

[8 CONFIDENTIAL]

UN ARCHIVES

SERIES S-1120

BOX 9

FILE 8

ACC. 1998/0278

OUT-GOING CODE CABLE

TO: ANNAN/GOULDING/CORELL, UNATIONS, NEW YORK

INFO: MEDILI, UNATIONS, NEW YORK

FROM: SHAHARYAR M. KHAN, UNAMIR, KIGALI

Shaharyar M. Khan

DATE: 28 August 1995

NO: MIR _____

NO. OF PAGES: 2

SUBJECT: STATUS OF UNAMIR CONTRACTORS

1. We refer to the legal opinion dated 14 August 1995 given by Mr. Corell to Mr. Medili regarding the status of the French company, Economat de l'Armée, which enclosed a copy of a memorandum addressed to Mr. Riza from Mr. Corell dated 23 June 1995 on the status of contractors and suppliers to United Nations peace-keeping operations.

2. Based upon the contents of these two documents, as well as the existing Status of Mission Agreement (SOMA) between the United Nations and the Government of Rwanda, it appears that the privileges and immunities granted to UNAMIR contractors are narrowly defined to the extent that these contractors can only claim exemption from the payment of direct taxes and customs duties on goods imported for the official and exclusive use of UNAMIR. However, recent conversations with representatives of some of our contractors reveal that they are operating in Rwanda under the assumption that they are also exempt from the payment of turnover tax (impôt sur les chiffres d'affaires) and social security benefits for their local Rwandese employees, as well as other requirements for foreign companies operating in Rwanda (e.g., compliance with governmental requirements for the registration of business entities).

3. Some of our contractors have provided services to other United Nations peace-keeping missions where the absence of a properly-functioning national or local government to enforce business regulations has given them the impression that they are de facto exempt from certain obligations vis à vis the national authorities. As such, we would appreciate it if clarification is provided to all UNAMIR contractors on this issue, either through New York or here in Kigali. In particular, we think it would be advisable to specify that our contractors are not exempt from the payment of social security and turnover tax, as well as from registration as a commercial enterprise, but that efforts are underway by the United Nations to extend to contractors certain

facilities which would facilitate the performance of their assigned tasks (e.g., freedom of movement for the proper performance of services, prompt issuance of necessary visas, licences or permits, exemption from immigration restrictions and alien registration, etc.).

4. In this regard, please advise whether you think it appropriate for this clarification to be made through New York or at the local level here in Kigali.

5. As you are aware, the implication of the decision by the Office of Legal Affairs on the status of contractors in United Nations peace-keeping operations is that the contractors' financial liability for the payment of such taxes will ultimately have to be reimbursed by the United Nations in cost plus fee contracts (as in the case of Brown & Root Services Corporation).

6. With respect to the status of the French company ECONOMAT, we request that a reconsideration of the legal opinion be made bearing in mind the following points:

a) The Letters of Assist for the provision of fresh food and subsistence rations to UNAMIR troops were signed between the United Nations in New York and the Government of France. Unlike our other contractors, this is not a case where a contractual arrangement was made between the United Nations and a commercial entity.

b) ECONOMAT is a wholly-owned state company and not a private enterprise. As stated in our MIR 2798, it was requested by the French Ministry of Defence to execute the obligations undertaken by the French Government in its agreements with the United Nations.

c) Based upon paragraph 1 (a) (ii) of the original French text of the SOMA, ECONOMAT could be considered a civilian component of UNAMIR, because it falls within the purview of "d'autres personnes...mises à la disposition de la MINUAR par les Etats participants."

d) Contrary to what has been stated, ECONOMAT was not "merely providing foodstuffs to UNAMIR". By providing subsistence rations and fresh food to our military component, ECONOMAT was performing a highly important function for the United Nations to the extent that the survival of our troops depended upon ECONOMAT's ability to perform its tasks properly. In this respect, the services provided by ECONOMAT can be distinguished from those provided by other UNAMIR contractors. It is indeed unfortunate that despite ECONOMAT's significant contribution to a United Nations peace-keeping effort, it is now faced with an alleged financial liability of \$3,000,000 to the Rwandese Government.

7. We would appreciate hearing your comments on the above issues at the earliest, both with regard to notification to UNAMIR contractors of the limited extent of their privileges and immunities vis à vis host Governments, as well as our determination that ECONOMAT should be regarded as a civilian component of UNAMIR under the SOMA.

8. Best regards.



OUTGOING CODE CABLE

U R G E N T

A: ANNAN/GOULDING/ UNATIONS, NEW YORK

INFO: KITTANI/GHAREKHAN, UNATIONS, NEW YORK

DE *Pour* KHAN, UNAMIR, KIGALI

DATE: 28 AOUT 1995

NO.: MIR _____

NO. DE PAGES: 2

OBJET: DEMISSION DU PREMIER MINISTRE DU RWANDA

1. Il a été annoncé par les agences de presse internationales, cet après-midi, que Monsieur Faustin Twagiramungu, Premier Ministre du Rwanda avait démissionné. Vers 14 heures, Radio Rwanda avait annoncé que le Président de la République ferait une déclaration au Parlement à 15 heures et qu'il était recommandé à tous les Députés d'être présents. Pour l'instant, on ne sait rien de la teneur de cette déclaration.

2. Copie de la lettre de démission, dont le contenu n'a pas été rendu public, est ci-jointe. Vous noterez sans doute qu'elle est à l'en-tête du Mouvement Démocratique Républicain (MDR) dont Monsieur Twagiramungu est le Président. Nous ne manquerons pas de vous tenir informés de la suite des événements.

3. Meilleures salutations.

KIGALI, le 28/08/1995

MDR

Mouvement Démocratique Républicain
B.P 1524
KIGALI

Son Excellence Monsieur le Président de la
République Rwandaise
KIGALI

Monsieur le Président,

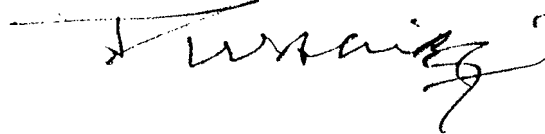
Suite à la crise survenue lors de la réunion
du Conseil des Ministres du vendredi 25 Août 1995 tenue à l'ex-
Hôtel du 05 Juillet sur les tueries commises à travers tout le
pays par certains éléments de l'Armée Patriotique et compte tenu
de la réaction de Son Excellence Monsieur le Vice-Président de
la République et Ministre de la Défense à cette occasion;

Suite aux menaces de me faire quitter le pays
proférées antérieurement par ce même Vice-Président de la
République;

Suite également au non-respect de l'Accord
de Paix d'ARUSHA en ce qui concerne le partage du pouvoir;

Entant que Chef du Gouvernement, j'ai pris
la décision de Vous donner ma démission que je Vous prie,
Excellence Monsieur le Président, de bien vouloir accepter.

Le Premier Ministre de la République
Rwandaise,
Faustin TWAGIRAMUNGU.





NOTE TO THE SRSG

Subject: Release of UNAMIR's APCs to Rwandese forces

1. You will recall that at a meeting held on 23 August 1995, a delegation of RPA Officers led by Mr. Claude Dusaidi requested that UNAMIR's APCs be released to the Rwandese forces at the end of the Mission. On that subject, the attached cable was sent to New York.
2. In this connection, I have requested Lt.Col. Chabir to provide us with more details about the type, number and status of the APCs currently in UNAMIR's possession. A list is herewith attached which you may wish to forward to New York.

WS
—

Wilfrid de Souza
1 September 1995

LIST OF UNAMIR's APCs

<u>Type</u>	<u>Number</u>	<u>Status</u>
APC M113	59 <u>6</u> 65	UN owned equipment Leased by USA to UN
MAMBA	15 —	All are leased by South Africa to UN
BTR 80	08 —	Bengladesh owned equipment



Chow

OUTGOING CODE CABLE

MOST IMMEDIATE

TO: ANNAN/GOULDING/UNATIONS, NEW YORK

INFO: KITTANI/GHAREKHAN/UNATIONS, NEW YORK

FROM: KHAN, UNAMIR, KIGALI

Shelley J. Khan

DATE: 25 AUGUST 1995

NO: MIR 3029

NO OF PAGES: 1 OF 3

**SUBJECT: Meeting of the SRSG with a group of RPA Officers
and Mr. Claude Dusaidi**

1. Please find attached a note on a meeting I had on 23 August 1995 with a group of RPA Officers and the Political Adviser to the Vice-President and Minister of Defense.
2. I should like to draw your attention to their request that some of UNAMIR military equipment be released to the Rwandese Forces.
3. Best regards.

NOTE

Subject: Meeting of the SRSG with a group of RPA Officers
and Mr. Claude Dusaidi

1. A group of RPA Officers comprising Colonel Charles Muhire, Lieutenant Colonel Karenzi Kareke and Major Kamarade led by Mr. Claude Dusaidi, Political Adviser to the Vice-President and Minister of Defense, met with the SRSG on 23 August 1995 at UNAMIR Headquarters. The meeting was at their request.

2. The SRSG opened the meeting by apprising his visitors of the latest developments regarding the forcible repatriation by Zaïre of the rwandese refugees. In this connection, he informed them that he had visited the border area with the Minister of Rehabilitation and a number of Ambassadors and representatives of the United Nations and other agencies. He told them that the situation was still under control, but should the number of returnees increase dramatically, the situation may require a massive assistance from the international community. He added that most of the families he met at the border told him that they were pleased to be back home. He had also noted that some of the refugees were returning voluntarily instead of facing intimidation on the part of the Zairian forces. In reply to a question, he confirmed that Mrs. OGATA, the High Commissioner for Refugees was on her way to Zaïre, but he did not know whether she would succeed in persuading the Zairian Government to reverse its decision. He noted in that connection that all the Zairian political leaders, including those of the opposition, had given their support to the Prime Minister's decision to expel the refugees. He urged his interlocutors to continue to appeal to the international community for help and assured them of the full cooperation of UNAMIR.

3. Taking the floor on behalf of his colleagues, Mr. Dusaidi said that the reason why they came to see the SRSG was to find out what pieces of equipment UNAMIR could release to the Rwandese forces, now that the embargo had been lifted. He added that they were particularly interested in receiving some of the APCs, especially those provided to UNAMIR by the United States.

4. The SRSG in reply said that that question had already been raised during the negotiations that preceded the adoption of the new mandate by the Security Council. He had already set in motion the process to review and identify the equipment that UNAMIR could leave behind. However, that review would not be completed until some time in September.

.../...

Furthermore, a mechanism had been designed whereby equipment can be made available to the Rwandese Government at a depreciated United Nations value. However, the decision regarding which type of equipment could be made available to the Government is the responsibility of the United Nations Headquarters in New York. As regards APCs in particular, the United Nations might have to consult the contributing countries. The SRSG concluded by saying that a week to 10 days would be required for him to look into the matter.

5. The SRSG also took that opportunity to brief his interlocutors on the action taken so far by the international community on the question of the prisons. He also gave them an outline of what the plan of action under preparation could -or should- include. In this connection, Mr. Dusaidi made a specific request concerning the temporary detention center being set up at ONATRACOM. He said in this connection that Government experts had found the security situation at that center not fully satisfactory. UNAMIR assistance was needed for additional security measures. The SRSG said he would ask UNAMIR experts to meet with those of the Government in order to assess the problem and decide on the way to resolve it.

WS

Wilfrid de Souza
24 August 1995

UNITED NATIONS

ASSISTANCE MISSION FOR RWANDA



NATIONS UNIES

MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR

UNAMIR-MINUAR

95 AUG 24 16 10

OUTGOING CODE CABLE

MOST IMMEDIATE

CRN02838

1/1

CRN02838

TO: ANNAN/GOULDING/UNATIONS, NEW YORK

FROM: KHAN UNATIONS, UNAMIR

Shabazz Khan

DATE: 24 AUGUST 1995

NO: MIR 305

NO OF PAGES: 1 OF 1

SUBJECT: Commission of Inquiry on arms deliveries to former Rwandese government forces

1. Reference is made to your code cable 2818 of 23 August 1995 on the above subject.
2. I have reviewed carefully the draft letter to the President of the Security Council and found it quite pertinent and comprehensive.
3. However, I have a few comments:
 - i. You may wish to include immunity among the guarantees to be provided by the Governments concerned to witnesses, experts and any other persons who may be called upon to help the Commission in its work (see para.1 on page 3).
 - ii. The Trust Fund referred to in para.3 on page 4 should be specified. As you are aware indeed, there are presently two United Nations Trust Funds for Rwanda; one is administrated by DHA and the other by UNDP.
4. Best regards.



OUTGOING CODE CABLE

MOST IMMEDIATE

TO: ANNAN/GOULDING/UNATIONS, NEW YORK

FROM: KHAN UNATIONS, UNAMIR

DATE: 24 AUGUST 1995

NO: MIR 3

NO OF PAGES: 1 OF 1

SUBJECT: Commission of Inquiry on arms deliveries to former Rwandese government forces

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 4. Best regards.
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OUTGOING CODE CABLE

TO: ANNAN/GOULDING, UNATIONS, NEW YORK

FROM: KITTANI/GHAREKHAN, UNATIONS, NEW YORK

FROM: *for* KHAN, UNAMIR, KIGALI *Thoussignant*

DATE: 20 JULY 1995

MIR: 2670

NO. OF PAGES: 1

SUBJECT: FIRST ANNIVERSARY OF RWANDESE GOVERNMENT

1. The Prime Minister of Rwanda, Mr. Faustin Twagiramungu, hosted yesterday evening, 19 July, an official reception to mark the first anniversary of the coming to power of Rwanda's Government of National Unity (GNU). The GNU, composed of representatives of five political parties as well as independent politicians, assumed office on 19 July 1994 following the defeat of the former Rwandese Government Forces (RGF) by the forces of the RPF, and the end of the genocide and civil war that had begun when President Habyarimana died in a mysterious plane crash on 6 April 1994.

2. Unlike two recent related anniversaries, the first anniversary of the beginning, on 7 April, of the genocide and the first anniversary of the capture, on 4 July, of Kigali by RPF forces, yesterday's occasion was commemorated in a much more modest manner. It was not observed as a public holiday and there were no public ceremonies, parades or formal statements. At his reception, which was attended, *inter alia*, by members of Government, including President Bizimungu and Vice-President and Defence Minister General Kagame as well as by members of the Diplomatic Corps, including UNAMIR, the Prime Minister made a brief statement in which he recalled that the GNU had come to office at a particularly difficult and tragic period in modern Rwandese history. He noted the path that the Government had travelled, its achievements and the challenges that remained. He thanked those who had supported the Government's efforts, including the Rwandese people and the international community.

3. Best regards.

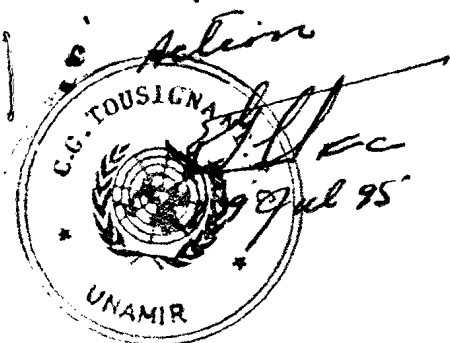
CENO

ASSOCIATIONS A.S.R.G, AVEGA,
KANYARWANDA

Kigali, le 18/7/1995

Mr. Buo

For your attention



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

Monsieur le Représentant-Spécial,

Nous avons l'honneur de vous transmettre
ci-contre copie de la Déclaration des Associations rwandaises de
soutien aux rescapés du génocide et celles de défense des droits de
l'homme à savoir A.S.R.G, AVEGA, PAGE- RWANDA, KANYARWANDA et
A.V.P faite en date du 14 Juillet 1995 lors de l'entretien que
Monsieur Boutros Boutros GHALI a accordé aux représentants de ces
associations.

Nous vous saurions gré de transmettre
cette Déclaration au Secrétaire Général de l'ONU.

Veuillez agréer Monsieur le Représentant-
Spécial, l'assurance de notre considération distinguée.

Pour les Associations.

Jean Bosco RUTAGENGWA

A handwritten signature in dark ink, appearing to be 'Jean Bosco Rutagengwa'.

François NDUWUMWE

A handwritten signature in dark ink, appearing to be 'François Nduwumwe'.

DECLARATION DES ASSOCIATIONS A.S.R.G,AVEGA,
PAGE. RWANDA A.V.P. ET KANYARWANDA A L'OCCASION DE LA VISITE DU
SECRETAIRE GENERAL DE L'ONU AU RWANDA LE 14 JUILLET 1995

Excellence Monsieur le Secrétaire Général
de l'ONU

Les Associations rwandaises de soutien aux rescapés du génocide et celles de défense des droits de l'homme ci-dessus mentionnées vous remercient, pour l'entretien de quelques minutes que vous voulez bien leur accorder.

Nous regrettons cependant que votre séjour au RWANDA soit trop court, et par conséquent votre programme très chargé, ce qui évidemment ne vous permettra pas de constater et suffisamment comprendre les atrocités qui ont été commises au RWANDA dès le 7 Avril 1994 ni mieux saisir les difficultés auxquelles le RWANDA est confrontés actuellement.

Nous profitons de cet entretien pour déclarer ce qui suit:

1. Il est malheureux de constater que la situation déplorable et unique dans le monde qu'a connu le RWANDA n'est pas du tout considérée à sa juste valeur par la communauté Internationale, y compris les Nations-Unies.

Le génocide rwandais, qui fut le génocide sans aucun doute le plus rapide, le plus atroce et le "mieux" planifié, laisse pour le moment indifférents les plus grands responsables politiques dans le monde.

2. Il semble évident qu'aucun programme réaliste ne peut être entamé ni pleinement réussir sans que "justice soit faite".

Nul n'ignore que la plupart des planificateurs et exécutants du génocide et des massacres au RWANDA se trouvent dans les pays étrangers. Y-a-t-il réellement une volonté de les arrêter, et de les juger? quel est l'apport de l'ONU dans ce domaine? Au vu des résultats, le constat est que cette volonté et cet apport n'existent pas ou en tout cas ne se manifestent pas.

La thèse selon laquelle les criminels qui ont endeuillé le RWANDA sont très nombreux et de ce fait, "ne peuvent pas tous être puni", est provocatrice et inacceptable. Tout criminel devra répondre de ses actes.

3. Les rwandais n'ont pas besoin d'être forcés pour aboutir à leur réconciliation et à une participation active à la reconstruction de leur pays.

.../...



La réconciliation se fera naturellement, quand une justice transparente aura été rendue et que l'impunité aura été levée.

4. Le retour des réfugiés rwandais est une absolue nécessité pour asseoir une paix durable au RWANDA et dans la sous-région. Cependant le rôle des Nations-Unies dans le retour des réfugiés est capital et indispensable.

En effet, l'ONU devrait user de tous ses moyens (tels que la MINUAR) pour séparer les criminels des gens Innocents et pour traduire ces criminels en justice. Il n'est dès lors pas logique de faire précéder l'octroi de toute aide par le retour des réfugiés.

5. Avant le génocide, les Associations rwandaises de défense des droits de l'homme avaient écrit en février 1994 à l'ONU pour qu'elle change le mandat de la MINUAR afin qu'elle puisse assurer la sécurité des populations civiles.

Cet appel n'a pas été entendu. Par contre, votre représentant, en la personne de Monsieur Jacques Roger BOBOS, a participé activement à la mise en place du gouvernement des génocidaires.

Au cours du génocide, le conseil de sécurité des N.U, sur votre proposition, a voté une résolution réduisant drastiquement l'effectif du contingent de la MINUAR. Cette décision malheureuse a eu comme conséquence directe, la mort de plusieurs milliers de personnes innocentes qui étaient gardées par ces mêmes soldats et a été comme un feu vert donné aux génocidaires.


Nos associations aimeraient savoir dans quel état d'esprit vous avez initié cette résolution.

Durant le génocide, l'ONU a continué à parler de guerre civile, et de lutte inter-ethnique, évitant de parler de génocide, alors que la qualification du crime aurait amené les pays membres de l'ONU à prendre leurs responsabilités pour arrêter le génocide et les massacres.

Nous rappelons ici que dans leurs rapports de janvier 1993, les Associations rwandaises de défense des droits de l'homme avaient commandité une enquête internationale dont les conclusions étaient qu'un génocide était en train de se perpétrer au RWANDA.

6. Maintenant que le mal est fait, l'ONU se trouve incontestablement dans l'obligation de réparer les torts causés aux rescapés du génocide et des massacres et à la Nation toute entière.

.../...




Cette compensation devra se traduire par une aide multiforme pour aider les orphelins, les veuves, les mutilés et autres victimes de ces atrocités.

Les modalités de cette compensation devront faire l'objet d'une étude que nos associations se proposent de mener et à laquelle nous souhaitons que le système des Nations-Unies puisse collaborer.

Voilà, Excellence Monsieur le Secrétaire Général de l'ONU, les quelques points que nos Associations ont jugé utiles de vous communiquer pendant le bref moment que vous avez bien voulu nous accorder.

Nous vous remercions.

Fait à KIGALI, le 14/7/1995



ROUTING SLIP

FICHE DE TRANSMISSION

TO:		
A: Mr. Paul Ischlika		
FROM:		
DE: Wilfrid de Souza <i>WS</i>		
Room No. - No de bureau	Extension - Poste	Date
		27/9/95
FOR ACTION		POUR SUITE A DONNER
FOR APPROVAL		POUR APPROBATION
FOR SIGNATURE		POUR SIGNATURE
FOR COMMENTS		POUR OBSERVATIONS
MAY WE DISCUSS?		POURRIONS-NOUS EN PARLER ?
YOUR ATTENTION		VOTRE ATTENTION
AS DISCUSSED		COMME CONVENU
AS REQUESTED		SUITE A VOTRE DEMANDE
NOTE AND RETURN		NOTER ET RETOURNER
FOR INFORMATION		POUR INFORMATION

Obviously this case should be re-opened. Your contribution to that end would be very much appreciated.

CONFIDENTIAL

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA



NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

INTER-OFFICE MEMORANDUM

23 September 1995

*160 mail
case
25/9/95*
TO: Maj. Sichilima, Force Provost Marshal

THROUGH: Mr W. Clive, OIC Adm *W. Clive*

FROM: Mr G. Brière, CCM *G. Brière*

INFO: Mr S. Khan, SRSG
Mr M. Ncube, C BOI & Legal Advisor
Mr D. Stuckless, CMC CAA 5
Mr G. Boella, CMC CAA 6
Col W. Fletcher, DCOS Sp
Maj S.A. Dare, OC Force MP Coy

RECEIVED

25 SEP 1995

OFFICE OF THE SRSG
UNAMIR

REF: MP Inv. Report # UNAMIR/KIG/855-04-95 dated 8 Sept 1995.

SUBJECT: MP INVESTIGATION REPORT -
UNAMIR FOOD ITEMS IN LOCAL MARKETS

1. The report made on the above mentioned subject has been received and reviewed. In our opinion this report is incomplete and based on the content of the report it is our view that the investigation has not been carried out in a thorough manner. We believe that if extensive inquiries were to be made in all areas concerned and Contingent Logistic Officers were to cooperate, the culprits could be identified and action taken accordingly.
2. It is understood from your report that the MP's have no legal right to search and arrest locals but we are least concerned on what action is taken against the locals since obviously this is not our goal. Our main aim is to determine how the food gets to the local market and if our Staff either Military or Civilian actually exchange or sell the food commodities in the local Market.
3. During investigations into this issue a member from CMC provided useful information to the investigating MP NCO's that the UNAMIR Security Officer based at Kigali Airport could provide a registration number of a UNAMIR vehicle once seen off loading food rations in down town Kigali. Apparently this lead whether genuine or not was not followed and therefore did not appear in your report.