

[1 CONFIDENTIAL]

UN ARCHIVES

SERIES S-1120

BOX 10


FILE 3

ACC. 1998/0278



22 août 1995

A: Colonel Major Abel-Aziz Toumia
Adjoint au Commandant en Chef
des Forces

DE: Wilfrid de Souza 
Directeur Exécutif

Objet: Protection du bureau du Procureur adjoint
du Tribunal international pour le Rwanda

1. Je vous prie de trouver ci-joint, tel que révisé, un projet de cable sur le sujet cité en référence. Ce projet de cable fait suite au cable no.2708 du 15 août 1995 de M. Annan concernant le même sujet.
2. Avant de l'expédier, le Représentant spécial aurait voulu recueillir votre avis sur les propositions qu'il contient.
3. Je vous remercie de votre attention.

cc. RSSG



OUTGOING CODE CABLE

TO: ANNAN/GOULDING/HANSEN/CORELL, UNATIONS, NEW YORK
INFO: KITTANI/GHAREKHAN/AIME, UNATIONS, NEW YORK
FROM: SHAHARYAR M. KHAN, UNAMIR, KIGALI
DATE: 22 AUGUST 1995
NO.: MIR _____
NO. OF PAGES: 3
SUBJECT: INTERNATIONAL TRIBUNAL AND OFFICE OF THE PROSECUTOR IN KIGALI

1. Please refer to your code cable No. 2708 dated 15 August 1995. In this cable I shall attempt to place in perspective some of the issues related to the International Tribunal and the Office of the Prosecutor OTP in Rwanda.

2. First, I am convinced that the Security Council's decision to locate the Office of the Prosecutor in Kigali was absolutely correct from a political point of view. The decision must be implemented and any attempt to resile from it must be firmly resisted. I gain the impression that OTP lower staff, sent out to make security and administrative arrangements, come up with excuses in an attempt to backslide and reverse the decision to open OTP in Kigali. These excuses, in my view, are shallow and without foundation. An emphatic decision must be taken at the top to go ahead and open the office as early as possible. After all, UNAMIR and UN Agencies have been operating in infinitely more difficult physical and security conditions in Rwanda than exist today and therefore there is no reason whatsoever why OTP cannot function from Kigali.

Security

3. An assessment of the security requirement for the Prosecutors Office was carried out by a Committee specially appointed to examine this task. I quote from its final conclusion.

"The total personnel required to contribute to the security of the Tribunal and provide full time protection to the Prosecutors office has been assessed at a maximum of nine sections [90 persons] or one dedicated rifle company [135 persons] and six close protection personnel. This figure may be reduced further depending on the level of support provided by the Rwandan government/RPA."

4. This means that a company level force of maximum 135 persons will be required to perform this task.

5. Of course, while UNAMIR is in Rwanda we shall undertake this task as it is part of our mandate. It is also relevant that the Tribunal and Prosecutors Office are expected to continue their role in Rwanda long after UNAMIR's mandate comes to an end and UNAMIR troops are withdrawn. This decision will become clearer around October. Therefore, while UNAMIR remains in Rwanda, we shall undertake the task of providing security to the International Tribunal and Office of the Prosecutors with our existing strength. After UNAMIR winds up, UN would need to negotiate with the Rwandese Government, a separate agreement for the stationing of a UN Security force to protect the Prosecutors Office and other sensitive UN Operations such as the Human Rights Monitors and other UN agencies that need such protection, regardless of the fact that the Rwandese Government may wish to assume this task. I expect a security force of around 300 persons could perform this task.


Office and Residential Space

6. The Office of the Prosecutor already has a building adjacent to UNAMIR Headquarters which is easily protected. Should this be insufficient, additional office space can be found. Similarly, arrangements for residential accommodation can be made without great difficulty. I do not believe office and residential accommodation is an insurmountable problem.

7. I have discussed these issues with the Deputy Prosecutor, Judge Rakotomanana who is in full agreement with me. The question of making Arusha ready for the Tribunal, security for personnel in Arusha and for witnesses etc. needs to be addressed urgently as the Tribunal must be seen to begin operating as expeditiously as possible. [We must adhere to the promise made by Judge Goldstone sometime ago that the Tribunal would become operational in the course of the second half of 1995.] I hope these loose ends can be tied up during Judge Goldstone's visit to Rwanda on 30th August.

8. The general impression in Rwanda both among the Rwandese and the international community is that the International Tribunal has shown no urgency in setting itself up. This delay has a domino effect on other important issues, such as the setting up of the national judiciary, which are also delayed pending the functioning of the Tribunal and the Prosecutors Office. It is important that the Tribunal and OTP should reflect a sense of urgency in addressing their mandated task.

Best wishes.



★ CYCY ★
AUG-15-1995 23:20

UNITED NATIONS HQ NEW YORK

5601 P.01

RECEIVED

16 AUG 1995

OFFICE OF THE SROG

UNAMIR

TO: KHAN, KIGALI, RWANDA

OUTGOING CODE CABLE

CNR 226 P 1/1

FROM: ANNAN, UNATIONS, NEW YORK

DATE: 15 AUGUST 1995

NUMBER: 2708

SUBJECT: International Tribunal

UNAMIR

15 AUG 16

01 15

copy DFC
ED/SIA

UNITED NATIONS
CABLE OPERATIONS
15 AUG 15 P 7:19

I would like
that to discuss
with ED/SIA
and A FC
for
170

1. Reference our cable 2683 of 11 August and our conversation yesterday, we would appreciate your proposals for the most effective and economical means to ensure the protection of the Prosecutor and his staff.

2. Please keep in mind that the Secretary-General has decided that the Prosecutor and his staff of 52 must be based in Kigali. Although the Government of Rwanda has the responsibility (which evidently it is prepared to accept) to ensure the security of this office, we should not be dependent on this alone, and should develop proposals for additional security to be provided by the UN. However, this does not imply that this task is to be given to peace-keeping troops. Indeed such troops are not meant to be dedicated to security of UN personnel. Since we have to proceed on the assumption that all UNAMIR troops would be withdrawn by the end of 1995 (unless the Government requests otherwise and the Security Council approves), your proposals for the security of the Prosecutor and his staff should envisage guards either provided by UN Headquarters or contracted internationally or locally.

3. Apart from the security for the Prosecutor and his staff, we also request proposals for the security of staff of other UN agencies in Kigali, after the anticipated withdrawal of UNAMIR at the end of the year.

Kind regards,

SRS

1995-08-15

23:23

TOTAL P.01
PAGE = 01



UNAMIR - MINUAR

I would like EJ/DFC/Later
to look at this ^{cc} paper before
I send it. ^{for}

OUTGOING CODE CABLE

EJ
DFC
Later

TO: ANNAN/GOULDING/HANSEN, ^{CORRELL} UNATIONS, NEW YORK
INFO: KITTANI/GHAREKHAN, ^{AINE} UNATIONS, NEW YORK
FROM: SHAHARYAR M. KHAN, UNAMIR, KIGALI
DATE: 21 AUGUST 1995
NO.: MIR _____
NO. OF PAGES: 3
SUBJECT: INTERNATIONAL TRIBUNAL AND OFFICE OF THE PROSECUTOR IN KIGALI

1. Please refer to your code cable No. 2708 dated 15 August 1995. In this cable I shall attempt to place in perspective some of the issues related to the International Tribunal and the Office of the ^{OTP} Prosecutor in Rwanda.

2. First, I am convinced that the Security Council's decision to locate the Office of the Prosecutor in Kigali was absolutely correct from a political point of view. The decision must be implemented and ^{any} attempt to resile from it must be firmly resisted. I gain the impression that ^{OTP} the lower staff, sent out to make security and administrative arrangements, ^{or} for the ~~Prosecutors Office~~ ^{OTP in Kigali} come up with excuses in an attempt to backslide and reverse the decision to open the ~~Prosecutors~~ ^{OTP} Office. These excuses, in my view, are shallow and without foundation. An emphatic decision must be taken at the top to go ahead and open the office as early as possible. After all, UNAMIR and UN Agencies have been operating in infinitely more difficult physical and security conditions

in Rwanda than exist today and therefore there is no reason whatsoever why the ^{CTP}~~Tribunal~~ and the ~~Prosecutors' Office~~ cannot function from Kigali.

Security

3. An assessment of the security requirement for the Prosecutors Office was carried out by a Committee specially appointed to examine this task. I quote from its final conclusion.

"The total personnel required to contribute to the security of the Tribunal and provide full time protection to the Prosecutors office has been assessed at a maximum of nine sections ^[90 persons] or one dedicated rifle company ^[135 persons] and six close protection personnel. This figure may be reduced further depending on the level of support provided by the Rwandan government/RPA."

4. This means that a company level force of ^{maximum} ~~about~~ 135 persons will be required to perform this task.

5. Of course, while UNAMIR is in Rwanda we shall undertake this task as it is part of our mandate. It is also relevant that the ~~Tribunal and Prosecutors Office~~ are expected to continue their role in Rwanda long after UNAMIR's mandate comes to an end and UNAMIR troops are withdrawn, ~~either in December or later~~. This decision will become clearer around October. Therefore, while UNAMIR remains in Rwanda, we shall undertake the task of providing security to the International Tribunal and Office of the Prosecutors with our existing strength.

6. After UNAMIR winds up, UN would need to negotiate with the Rwandese Government, a separate agreement for the stationing of a UN Security force to protect the Prosecutors Office and other sensitive UN Operations such as the Human Rights Monitors and other ^{UN} agencies that need such protection, regardless of the fact that the Rwandese Government may wish to assume this task. ^I expect a security force of around 300 persons could perform this task.

↑ [We must adhere to the promise
made by Judge Goldstone sometime
ago that the Tribunal would
become operational in the course
of the second half of 1995]

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7. The Office of the Prosecutor already has a building adjacent to UNAMIR Headquarters which is easily protected. Should this be insufficient, additional office space can be found. Similarly, arrangements for residential accommodation can be made without great difficulty. I do not believe office and residential accommodation is an ~~insurmountable problem that cannot be overcome~~ overcome.

8. I have discussed these issues with the Deputy Prosecutor, Judge Rakotomanana who is in full agreement with me. The question of making Arusha ready for the Tribunal, security for personnel in Arusha and for witnesses etc. needs to be addressed urgently as the Tribunal must be seen to begin operating as expeditiously as possible. I hope these loose ends can be tied up during Judge Goldstone's visit to Rwanda on 30th August.

~~Best~~ wishes.

9. The general impression in Rwanda for some time now is that the international community is not taking the International Tribunal as seriously as it should be. This delay has set itself up. ~~It is a~~ This delay has a domino effect on other important issues, such as the setting up of the national judiciary, which are also delayed pending the functioning of the Tribunal and the Prosecutor's office. It is important that the Tribunal and the OTP should reflect a sense of urgency in addressing their mandated tasks.