

[2 CONFIDENTIAL]

UN ARCHIVES

SERIES S-1120

BOX 56

FILE

ACC. 1998/0278

CNR 161 P1/4

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1995 JUN -9 P 10:26

UNITED NATIONS
OPERATIONS

TO: TOUSIGNANT, UNAMIR, KIGALI

FROM: ANNAN, UNATIONS, NEW YORK

DATE: 9 JUNE 1995

NUMBER: 1937

SUBJECT: Security Council consultations

Further to my cable 1925 of earlier today, please find attached final text of Security Council resolution on UNAMIR, will send to you the official document as soon as available.
Best regards.

UNAMIR
195 JUN 10 11 04 55

Draft resolution**The Security Council,**

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda (UNAMIR), and its resolutions 912 (1994) of 21 April 1994, 918 (1994) of 17 May 1994, 925 (1994) of 8 June 1994, and 965 (1994) of 30 November 1994, which set out the mandate of UNAMIR,

Having considered the report of the Secretary-General on UNAMIR dated June 1995 (S/1995/457),

Recalling also its resolution 955 (1994) of 8 November 1994 establishing the International Tribunal for Rwanda, and its resolution 978 (1995) of 27 February 1995, concerning the necessity for the arrest of persons suspected of certain offenses in Rwanda,

Stressing the importance of achieving genuine reconciliation among all members of Rwandan society within the frame of reference of the Arusha Peace Agreement,

Noting with great concern reports of military preparations and increasing incursions into Rwanda by elements of the former regime and underlining the need for effective measures to ensure that Rwandan nationals currently in neighbouring countries, including those in camps, do not undertake military activities aimed at destabilizing Rwanda or receive arms supplies, in view of the great likelihood that such arms are intended for use within Rwanda,

Underlining the need for increased efforts to assist the Government of Rwanda in the promotion of a climate of stability and trust in order to facilitate the return of Rwandan refugees in neighbouring countries,

Emphasizing the necessity for the accelerated disbursement of international assistance for the rehabilitation and reconstruction of Rwanda,

Calling again upon all States to act in accordance with recommendations adopted by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held in Bujumbura in February 1995,

Recognizing the valuable contribution that the human rights officers deployed by the High Commissioner for Human Rights to Rwanda have made towards the improvement of the overall situation,

Acknowledging the responsibility of the Government of Rwanda for the safety and security of all UNAMIR personnel and other international staff serving in the country,

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Reaffirming the need for a long-term solution to the refugee and related problems in the Great Lakes States, and welcoming, therefore, the intention of the Secretary-General to appoint a special envoy to carry out consultations on the preparation and convening, at the earliest possible time, of the regional Conference on Security, Stability and Development,

1. Decides to extend the mandate of UNAMIR until 8 December 1995 and authorizes a reduction of the force level to 2,330 troops within three months of the adoption of this resolution and to 1,800 troops within four months;

2. Decides to maintain the current level of military observers and civilian police personnel;

3. Decides, in the light of the current situation in Rwanda, to adjust the mandate of UNAMIR so that UNAMIR will:

(a) Exercise its good offices to help achieve national reconciliation within the frame of reference of the Arusha Peace Agreement;

(b) Assist the Government of Rwanda in facilitating the voluntary and safe return of refugees and their reintegration in their home communities, and, to that end, to support the Government of Rwanda in its ongoing efforts to promote a climate of confidence and trust through the performance of monitoring tasks throughout the country with military and police observers;

(c) Support the provision of humanitarian aid, and of assistance and expertise in engineering, logistics, medical care and demining;

(d) Assist in the training of a national police force; *[until it could make arrangements (laterally) deleted]*

(e) Contribute to the security in Rwanda of personnel and premises of United Nations agencies, of the International Tribunal for Rwanda, including full-time protection for the Prosecutor's Office, as well as those of human rights officers, and to contribute also to the security of humanitarian agencies in case of need;

4. Affirms that the restrictions imposed under Chapter VII of the Charter of the United Nations by resolution 918 (1994) apply to the sale or supply of arms and matériel specified therein to persons in the States neighbouring Rwanda, if that sale or supply is for the purpose of the use of such arms or matériel within Rwanda;

5. Calls upon the States neighbouring Rwanda to take steps, with the aim of putting an end to factors contributing to the destabilization of Rwanda, to ensure that such arms and matériel are not transferred to Rwandan camps within their territories;

6. Requests the Secretary-General to consult the Governments of neighbouring countries on the possibility of the deployment of United Nations military observers, and to consult, as a matter of priority, the Government of Zaire on the deployment of observers including in the airfields located in Eastern Zaire, in order to monitor the sale or supply of arms and matériel referred to above; and further requests the Secretary-General to report to the Council on the matter within one month of the adoption of this resolution; *[related to Rwanda] deleted*

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7. Takes note of the cooperation existing between the Government of Rwanda and UNAMIR in the implementation of its mandate and urges the Government of Rwanda and UNAMIR to continue to implement the agreements made between them, in particular the Status of Mission Agreement of 5 November 1993 and any subsequent agreement, concluded to replace that Agreement in order to facilitate the implementation of the new mandate;

8. Commends the efforts of States, United Nations agencies and non-governmental organizations which have provided humanitarian assistance to refugees and displaced persons in need, encourages them to continue such assistance, and calls upon the Government of Rwanda to continue to facilitate their delivery and distribution;

9. Calls upon States and donor agencies to fulfil their earlier commitments to give assistance for Rwanda's rehabilitation efforts, to increase such assistance, and in particular to support the early and effective functioning of the International Tribunal and the rehabilitation of the Rwandan judicial system;

10. Encourages the Secretary-General and his Special Representative to continue to coordinate the activities of the United Nations in Rwanda including those of the organizations and agencies active in the humanitarian and developmental field, and of the human rights officers;

11. Requests the Secretary-General to report to the Council by 9 August 1995 and 9 October 1995 on the discharge by UNAMIR of its mandate, the humanitarian situation and progress towards repatriation of refugees;

12. Decides to remain actively seized of the matter.



Office of the Spokesman

**SECURITY COUNCIL EXTENDS AND ADJUSTS MANDATE OF
UNAMIR UNTIL 8 DECEMBER 1995**

Resolution 997 (1995) adopted unanimously
9 June 1995

Text of the Resolution

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda (UNAMIR), and its resolutions 912 (1994) of 21 April 1994, 918 (1994) of 17 May 1994, 925 (1994) of 8 June 1994, and 965 (1994) of 30 November 1994, which set out the mandate of UNAMIR,

Having considered the report of the Secretary-General on UNAMIR dated 4 June 1995 (S/1995/457),

Recalling also its resolution 955 (1994) of 8 November 1994 establishing the International Tribunal for Rwanda, and its resolution 978 (1995) of 27 February 1995, concerning the necessity for the arrest of persons suspected of certain offences in Rwanda,

Stressing the importance of achieving genuine reconciliation among all members of Rwandan society within the frame of reference of the Arusha Peace Agreement,

Noting with great concern reports of military preparations and increasing incursions into Rwanda by elements of the former regime and underlining the need for effective measures to ensure that Rwandan nationals currently in neighbouring countries, including those in camps, do not undertake military activities aimed at destabilizing Rwanda or receive arms supplies, in view of the great likelihood that such arms are intended for use within Rwanda,

Underlining the need for increased efforts to assist the Government of Rwanda in the promotion of a climate of stability and trust in order to facilitate the return of Rwandan refugees in neighbouring countries,

Emphasizing the necessity for the accelerated disbursement of international assistance for the rehabilitation and reconstruction of Rwanda,

Calling again upon all States to act in accordance with recommendations adopted by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held in Bujumbura in February 1995,

Recognizing the valuable contribution that the human rights officers deployed by the High Commissioner for Human Rights to Rwanda have made towards the improvement of the overall situation,

Acknowledging the responsibility of the Government of Rwanda for the safety and security of all UNAMIR personnel and other international staff serving in the country,

Reaffirming the need for a long-term solution to the refugee and related problems in the Great Lakes States, and welcoming, therefore, the intention of the Secretary-General to appoint a special envoy to carry out consultations on the preparation and convening, at the earliest possible time, of the regional Conference on Security, Stability and Development,

1. Decides to extend the mandate of UNAMIR until 8 December 1995 and authorizes a reduction of the force level to 2,330 troops within three months of the adoption of this resolution and to 1,800 troops within four months;

2. Decides to maintain the current level of military observers and civilian police personnel;

3. Decides, in the light of the current situation in Rwanda, to adjust the mandate of UNAMIR so that UNAMIR will:

(a) Exercise its good offices to help achieve national reconciliation within the frame of reference of the Arusha Peace Agreement;

(b) Assist the Government of Rwanda in facilitating the voluntary and safe return of refugees and their reintegration in their home communities, and, to that end, to support the Government of Rwanda in its ongoing efforts to promote a climate of confidence and trust through the performance of monitoring tasks throughout the country with military and police observers;

(c) Support the provision of humanitarian aid, and of assistance and expertise in engineering, logistics, medical care and demining;

(d) Assist in the training of a national police force;

(e) Contribute to the security in Rwanda of personnel and premises of United Nations agencies, of the International Tribunal for Rwanda, including full-time protection for

the Prosecutor's Office, as well as those of human rights officers, and to contribute also to the security of humanitarian agencies in case of need;

4. Affirms that the restrictions imposed under Chapter VII of the Charter of the United Nations by resolution 918 (1994) apply to the sale or supply of arms and matériel specified therein to persons in the States neighbouring Rwanda, if that sale or supply is for the purpose of the use of such arms or matériel within Rwanda;

5. Calls upon the States neighbouring Rwanda to take steps, with the aim of putting an end to factors contributing to the destabilization of Rwanda, to ensure that such arms and matériel are not transferred to Rwandan camps within their territories;

6. Requests the Secretary-General to consult the Governments of neighbouring countries on the possibility of the deployment of United Nations military observers, and to consult, as a matter of priority, the Government of Zaire on the deployment of observers including in the airfields located in Eastern Zaire, in order to monitor the sale or supply of arms and matériel referred to above; and further requests the Secretary-General to report to the Council on the matter within one month of the adoption of this resolution;

7. Takes note of the cooperation existing between the Government of Rwanda and UNAMIR in the implementation of its mandate and urges the Government of Rwanda and UNAMIR to continue to implement the agreements made between them, in particular the Status of Mission Agreement of 5 November 1993 and any subsequent agreement concluded to replace that Agreement in order to facilitate the implementation of the new mandate;

8. Commends the efforts of States, United Nations agencies and non-governmental organisations which have provided humanitarian assistance to refugees and displaced persons in need, encourages them to continue such assistance, and calls upon the Government of Rwanda to continue to facilitate their delivery and distribution;

9. Calls upon States and donor agencies to fulfil their earlier commitments to give assistance for Rwanda's rehabilitation efforts, to increase such assistance, and in particular to support the early and effective functioning of the International Tribunal and the rehabilitation of the Rwandan judicial system;

10. Encourages the Secretary-General and his Special Representative to continue to coordinate the activities of the United Nations in Rwanda including those of the organizations and agencies active in the humanitarian and developmental field, and of the human rights officers;

11. Requests the Secretary-General to report to the Council by 9 August 1995 and 9 October 1995 on the discharge by UNAMIR of its mandate, the humanitarian situation and progress towards repatriation of refugees;

12. Decides to remain actively seized of the matter.

NB

- The UNAMIR had originally been established by resolution 872 (1993) of 5 October 1993. Resolution 918 (1994) had expanded the mandate of the Mission to include responsibility for the security of civilians and of humanitarian operation, had increased its strength up to 5,500 troops and imposed an arms embargo on Rwanda.
- By its action today, the Council affirmed that the Chapter VII restrictions imposed by resolution 918 (1994) apply to the sale or supply of arms and matériel to persons in the States neighbouring Rwanda, if such arms or matériel are for use within Rwanda. It called upon the States neighbouring Rwanda to take steps to ensure that such arms and matériel are not transferred to Rwanda camps within their territories.

- In a statement to the Council, the representative of Zaire called for an independent investigation to refute the claims that his country had been involved with the sale or supply of arms for use in Rwanda. He said it was up to the Government in Rwanda to create a favourable climate for the return of the refugees.
 - The representative of Rwanda, speaking after the vote, called for an end to the arms embargo against his Government and for an international commission to study the problem of the refugee camps. He added that the change in the UNAMIR mandate reflected the changed situation in his country.
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UNITED NATIONS HQS NEW YORK

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UNAMIR

194 NOV -9 06:53

TO: KHAN, UNAMIR, KIGALI
FROM: ANNAN, UNATIONS, NEW YORK
DATE: 8 November 1994
NUMBER: UNAMIR 3695
SUBJECT: Security Council Meeting

1994 NOV -8 P 10:00

TO: UNATIONS
FROM: UNATIONS
SUBJECT: UNATIONS

Attached is a note on the Security Council Meeting on Rwanda held today, 8 November. The Security Council adopted, by a vote of 13 to 1 against and 1 abstention, Resolution 955 (1994) (attached) establishing an International Tribunal for Rwanda. Rwanda voted against the Resolution while China abstained.

Best regards.

SECURITY COUNCIL MEETING ON RWANDA

8 November 1994

The Security Council, by a vote of 13, 1 against and 1 abstention, adopted today, 8 November, Resolution 955 (1994) (attached) establishing an International Tribunal for Rwanda. Rwanda voted against the Resolution while China abstained. In the explanation of votes, statements were made by France, New Zealand, the United Kingdom, Czech Republic, Argentina, Brazil, Pakistan, China, Spain, Nigeria, Rwanda, Oman, and the United States.

Rwanda explained that it had voted against the Resolution because it did not take into account its concerns which had been brought to the attention of the sponsors of the Resolution. It said that it would have wanted the Tribunal to look at all acts of genocide committed between 1 October 1990 and July 1994 instead of the period from 1 January to 31 December 1994 which the Council had set in the Statute. That period did not take into account the fact that the acts of genocide had been planned earlier, and had even been rehearsed with the elimination of many subgroups of the Tutsis. This had begun as far back as October 1990.

The composition and structure of the Tribunal was not acceptable as the prosecutor of the Tribunal for Rwanda would be the same as that one of the Tribunal for Yugoslavia. The Judges for the two courts to be established for the Tribunal of Rwanda were too few for the case-load in Rwanda. Further, the Statute gave jurisdiction to the Tribunal over crimes outside genocide without giving priorities to what cases it would consider first. The imprisonment of convicts outside Rwanda was unacceptable as this meant that there would be inequitable punishment. Those imprisoned in Rwanda would be liable to have death penalty imposed on them while those imprisoned outside would receive lesser penalties. Some of the prisoners would be in prisons of countries which had supported the regime that committed the genocide. This would undermine confidence in the Tribunal. In order for the Rwandese to witness justice it was necessary for the Tribunal to have its seat in Rwanda. Only by doing so would the Tribunal serve as an instrument of national reconciliation. By sitting it in Rwanda the Tribunal would also promote the harmonization of the international and the national jurisprudence.

While it was important for an International Tribunal to be set up, the Tribunal which had been set up by the Council was not the type of the Tribunal that Rwanda expected. It would be ineffective insofar as the Rwanda situation was concerned.

China explained its abstention by stating that it was necessary for Rwanda more time for consultation so that it could be more effective. China also said that the Security Council had a responsibility under Chapter VII although it could have considered the situation more fully before acting on it.

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Most of the other Member States regretted that the Resolution was not adopted unanimously. They expressed disappointment that Rwanda had voted against it. However, they hoped that despite its position the Government of Rwanda would support the Tribunal and cooperate with it. They urged that the Tribunal be set up as soon as possible. They called upon all States to cooperate with the Tribunal including executing orders to arrest individuals on their territory. New Zealand, the United Kingdom and the United States said that all attempts had been made to take into account the concerns of Rwanda. However, all concerns could not be met without sacrificing the international character of the Tribunal. On the question of death penalty, New Zealand and the United Kingdom said that there was no way they could have supported the Resolution had it called for the imposition of the death penalty. Time had come to end the ^{cycle} of violence in Rwanda.

Most of the Member States noted that the seat of the Tribunal had yet to be decided. No decision would be taken until a report from the Secretariat had been received. However, they welcomed the fact that in any case an Office of the Tribunal would be established in Rwanda. Pakistan and Nigeria emphasized that, if at all possible, the seat of the Tribunal should be in Rwanda.

Brazil reiterated its position that the establishment of the Tribunal was not within the competence of the Security Council. Its vote for the Resolution should not be taken as a precedent as it maintains that such tribunals must be set up through the conclusion of international conventions.

Spain informed the Council that it had already provided the United Nations with forensic experts to assist it in the investigation of the genocide in Rwanda.

On the question of funding the Tribunal the United States urged all Member States to make voluntary contributions to finance the Tribunal. The United Nations would have to provide adequate funding to have the Tribunal start its work. The United States also called upon all Member States to support the rebuilding of the national judicial system of Rwanda.



Leonard T. Kapungu
8 November 1994