4 or above for each of the above cases. The nominating sections are requested to state the special expertise of each nominee.

The second list below is of cases to be presented before Boards of Inquiry:

2. (a) An accident in which two vehicles were extensively damaged on 23 October 1994 (File Case No.0061).
- (b) An incident involving a UNAMIR vehicle which was hijacked at gun point on 15 October 1994 (File Case No.0064).
- (c) An incident involving theft of personal property on 23 December 1994 (File Case No.0177).

UN **RECEIVED**

28 FEB 1995

UNAMIR
PERSONNEL SECTION

As in cases in the first category, we should be grateful to receive one nominee at the level of P-3 or above. Please also indicate the special expertise of each nominee.

I shall appreciate receiving as soon as possible the names, and the levels of such personnel, together with the sections from which they are drawn. The Board of Inquiry Unit reserves the right to assign the appointed personnel according to need and expertise.

c.c. Mr. Ally H. Golo
Officer-in-Charge Administration

PRIORITY

To (with copies of the CSO's minute and attachments):

C Claims and C BOI Unit

Info (without attachments):

Legal Adviser (Minta) and CSO

From: Force Provost Marshal

Date: 14 Feb 95

File: FPM/2

Subject: ACCIDENT INVOLVING UNAMIR VEHICLE 3016

1. I attach a copy of a minute from the CSO in which he alerts me to the apparent initiation of legal action against the SRSG in respect of a traffic accident involving UNAMIR vehicle number 3016 (which was sporting the obsolete Bangladesh contingent number 056417 at the time). This accident was the subject of Board of Inquiry No HQ017MD.

2. I think that it is for you to deal rather than me - the action that I can take was completed when I distributed copies of the MP report into the incident. Please let me know, however, if there is any more that I can do.

M CUTHBERT-BROWN
Maj
Force Provost Marshal and
SO2 G1 Discipline

TO: Major M. Cuthbert-Brown
Force Provost Marshall

FROM: Paul Ischlika
CSO/ASC

Ref: UNAMIR/SO/017

DATE: 14, February 1995

SUBJECT: NOTICE FOR A LAW SUIT - ROAD ACCIDENT - MR. JOHN BIKAMBA

I attach herewith a copy of a Notice dated 9, February 1995 of what I would call a " Law Suit " addressed to the SRSG for damages, as a result of a Road Accident presumably involving a UNAMIR Vehicle, and Mr. Bikamba's vehicle on 14, December 1994.

The details of this accident as you would appreciate I am not aware of as I was away home, and regrettably Mr. Bikamba did not give details of the accident.

Since you are responsible for all road accidents, I wonder if you have any knowledge of this particular case, and how far we have gone with it. I would however further appreciate your handling this issue to avoid any future embarrassment to the SRSG.

I shall be more than willing to offer you any helping hand in order to resolve this matter amicably.

Also attached is the translated version into English of the original letter of Notice.

cc: Mr. I. Minta ✓
Legal Adviser

§ 15, SOMA, of § 2 (Article II), Convention:

" 2. The United Nations, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution."

BIKAMBA John
B.P. 2360
K I G A L I
=====

Kigali, le 09 février 1995

Monsieur le Représentant Spécial
du Secrétaire Général de l'ONU
KIGALI

Objet: Mise en demeure
réglementaire.

*Accident.
M. Tch. 2
Received J. P. ...
on 13/02/95
English - (M...)
on 13/02/95
info*

Monsieur le Représentant Spécial,

Faisant suite au dossier litigieux qui
m'oppose à votre organisation, suite à l'accident de roulage qui
a eu lieu le 14 décembre 1994 vers 23 heures 15' et dont les
résultats de l'enquête ont prouvé la responsabilité de votre
préposé, je me trouve dans l'obligation de vous adresser cette
mise en demeure.

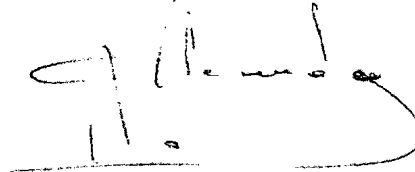
En effet, Monsieur le Représentant
Spécial, depuis que vous êtes en possession du devis de l'exter-
tise de mon véhicule et différentes factures relatives aux frais
de stationnement, vous n'avez réservé au présent litige aucune
diligence dans sa finalisation, de sorte que je me trouve obliger
de vous mettre en demeure de vous exécuter.

Si endéans 15 jours vous ne vous
exécutez pas, je vous réclamerais outre le principal, c'est-à-
dire l'équivalent du devis de réparation et les frais de sta-
tionnement, mais aussi, les dommages et intérêts ainsi que les
frais et dépenses que cette procédure va occasionner.

... / ...

Dans l'attente et le plaisir de vous lire, veuillez agréer, Monsieur le Représentant Spécial, l'expression de ma plus haute considération.

BIKAMBA John



COPIE POUR INFORMATION:

- Monsieur le Ministre de la
Défense Nationale
KIGALI
- Monsieur le Ministre des
Affaires Etrangères et
de la Coopération
KIGALI
- Monsieur le Commandant
de la Brigade MUHIMA
KIGALI

BIKAMBA John
B.P. 2360
K I G A L I
= = = = =

Kigali, 9 February 1995

Special Representative of the Secretary
General of the United Nations
KIGALI

Subject: Formal Notice

Mister Special Representative,

As a follow-up to the case I filed against your organization regarding the traffic accident which took place on 14 december 1994 around 23:15 and for which an investigation has shown you to be at fault, I feel that I am obliged to issue this formal notice.

Indeed, Mister Special Representative, since obtaining estimates for work on my vehicle as well as other costs relative to its storage, you have done nothing to finalize this matter, which obliges me to give you final notice to take action.

If within a period of 15 days you have not acted upon this order, I will claim not only the principal, equivalent to the estimated cost of repairs and storage, but will also file for damages and interest as well as the costs arising from such a procedure.

While I await your reply, please, Mister Special Representative, accept my highest regards.

BIKAMBA John

Copies for Information:

- Mister Minister of National Defense
KIGALI
- Minister of Foreign Affairs and
International Cooperation
KIGALI
- Brigadier Commander MUHIMA
KIGALI

UNITED NATIONS
ASSISTANCE MISSION IN RWANDA



NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

To: VZ/FC

From: Force PM/SO2 G1 Discipline

Info: DFC, COS, DCOS Ops, DCOS Sp, Tac HQ Butare, CO ZAMBATT,
[REDACTED], C BOI Unit
CO UNAMIR MP Coy

Date: 13 Feb 95

File: FPM/5

Subject: INITIAL REPORT ON THE TRAFFIC ACCIDENT IN BUTARE ON
THU 9 FEB THAT LED TO THE DEATH AND INJURY
OF 2 x RPA SOLDIERS

1. You are aware of my reporting at the FC's morning briefings that 2 x RPA soldiers were struck by a UNAMIR vehicle in Butare on Thu 9 Feb 95. It is too soon, yet, for the MP investigators to produce a report on the incident but their initial work has revealed that, about 1600 hrs that day, in good visibility and road conditions, 2 x unladen ZAMBATT DAF trucks were travelling through Butare on the main street south of the town centre. There was some distance between the 2 vehicles and it seems that 2 persons crossed the road between them. The driver of the second vehicle has told MP investigators that, having crossed the road in front of him, the 2 men stepped back into his path and that he could not avoid them, despite braking sharply. One was killed outright and the other was taken to AUSMED for emergency treatment for what was thought, at that stage, life-threatening injuries. He was diagnosed as having only a broken collar-bone, however, and was discharged from hospital within 24 hrs.

2. There was no passenger in the cab of the truck to corroborate the driver's story and no independent witnesses to the accident have been identified. The driver has claimed to have been travelling at around 50 kph, however, but there must be some doubt about this because the truck's skid marks have been measured at 32 metres. The speed limit is not posted on the stretch of road on which the accident occurred but, being a built-up area, 40 kph was the limit according to Rwandan law.

2. Your attention is drawn to:

a. The attached report from the Australian Contingent on the events following the accident. It is apparent that tempers rose and that the situation became very tense.

b. The fact that the ZAMBATT truck remains impounded in Butare.

3. I intend leaving it a few days - to allow the dust to settle somewhat - before seeking the release of the impounded vehicle, and suggest that no Note Verbale should be sent at this stage. The situation might be eased if some condolences were issued on behalf of the Force, however; and to this end, my second attachment is a draft which might be sent to the Minister of Defence by the FC.

A handwritten signature in dark ink, appearing to read 'M. Cuthbert-Brown', with a horizontal line extending to the right.

M CUTHBERT-BROWN
Maj
Force PM/SO2 G1 Disc

LINE 1			
LINE 2			
LINE 3			
LINE 4			
LINE 5			
PRECEDENCE - ACTION		PRECEDENCE - INFO	
ROUTINE		101240 Z FEB 95	
ROUTING INDICATORS		SIC/ORIG NO	
From: ASC UNAMIR II (RWANDA)		E3L140OPS :713	
To: HQ UNAMIR II		② COS For info	

SUBJ: SUMMARY OF INCIDENT GENDARMERIE AND AS PERSONAL AT BUTARE 09 FEB 9

1. AT 1700B 09 FEB 95 TWO AS VEHICLES WERE RETURNING FROM REFUELLING FROM THE GHANAIAN SUPPLY PLATOON. THE VEHICLES WERE PROCEEDING NORTH ALONG THE BUTARE MSR. THEY WERE 200M NORTH OF UNREO OFFICES WHEN THEY CAME ACROSS A ZAMBIAN TRUCK FACING WEST, AT RIGHT ANGLES TO THE ROAD, ON THE WEST SIDE OF THE ROAD. A CASUALTY IN CIVILIAN CLOTHES WAS UNDER THE REAR AXLES (THE AS ELM HAVE NO DETAILS ABOUT A DEATH AS THE CASUALTY WAS ALIVE WHEN EVACUATED FROM THE SCENE). THE VEHICLES STOPPED TO GIVE FIRST AID. AN INTERNATIONAL MEDICAL NGO WORKER SHIFTED THE CASUALTY INTO HIS VAN AT THE SCENE AND TWO AUSMED MEDICS ARRIVED. AS INF ELM CLEARED THE CROWD TO ALLOW ACCESS TO THE CASUALTY. AT THIS STAGE THERE WERE TWO GENDARMERIE AT THE SCENE TRYING TO QUESTION THE CASUALTY. IT WAS EXPLAINED TO THEM THAT THE MEDICS WANTED TO GIVE FIRST AID. THEY DID AND THE CASUALTY WAS SEEN TO HAVE SEVERE CRUSH INJURIES TO THE HEAD AND CHEST, AND HAVING BREATHING DIFFICULTIES.
2. THE MEDICS AND SGT RICE WENT WITH THE CASUALTY IN THE IMC VAN AND LAND ROVER TO BUTARE HOSPITAL. TIME ON SCENE WAS 10 MINUTES. CPL REILLY STAYED AT THE SCENE WITH THE REMAINING INF SECTION PLUS, TO TAKE THE ZAMBIAN SGT DRIVER OF THE TRUCK TO TAC HQ AND RENDEZVOUS THERE WITH THE LAND ROVER AFTER IT HAD RETURNED FROM THE HOSPITAL.
3. AT BUTARE HOSPITAL THE MEDICS TOOK THE CASUALTY TO THE OPERATING THEATRE, AND HANDED HIM OVER TO HOSPITAL STAFF. ON LEAVING THE HOSPITAL AT 1724B THE PARTY DROVE PAST THE ACCIDENT SITE AGAIN ON ROUTE TO TAC HQ.
4. MEANWHILE CPL REILLY AT THE ACCIDENT SITE SAW TWO, THEN MORE, RPA AND GENDARMERIE ARRIVE AT THE SCENE, ARMED WITH PISTOLS, GRENADES, AK TYPE WEAPONS. THEY IMMEDIATELY HEADED TOWARDS THE ZAMBIAN. CPL REILLY STEPPED BETWEEN THEM AND IDENTIFIED HIMSELF, AND SAID THE ZAMBIAN WAS UNDER HIS

PAGE NO 1		DRAFTER'S NAME AND TITLE A.K. HUGHES DO				PHONE		REF FILE NO 445-10-3			
NO OF PAGES 3		RELEASER'S NAME AND TITLE AS ABOVE			BRANCH/UNIT AS MED SPT		SIGNATURE			DATE FEB 95	
FOR OPS USE	R	DATE	TIME	SYSTEM	OPERATOR	D	DATE	TIME	SYSTEM	OPERATOR	SECURITY CLASSIFICATION UNCLASSIFIED

PROTECTION. THE RWANDANS RESPONDED "NO, WE ARE TAKING HIM FOR QUESTIONING". CPL REILLY SAID IT WAS UN ORDERS TO WAIT FOR MILOBS TO ARRIVE BEFORE ANY ACTION COULD BE TAKEN, AND REQUESTED MILOB ASSISTANCE BY RADIO TO TAC HQ. AN RPA SOLDIER THEN ACCUSED THE AUSTRALIANS OF MOVING THE TRUCK TO DESTROY EVIDENCE, WHICH THEY HAD NOT, AND ALSO SAID "YOU HAVE NO RIGHT TO COME TO OUR COUNTRY AND KILL OUR PEOPLE AND EXPECT TO GET AWAY WITH IT". CPL REILLY SAID THE CASUALTY WAS ALIVE AND HAD BEEN TAKEN TO HOSPITAL BY AS MEDICS. FURTHER ACCUSATIONS FOLLOWED ABOUT THE MOVING OF THE VEHICLE AND DEMANDS TO QUESTION THE ZAMBIAN AND TAKE HIM AWAY. A GROUP OF UNIFORMED AND NON UNIFORMED RWANDANS HAD GATHERED DURING THIS TIME. ARMED DEMONSTRATIONS AT THE SCENE. MILITARY FORCES WENT TO THE SCENE.

5. ON ARRIVAL BACK AT THE SCENE SGT RICE SAW THERE WERE 15 TO 20 RPA AND GENDARMERIES. CPL REILLY EXPLAINED WHAT HAD HAPPENED. SGT RICE MOVED FORWARD AND TOLD THE TWO GENDARMERIES ARGUING WITH CPL REILLY THAT HE WAS TAKING THE ZAMBIAN TO TAC HQ. THEY YELLED BACK HE COULD NOT DO THIS. SGT RICE SAID UN TROOPS COULD NOT BE HANDED OVER AND GENDARMERIES COULD QUESTION THE MBR AT TAC HQ. THE GENDARMERIES YELLED THEY WOULD NOT ALLOW HIM TO GO ANYWHERE.

6. ABOUT THIS TIME A GERMAN UN POLICE OFFICER (BELIEVED ONPOL) AND ANOTHER UN PERSON (AFRICAN WITH UN ID, STATUS UNKNOWN) ARRIVED BUT DID NOT INTERVENE

7. AN RPA SOLDIER IN THE CENTRE OF THE SCENE SHOUTED A COMMAND IN RWANDA AND THE CROWD DISPERSED. AS THIS HAPPENED TWO AS SOLDIERS SAW TWO GENDARMERIES GO TO ACTION. SGT RICE AND CPL REILLY THEN GAVE THE ORDER TO GO TO ACTION. ONE OF THE TWO GENDARMERIES IN THE SCENE WALKED FORWARD SAYING "IF YOU WANT TO FIGHT WE WILL FIGHT". SGT RICE PUSHED HIM AWAY AND GAVE THE ORDER FOR THE ZAMBIAN TO BE PUT ON THE SX6. THE UN PERSON BESIDE THE GERMAN POLICEMAN CAME FORWARD SAYING YOU CAN NOT TAKE HIM. HE MUST REMAIN HERE. THERE WAS NOTHING TO BE ACHIEVED BY ALLOWING THE ZAMBIAN SGT TO REMAIN AT THE SCENE AND PROLONGED CONFRONTATION WOULD ONLY HAVE AGGRAVATED THE SITUATION AS THE AS TROOPS HAD NO INTENTION OF HANDING THE ZAMBIAN OVER TO THE GENDARMERIE.

8. AS INF AND MEDICS SPREAD OUT AROUND THE SCENE AS THE ZAMBIAN WAS LEAD ONTO THE 6X6, AND THEN MOUNTED VEHICLES AND DROVE TO TAC HQ. DURING THE PERIOD AFTER THE GENDARMERIES AND AS SOLDIERS HAD GONE TO ACTION AT LEAST SIX PEOPLE AT THE SCENE WENT INTO NEARBY SHOPS AND RETURNED WITH AK TYPE WEAPONS. GRENADES WERE ALSO SEEN TO BE PASSED OUT TO BOTH UNIFORMED AND NON-UNIFORMED PERSONS CARRYING WEAPONS.

9. DURING THE TRAVEL TO TAC HQ THE GENDARMERIES AND RPA PURSUED, AND THEN DEPLOYED AROUND TAC HQ. THE AS WERE ORDERED TO RETURN TO THE LOAC CONDITION WHICH THEY DID. THE ZAMBIAN, SGT RICE, AND A GENDARMERIE LT WENT


PAGE NO 2		DRAFTER'S NAME AND TITLE A.K. HUGHES DO				PHONE		REF FILE NO 445-10-3			
NO OF PAGES 3		RELEASER'S NAME AND TITLE AS ABOVE			BRANCH/UNIT AS MED SPT		SIGNATURE			DATE FEB 95	
FOR OPS USE	R	DATE	TIME	SYSTEM	OPERATOR	D	DATE	TIME	SYSTEM	OPERATOR	SECURITY CLASSIFICATION UNCLASSIFIED

INTO TAC HQ TO DISCUSS THE INCIDENT. WILL BE IN CONTACT WITH
MURAMBE AT 1800B.

11. THE RPA BDE LO ADVISED US TO BE CAREFUL AND THAT IF ANOTHER SUCH INCIDENT OCCURRED THERE WOULD BE BLOOD SHED.

12. END OF INCIDENT SUMMARY.

DETAILS
PAGES TO 10

PAGE NO 3			DRAFTER'S NAME AND TITLE A.K. HUGHES DO					PHONE		REF FILE NO 445-10-3	
NO OF PAGES 3			RELEASER'S NAME AND TITLE AS ABOVE			BRANCH/UNIT AS MED SPT		SIGNATURE 		DATE 11 FEB 95	
FOR OPS USE	R	DATE	TIME	SYSTEM	OPERATOR	0	DATE	TIME	SYSTEM	OPERATOR	SECURITY CLASSIFICATION UNCLASSIFIED

DRAFT LETTER OF CONDOLENCES

It was with deep regret that I learnt of the death of Private John Baptiste and of the injury of Corporal Bosco Gashugi in a traffic accident involving a UNAMIR vehicle in Butare on Thursday 9 February. It is most unfortunate that troops whose presence in Rwanda is directed towards assisting its people in the restoration of their country - and essentially humanitarian in nature - should become involved, for whatever reason, in the death and injury of some of those same people. I also very much regret the subsequent misunderstanding that led to a show of force by troops of both organizations - and several nationalities - during the hours that followed the accident.

I take some comfort in the medical assistance that UNAMIR was later able to provide to Corporal Gashugi but this is little in comparison with the suffering stemming from the inattention that caused it. May I ask that you pass my condolences, and those of the force that I command, to Corporal Gashugi and to the families, colleagues and friends of both soldiers?

You have my utmost assurance that UNAMIR, in general, and its Military Police, in particular, will cooperate in the investigation of the accident and that if UNAMIR is found to have been at fault, it will provide whatever compensation is due. I suggest that we try to dedicate the memory of Private Baptiste to our continued cooperation and mutual assistance.

UN RESTRICTED