

UNAMIR

SECRETARY - GENERAL'S REPORT  
TO THE SECURITY COUNCIL

29 FEB 1996

UNCLASSIFIED

EL/WG APR 2009

PLEASE RETAIN  
ORIGINAL ORDER

UNARCHIVES

SERIES S-1063

BOX 21

FILE 9

ACC. 1998/0278

**UNITED  
NATIONS****S****Security Council**Distr.  
GENERALS/1996/149  
29 February 1996

ORIGINAL: ENGLISH

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

1. The present report is submitted pursuant to Security Council resolution 1029 (1995) of 12 December 1995, in which the 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 (A/50/868-S/1996/61) 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 those 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 important 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 per cent of pre-war output; child immunization, sanitation, urban water supply and healthcare, 80 per cent; industrial production, 75 per cent; while public transport, primary schools and university education are above 60 per cent.

3. However, there remain a number of outstanding issues that 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 destabilization activities by the former RGF and the equitable disbursement of aid. The prospect of the UNAMIR withdrawal after 8 March 1996 has also caused representatives of some international organizations in Rwanda to express concern about their safety, in particular after the expulsion of 38 non-governmental organizations and an incident, albeit isolated and immediately acted upon by the Government, in which

96-04175 (E) 290296 010396



/...

S/1996/149

English

Page 2

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, in particular 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 Government of Rwanda, a large number of infiltrators have 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 border with Zaire.

5. During the period under review, the former Heads of State of Mali and the United Republic of 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 (see S/1995/1001), 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 the United Republic of 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 handover 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 that discourage refugees from returning to Rwanda continues to be the non-functioning of the justice system. Although some constitutional changes have been introduced to allow for 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 sects. III and VI).

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 were 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 the UNAMIR mandate, security arrangements for the Office of the Prosecutor will need to be agreed between the Tribunal and the Government of Rwanda.

8. As regards relations between the Government of Rwanda and UNAMIR, several issues 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

S/1996/149

English

Page 3

equipment, as elements of UNAMIR withdrew, 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 General Assembly regarding UNAMIR equipment that, in the context of the liquidation process, can be released for use in Rwanda. I trust 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 insisted that United Nations contractors and their expatriate personnel should be exempt 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 of contractors were 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 the Privileges and Immunities of the United Nations.

### III. HUMAN RIGHTS

10. The Human Rights Field Operation in Rwanda (HRFOR) has established a presence in all but one of Rwanda's 11 prefectures and developed relationships with the authorities, including the security forces. The human rights officers contribute to the prevention of human rights violations and to appropriate investigation and action. The Field Operation 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 the national and local levels. The information resulting from the Operation's own investigations, together with the Government of Rwanda's response, is reported to the United Nations High Commissioner for Human Rights and made available to the Special Rapporteur on Rwanda.

11. Conditions of detention are one of the most serious aspects of the current human rights situation. They form an important subject of the overall monitoring, dialogue with the authorities and reporting by HRFOR. 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 a reduction in the numbers of those detained without charge or trial.

/...



S/1996/149  
English  
Page 4

12. HRFOR assesses the state of readiness of home communes to receive returnees and assists those communes in the resettlement process. The Office of the United Nations High Commissioner for Refugees (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 the mandate of UNAMIR 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 50/58 L 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. The request for regular budget funding for HRFOR was not approved by the General Assembly at its last session. The High Commissioner was therefore obliged to donors in January 1996 for additional voluntary contributions. 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 that he received from the Central Emergency Revolving Fund in order to start operations in September 1994 and financial requirements for the period from 1 April to 31 December 1996 are 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. 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.

S/1996/149

English

Page 5

## 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 as a result 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 that unit have had to be contracted out or terminated.

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 Criminal 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 Kibungo, Gitarama, Butare, Cyangugu and Gisenyi respectively (see map).

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 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 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 road and bridge 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 the Mission'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

8/1996/149

English

Page 6

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 the United Republic of 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 Zaire, Rwanda and UNHCR to implement decisions taken by the Tripartite Commission at its 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 Burundi/Rwanda/UNHCR 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 the United Republic of 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, held at 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 further away from the border areas inside Burundi.

26. The number of returnees from the United Republic of Tanzania also showed a significant rise in February. A delegation from Rwanda and the United Republic of Tanzania led by the Rwandan Prime Minister, Mr. Pierre Rwigyema, held meetings with Rwandan refugees in the United Republic of Tanzania. An attentive audience of more than 10,000 people in the Benaco camp listened for three hours as he discussed the situation in Rwanda and answered questions on security and

/...



S/1996/149  
English  
Page 7

property. Over 500 people repatriated during the week of 12 to 16 February, more than during the preceding months combined.

27. An estimated 1.1 million Rwandan refugees remain in Zaire, 511,000 in the United Republic of 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 the Office'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 a supply of potable water, as well as the distribution of non-food items to returnees and activities carried out by non-governmental organization 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 the United Nations Development Programme (UNDP) proposed a \$70.5 million programme on 24 January. The projects, presented at a donors meeting at 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, held in February 1995 at Bujumbura.

29. On 6 December 1995, 38 non-governmental organizations were requested by the Ministry of Rehabilitation and Social Integration to cease operation (19 of them had already left the country), leaving behind 114 non-governmental organizations still operating. In a letter addressed to the non-governmental organization community, the Ministry regretted the misinterpretation of the expulsion as general hostility to all non-governmental organizations and stated that the reasons for this action included the involvement of non-governmental organizations 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 remaining non-governmental organizations 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 towards rehabilitation and development programmes, representing 62 per cent of all food aid distributed. In addition, WFP provided food to over 7,500 children in January.

31. The United Nations Children's Fund (UNICEF), through its return recovery programme, began recruiting 11 new trauma advisors to collaborate with 11 others already working in the prefectures. In 1996 training will focus on teachers and medical workers as they have the most direct contact with traumatized children.

#### VI. REHABILITATION, RECONSTRUCTION AND DEVELOPMENT

32. On the first anniversary of the Geneva round-table conference, disbursements by donor countries reached \$404 million, representing nearly

1/...



S/1996/149

English

Page 8

70 per cent 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 Rwanda's current import coverage to 5.1 months. Preparations are under way for the 1996 round table, due to be held on 2 and 3 May at 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.

33. With regard to the justice system, the Ministry of Justice has communicated its revised plan for the UNDP "Rehabilitation of the justice system" project. The plan proposes the recruitment of 10 legal advisers to assist in the establishment of "special chambers" to handle genocide cases, which must be viewed in the light of the recommendations made by the Conference on Genocide held at 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.

34. 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.

35. 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.

36. 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 malaria and nutrition. To improve the quality of teaching in primary schools, UNICEF has been financing the in-service training of 5,600 underqualified teachers. The programme, which also includes instruction in landmine 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 the United Nations Educational, Scientific

/...

S/1996/149

English

Page 9

and Cultural Organization (UNESCO) are collaborating with various government ministries in the elaboration of strategies for reintegrating child detainees into the Rwandan school system.

37. As reported in December (see S/1995/1002), agricultural production in Rwanda is recovering beyond initial estimates. According to the Food and Agriculture Organization of the United Nations (FAO)/WFP crop survey for the 1996-A season and the food needs assessment report published in January, the area under cultivation in Rwanda increased by 14 per cent over the 1995-A season. The report estimates the aggregate food production for the 1996-A season as 24 per cent higher than the 1995-A season. The largest problem facing farmers remains the low availability of agricultural inputs.

#### VII. FINANCIAL ASPECTS

38. In 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.

39. 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 Council choose any of the options described in the present report for a continuing political or military presence of the United Nations in Rwanda, I shall request the Assembly at its resumed session to provide the resources required for its implementation.

40. As at 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 for all peace-keeping operations stood at \$1,891.6 million.

#### VIII. CONCLUSIONS AND OBSERVATIONS

41. 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.

42. Today, conditions in Rwanda are returning to normal, though a significant portion of the population are still refugees or displaced persons. This progress has been achieved essentially through the efforts of the people of Rwanda. But UNAMIR, other United Nations and international agencies and non-governmental organizations 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

/...

S/1996/149

English

Page 10

helped clear mines. In cooperation with United Nations agencies and non-governmental organizations, UNAMIR has assisted orphans, moved 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 prison situation. UNAMIR by its presence has provided a sense of security and confidence to the representatives of United Nations agencies, intergovernmental institutions and non-governmental organizations who, throughout the country and sometimes under very difficult circumstances, have worked for the recovery of Rwanda.

43. In my report of 30 January 1996 (S/1996/61) I repeated the view that the United Nations would still have a useful role to play in Rwanda after the expiry of the mandate of UNAMIR on 8 March 1996. On 31 January, my Special Representative briefed the Security Council in informal consultations about various options for a post-UNAMIR presence which he would be discussing with the Rwandan authorities. He mentioned three such options:

(a) The retention of a small political office to support the Rwandan Government's efforts to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure;

(b) The retention of a political office on the above lines, plus a military component consisting of military observers to monitor the return of refugees, specialized units to provide logistic support for their return and formed troops to ensure security for the logistic units;

(c) The establishment of a regional office with responsibilities for promoting peace, stability and development in the Great Lakes region as a whole.

44. In her letter to me of 13 February 1996 (S/1996/103), the President of the Security Council said that the members of the Council concurred with my observation that the United Nations still had a useful role to play in Rwanda and encouraged me to undertake consultations on the appropriate nature of that role after 8 March 1996. My Special Representative has since explored the above options with the Rwandan authorities. However, the latter have not requested that any of the options should be recommended to the Security Council and have continued to express strong reservations about the retention of United Nations troops in Rwanda after the expiry of UNAMIR's current mandate.

45. Despite the significant progress towards normalcy in Rwanda reported above, the relative peace now prevailing in that country will be under constant threat as long as more than 1.5 million refugees are sheltered by the UN. The presence among these refugees of the remnants of the former Rwandan army together with organized militias adds to this threat. While intimidation by these armed elements plays an important role in discouraging repatriation, the reluctance of the refugees to return to their homes is motivated to a high degree by concern about security conditions inside Rwanda. It is my belief that in these circumstances the deployment of United Nations military personnel, particularly in those areas to which large numbers of refugees are expected to return, could speed up the process of return both by building confidence and by providing much-needed logistic support. I am convinced, therefore, that Rwanda

/...

S/1996/149

English

Page 11

could benefit greatly from a further phase of United Nations support to help consolidate peace and security.

46. However, any of the three options presented in paragraph 43 above would require the consent of the Rwandan Government and that consent has not been forthcoming. I regret, therefore, that there appears to be no alternative, in the present circumstances, to the complete withdrawal of all the civilian and military components of UNAMIR after 8 March, on the basis of the plans already prepared in accordance with paragraph 5 of resolution 1029 (1995). Notwithstanding UNAMIR's withdrawal, the programmes, funds, offices and agencies of the United Nations system, as well as the human rights officers and the International Tribunal, will remain in Rwanda to carry out their various mandates, with coordination being assured through the standard United Nations arrangements.

47. 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 non-governmental organizations, who have devoted themselves to translating into reality the commitment of the United Nations to the people of Rwanda.

/...



UNITED  
NATIONS

S



## Security Council

Distr.  
GENERALS/RES/1047 (1996)  
29 February 1996

## RESOLUTION 1047 (1996)

Adopted by the Security Council at its 3637th meeting,  
on 29 February 1996

The Security Council,

Recalling its resolutions 808 (1993) of 22 February 1993, 827 (1993) of 25 May 1993, 936 (1994) of 8 July 1994 and 955 (1994) of 8 November 1994,

Noting with regret the resignation of Mr. Richard J. Goldstone taking effect 1 October 1996,

Having regard to Article 16(4) of the Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (S/25704) and Article 15 of the Statute of the International Tribunal for Rwanda (S/RES/955 (1994), Annex),

Having considered the nomination by the Secretary-General of Mrs. Louise Arbour for the position of Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Tribunal for Rwanda,

Appoints Mrs. Louise Arbour as Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Tribunal for Rwanda with effect from the date on which Mr. Goldstone's resignation takes effect.

56-04935 (R)

[REDACTED]

UNITED  
NATIONS

S



## Security Council

Distr.  
GENERALS/1996/149  
29 February 1996

ORIGINAL: ENGLISH

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

## I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1029 (1995) of 12 December 1995, in which the 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 (A/50/868-S/1996/61) 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 those 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 important 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 per cent of pre-war output; child immunization, sanitation, urban water supply and healthcare, 80 per cent; industrial production, 75 per cent; while public transport, primary schools and university education are above 60 per cent.

3. However, there remain a number of outstanding issues that 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 destabilization activities by the former RGF and the equitable disbursement of aid. The prospect of the UNAMIR withdrawal after 8 March 1996 has also caused representatives of some international organizations in Rwanda to express concern about their safety, in particular after the expulsion of 38 non-governmental organizations and an incident, albeit isolated and immediately acted upon by the Government, in which

96-04175 (S) 290296 010396



/...

S/1996/149

English

Page 2

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, in particular 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 Government of Rwanda, a large number of infiltrators have 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 border with Zaire.

5. During the period under review, the former Heads of State of Mali and the United Republic of 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 (see S/1995/1001), 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 the United Republic of 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 handover 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 that discourage refugees from returning to Rwanda continues to be the non-functioning of the justice system. Although some constitutional changes have been introduced to allow for 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 sects. III and VI).

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 were 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 the UNAMIR mandate, security arrangements for the Office of the Prosecutor will need to be agreed between the Tribunal and the Government of Rwanda.

8. As regards relations between the Government of Rwanda and UNAMIR, several issues 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

S/1996/149

English

Page 3

equipment, as elements of UNAMIR withdrew, for use in Rwanda. In a letter dated 13 February 1996, the President of the Council also asked us to exert flexibility in the disposition of UNAMIR equipment (S/1996/103). Accordingly, I will shortly submit recommendations to the General Assembly regarding UNAMIR equipment that, in the context of the liquidation process, can be released for use in Rwanda. I trust 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 insisted that United Nations contractors and their expatriate personnel should be exempt 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 of contractors were 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 the Privileges and Immunities of the United Nations.

### III. HUMAN RIGHTS

10. The Human Rights Field Operation in Rwanda (HRFOR) has established a presence in all but one of Rwanda's 11 prefectures and developed relationships with the authorities, including the security forces. The human rights officers contribute to the prevention of human rights violations and to appropriate investigation and action. The Field Operation 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 the national and local levels. The information resulting from the Operation's own investigations, together with the Government of Rwanda's response, is reported to the United Nations High Commissioner for Human Rights and made available to the Special Rapporteur on Rwanda.

11. Conditions of detention are one of the most serious aspects of the current human rights situation. They form an important subject of the overall monitoring, dialogue with the authorities and reporting by HRFOR. 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 a reduction in the numbers of those detained without charge or trial.

/...



S/1996/149  
English  
Page 4

12. HRFOR assesses the state of readiness of home communes to receive returnees and assists those communes in the resettlement process. The Office of the United Nations High Commissioner for Refugees (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 the mandate of UNAMIR 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 50/58 L 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. The request for regular budget funding for HRFOR was not approved by the General Assembly at its last session. The High Commissioner was therefore obliged to donors in January 1996 for additional voluntary contributions. 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 that he received from the Central Emergency Revolving Fund in order to start operations in September 1994 and financial requirements for the period from 1 April to 31 December 1996 are 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. 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.

S/1996/149

English

Page 5

#### 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 as a result 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 that unit have had to be contracted out or terminated.

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 Criminal 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 Kibungo, Gitarama, Butare, Cyangugu and Gisenyi respectively (see map).

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 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 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 road and bridge 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 the Mission'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 either 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

S/1996/149  
English  
Page 6

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 the United Republic of 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 Zaire, Rwanda and UNHCR to implement decisions taken by the Tripartite Commission at its 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 Burundi/Rwanda/UNHCR 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 the United Republic of 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, held at 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 further away from the border areas inside Burundi.

26. The number of returnees from the United Republic of Tanzania also showed a significant rise in February. A delegation from Rwanda and the United Republic of Tanzania led by the Rwandan Prime Minister, Mr. Pierre Rwigyema, held meetings with Rwandan refugees in the United Republic of Tanzania. An attentive audience of more than 10,000 people in the Benaco camp listened for three hours as he discussed the situation in Rwanda and answered questions on security and

/...



S/1996/149  
English  
Page 7

property. Over 500 people repatriated during the week of 12 to 16 February, more than during the preceding months combined.

27. An estimated 1.1 million Rwandan refugees remain in Zaire, 511,000 in the United Republic of 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 the Office'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 a supply of potable water, as well as the distribution of non-food items to returnees and activities carried out by non-governmental organization 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 the United Nations Development Programme (UNDP) proposed a \$70.5 million programme on 24 January. The projects, presented at a donors meeting at 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, held in February 1995 at Bujumbura.

29. On 6 December 1995, 38 non-governmental organizations were requested by the Ministry of Rehabilitation and Social Integration to cease operation (19 of them had already left the country), leaving behind 114 non-governmental organizations still operating. In a letter addressed to the non-governmental organization community, the Ministry regretted the misinterpretation of the expulsion as general hostility to all non-governmental organizations and stated that the reasons for this action included the involvement of non-governmental organizations 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 remaining non-governmental organizations 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 towards rehabilitation and development programmes, representing 62 per cent of all food aid distributed. In addition, WFP provided food to over 7,500 children in January.

31. The United Nations Children's Fund (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 focus on teachers and medical workers as they have the most direct contact with traumatized children.

#### VI. REHABILITATION, RECONSTRUCTION AND DEVELOPMENT

32. On the first anniversary of the Geneva round-table conference, disbursements by donor countries reached \$404 million, representing nearly

1/...



S/1996/149  
English  
Page 8

70 per cent 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 Rwanda's current import coverage to 5.1 months. Preparations are under way for the 1996 round table, due to be held on 2 and 3 May at 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.

33. With regard to the justice system, the Ministry of Justice has communicated its revised plan for the UNDP "Rehabilitation of the justice system" project. The plan proposes the recruitment of 10 legal advisers to assist in the establishment of "special chambers" to handle genocide cases, which must be viewed in the light of the recommendations made by the Conference on Genocide held at 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.

34. 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.

35. 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.

36. 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 underqualified teachers. The programme, which also includes instruction in landmine 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 the United Nations Educational, Scientific

/...

and Cultural Organisation (UNESCO) are collaborating with various government ministries in the elaboration of strategies for reintegrating child detainees into the Rwandan school system.

37. As reported in December (see S/1995/1002), agricultural production in Rwanda is recovering beyond initial estimates. According to the Food and Agriculture Organization of the United Nations (FAO)/WFP crop survey for the 1996-A season and the food needs assessment report published in January, the area under cultivation in Rwanda increased by 14 per cent over the 1995-A season. The report estimates the aggregate food production for the 1996-A season as 24 per cent higher than the 1995-A season. The largest problem facing farmers remains the low availability of agricultural inputs.

#### VII. FINANCIAL ASPECTS

38. In 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.

39. 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 Council choose any of the options described in the present report for a continuing political or military presence of the United Nations in Rwanda, I shall request the Assembly at its resumed session to provide the resources required for its implementation.

40. As at 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 for all peace-keeping operations stood at \$1,891.6 million.

#### VIII. CONCLUSIONS AND OBSERVATIONS

41. 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.

42. Today, conditions in Rwanda are returning to normal, though a significant portion of the population are still refugees or displaced persons. This progress has been achieved essentially through the efforts of the people of Rwanda. But UNAMIR, other United Nations and international agencies and non-governmental organizations 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

/...

S/1996/149

English

Page 10

helped clear mines. In cooperation with United Nations agencies and non-governmental organizations, UNAMIR has assisted orphans, moved 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 prison situation. UNAMIR by its presence has provided a sense of security and confidence to the representatives of United Nations agencies, intergovernmental institutions and non-governmental organizations who, throughout the country and sometimes under very difficult circumstances, have worked for the recovery of Rwanda.

43. In my report of 30 January 1996 (S/1996/61) I repeated the view that the United Nations would still have a useful role to play in Rwanda after the expiry of the mandate of UNAMIR on 8 March 1996. On 31 January, my Special Representative briefed the Security Council in informal consultations about various options for a post-UNAMIR presence which he would be discussing with the Rwandan authorities. He mentioned three such options:

(a) The retention of a small political office to support the Rwandan Government's efforts to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure;

(b) The retention of a political office on the above lines, plus a military component consisting of military observers to monitor the return of refugees, specialized units to provide logistic support for their return and formed troops to ensure security for the logistic units;

(c) The establishment of a regional office with responsibilities for promoting peace, stability and development in the Great Lakes region as a whole.

44. In her letter to me of 13 February 1996 (S/1996/103), the President of the Security Council said that the members of the Council concurred with my observation that the United Nations still had a useful role to play in Rwanda and encouraged me to undertake consultations on the appropriate nature of that role after 8 March 1996. My Special Representative has since explored the above options with the Rwandan authorities. However, the latter have not requested that any of the options should be recommended to the Security Council and have continued to express strong reservations about the retention of United Nations troops in Rwanda after the expiry of UNAMIR's current mandate.

45. Despite the significant progress towards normalcy in Rwanda reported above, the relative peace now prevailing in that country will be under constant threat as long as more than 1.5 million refugees are camped along its borders. The presence among these refugees of numerous elements of the former Rwandan army together with organized militias adds to this threat. While intimidation by these armed elements plays an important role in discouraging repatriation, the reluctance of the refugees to return to their homes is motivated to a high degree by concern about security conditions inside Rwanda. It is my belief that in these circumstances the deployment of United Nations military personnel, particularly in those areas to which large numbers of refugees are expected to return, could speed up the process of return both by building confidence and by providing much-needed logistic support. I am convinced, therefore, that Rwanda

/...

S/1996/149

English

Page 11

could benefit greatly from a further phase of United Nations support to help consolidate peace and security.

46. However, any of the three options presented in paragraph 43 above would require the consent of the Rwandan Government and that consent has not been forthcoming. I regret, therefore, that there appears to be no alternative, in the present circumstances, to the complete withdrawal of all the civilian and military components of UNAMIR after 8 March, on the basis of the plans already prepared in accordance with paragraph 5 of resolution 1029 (1995). Notwithstanding UNAMIR's withdrawal, the programmes, funds, offices and agencies of the United Nations system, as well as the human rights officers and the International Tribunal, will remain in Rwanda to carry out their various mandates, with coordination being assured through the standard United Nations arrangements.

47. 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 non-governmental organizations, who have devoted themselves to translating into reality the commitment of the United Nations to the people of Rwanda.

/...



**UNITED  
NATIONS****S****Security Council**Distr.  
GENERALS/RES/1047 (1996)  
29 February 1996**RESOLUTION 1047 (1996)**

Adopted by the Security Council at its 3637th meeting,  
on 29 February 1996

The Security Council,

Recalling its resolutions 808 (1993) of 22 February 1993, 827 (1993) of 25 May 1993, 936 (1994) of 8 July 1994 and 955 (1994) of 8 November 1994,

Noting with regret the resignation of Mr. Richard J. Goldstone taking effect 1 October 1996,

Having regard to Article 16(4) of the Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (S/25704) and Article 15 of the Statute of the International Tribunal for Rwanda (S/RES/955 (1994), Annex),

Having considered the nomination by the Secretary-General of Mrs. Louise Arbour for the position of Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Tribunal for Rwanda,

Appoints Mrs. Louise Arbour as Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Tribunal for Rwanda with effect from the date on which Mr. Goldstone's resignation takes effect.

56-04935 (S)



**UNITED  
NATIONS****S****Security Council**Distr.  
GENERALS/1996/149  
29 February 1996

ORIGINAL: ENGLISH

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

1. The present report is submitted pursuant to Security Council resolution 1029 (1995) of 12 December 1995, in which the 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 (A/50/868-S/1996/61) 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 those 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 important 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 per cent of pre-war output; child immunization, sanitation, urban water supply and healthcare, 80 per cent; industrial production, 75 per cent; while public transport, primary schools and university education are above 60 per cent.

3. However, there remain a number of outstanding issues that 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 destabilization activities by the former RGF and the equitable disbursement of aid. The prospect of the UNAMIR withdrawal after 8 March 1996 has also caused representatives of some international organizations in Rwanda to express concern about their safety, in particular after the expulsion of 38 non-governmental organizations and an incident, albeit isolated and immediately acted upon by the Government, in which

96-04175 (E) 290296 010396



S/1996/149  
English  
Page 2

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, in particular 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 Government of Rwanda, a large number of infiltrators have 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 border with Zaire.

5. During the period under review, the former Heads of State of Mali and the United Republic of 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 (see S/1995/1001), 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 the United Republic of 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 handover 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 that discourage refugees from returning to Rwanda continues to be the non-functioning of the justice system. Although some constitutional changes have been introduced to allow for 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 sects. III and VI).

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 were 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 the UNAMIR mandate, security arrangements for the Office of the Prosecutor will need to be agreed between the Tribunal and the Government of Rwanda.

8. As regards relations between the Government of Rwanda and UNAMIR, several issues 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

S/1996/149  
English  
Page 3

equipment, as elements of UNAMIR withdrew, 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 General Assembly regarding UNAMIR equipment that, in the context of the liquidation process, can be released for use in Rwanda. I trust 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 insisted that United Nations contractors and their expatriate personnel should be exempt 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 of contractors were 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 the Privileges and Immunities of the United Nations.

### III. HUMAN RIGHTS

10. The Human Rights Field Operation in Rwanda (HRFOR) has established a presence in all but one of Rwanda's 11 prefectures and developed relationships with the authorities, including the security forces. The human rights officers contribute to the prevention of human rights violations and to appropriate investigation and action. The Field Operation 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 the national and local levels. The information resulting from the Operation's own investigations, together with the Government of Rwanda's response, is reported to the United Nations High Commissioner for Human Rights and made available to the Special Rapporteur on Rwanda.

11. Conditions of detention are one of the most serious aspects of the current human rights situation. They form an important subject of the overall monitoring, dialogue with the authorities and reporting by HRFOR. 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 a reduction in the numbers of those detained without charge or trial.

/...



S/1996/149

English

Page 4

12. HRFOR assesses the state of readiness of home communes to receive returnees and assists those communes in the resettlement process. The Office of the United Nations High Commissioner for Refugees (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 the mandate of UNAMIR 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 50/58 L 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. The request for regular budget funding for HRFOR was not approved by the General Assembly at its last session. The High Commissioner was therefore obliged to donors in January 1996 for additional voluntary contributions. 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 that he received from the Central Emergency Revolving Fund in order to start operations in September 1994 and financial requirements for the period from 1 April to 31 December 1996 are estimated at approximately \$7 million, based on a staffing of 120, of whom 60 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. 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.

S/1996/149

English

Page 5

## 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 as a result 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 that unit have had to be contracted out or terminated.

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 Criminal 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 Kibungo, Gitarama, Butare, Cyangugu and Gisenyi respectively (see map).

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 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 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 road and bridge 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 the Mission'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

S/1996/149

English

Page 6

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 the United Republic of 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 Zaire, Rwanda and UNHCR to implement decisions taken by the Tripartite Commission at its 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 Burundi/Rwanda/UNHCR 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 the United Republic of 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, held at 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 further away from the border areas inside Burundi.

26. The number of returnees from the United Republic of Tanzania also showed a significant rise in February. A delegation from Rwanda and the United Republic of Tanzania led by the Rwandan Prime Minister, Mr. Pierre Rwigyema, held meetings with Rwandan refugees in the United Republic of Tanzania. An attentive audience of more than 10,000 people in the Benaco camp listened for three hours as he discussed the situation in Rwanda and answered questions on security and

/...



S/1996/149

English

Page 7

property. Over 500 people repatriated during the week of 12 to 16 February, more than during the preceding months combined.

27. An estimated 1.1 million Rwandan refugees remain in Zaire, 511,000 in the United Republic of 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 the Office'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 a supply of potable water, as well as the distribution of non-food items to returnees and activities carried out by non-governmental organization 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 the United Nations Development Programme (UNDP) proposed a \$70.5 million programme on 24 January. The projects, presented at a donors meeting at 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, held in February 1995 at Bujumbura.

29. On 6 December 1995, 38 non-governmental organizations were requested by the Ministry of Rehabilitation and Social Integration to cease operation (19 of them had already left the country), leaving behind 114 non-governmental organizations still operating. In a letter addressed to the non-governmental organization community, the Ministry regretted the misinterpretation of the expulsion as general hostility to all non-governmental organizations and stated that the reasons for this action included the involvement of non-governmental organizations 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 remaining non-governmental organizations 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 towards rehabilitation and development programmes, representing 62 per cent of all food aid distributed. In addition, WFP provided food to over 7,500 children in January.

31. The United Nations Children's Fund (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 focus on teachers and medical workers as they have the most direct contact with traumatized children.

#### VI. REHABILITATION, RECONSTRUCTION AND DEVELOPMENT

32. On the first anniversary of the Geneva round-table conference, disbursements by donor countries reached \$404 million, representing nearly

/...



S/1996/149

English

Page 8

70 per cent 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 Rwanda's current import coverage to 5.1 months. Preparations are under way for the 1996 round table, due to be held on 2 and 3 May at 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.

33. With regard to the justice system, the Ministry of Justice has communicated its revised plan for the UNDP "Rehabilitation of the justice system" project. The plan proposes the recruitment of 10 legal advisers to assist in the establishment of "special chambers" to handle genocide cases, which must be viewed in the light of the recommendations made by the Conference on Genocide held at 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.

34. 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.

35. 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.

36. 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 Butara 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 underqualified teachers. The programme, which also includes instruction in landmine 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 the United Nations Educational, Scientific

/...

S/1996/149  
English  
Page 9

and Cultural Organization (UNESCO) are collaborating with various government ministries in the elaboration of strategies for reintegrating child detainees into the Rwandan school system.

37. As reported in December (see S/1995/1002), agricultural production in Rwanda is recovering beyond initial estimates. According to the Food and Agriculture Organization of the United Nations (FAO)/WFP crop survey for the 1996-A season and the food needs assessment report published in January, the area under cultivation in Rwanda increased by 14 per cent over the 1995-A season. The report estimates the aggregate food production for the 1996-A season as 24 per cent higher than the 1995-A season. The largest problem facing farmers remains the low availability of agricultural inputs.

#### VII. FINANCIAL ASPECTS

38. In 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.

39. 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 Council choose any of the options described in the present report for a continuing political or military presence of the United Nations in Rwanda, I shall request the Assembly at its resumed session to provide the resources required for its implementation.

40. As at 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 for all peace-keeping operations stood at \$1,891.6 million.

#### VIII. CONCLUSIONS AND OBSERVATIONS

41. 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.

42. Today, conditions in Rwanda are returning to normal, though a significant portion of the population are still refugees or displaced persons. This progress has been achieved essentially through the efforts of the people of Rwanda. But UNAMIR, other United Nations and international agencies and non-governmental organizations 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

/...

S/1996/149

English

Page 10

helped clear mines. In cooperation with United Nations agencies and non-governmental organizations, UNAMIR has assisted orphans, moved 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 prison situation. UNAMIR by its presence has provided a sense of security and confidence to the representatives of United Nations agencies, intergovernmental institutions and non-governmental organizations who, throughout the country and sometimes under very difficult circumstances, have worked for the recovery of Rwanda.

43. In my report of 30 January 1996 (S/1996/61) I repeated the view that the United Nations would still have a useful role to play in Rwanda after the expiry of the mandate of UNAMIR on 8 March 1996. On 31 January, my Special Representative briefed the Security Council in informal consultations about various options for a post-UNAMIR presence which he would be discussing with the Rwandan authorities. He mentioned three such options:

(a) The retention of a small political office to support the Rwandan Government's efforts to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure;

(b) The retention of a political office on the above lines, plus a military component consisting of military observers to monitor the return of refugees, specialized units to provide logistic support for their return and formed troops to ensure security for the logistic units;

(c) The establishment of a regional office with responsibilities for promoting peace, stability and development in the Great Lakes region as a whole.

44. In her letter to me of 13 February 1996 (S/1996/103), the President of the Security Council said that the members of the Council concurred with my observation that the United Nations still had a useful role to play in Rwanda and encouraged me to undertake consultations on the appropriate nature of that role after 8 March 1996. My Special Representative has since explored the above options with the Rwandan authorities. However, the latter have not requested that any of the options should be recommended to the Security Council and have continued to express strong reservations about the retention of United Nations troops in Rwanda after the expiry of UNAMIR's current mandate.

45. Despite the significant progress towards normalcy in Rwanda reported above, the relative peace now prevailing in that country will be under constant threat as long as more than 1.2 million refugees are camped along its borders. The presence among these refugees of numerous elements of the former Rwandan army together with organized militias adds to this threat. While intimidation by these armed elements plays an important role in discouraging repatriation, the reluctance of the refugees to return to their homes is motivated to a high degree by concern about security conditions inside Rwanda. It is my belief that in these circumstances the deployment of United Nations military personnel, particularly in those areas to which large numbers of refugees are expected to return, could speed up the process of return both by building confidence and by providing much-needed logistic support. I am convinced, therefore, that Rwanda

/...

S/1996/149  
English  
Page 11

could benefit greatly from a further phase of United Nations support to help consolidate peace and security.

46. However, any of the three options presented in paragraph 43 above would require the consent of the Rwandan Government and that consent has not been forthcoming. I regret, therefore, that there appears to be no alternative, in the present circumstances, to the complete withdrawal of all the civilian and military components of UNAMIR after 8 March, on the basis of the plans already prepared in accordance with paragraph 5 of resolution 1029 (1995). Notwithstanding UNAMIR's withdrawal, the programmes, funds, offices and agencies of the United Nations system, as well as the human rights officers and the International Tribunal, will remain in Rwanda to carry out their various mandates, with coordination being assured through the standard United Nations arrangements.

47. 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 non-governmental organizations, who have devoted themselves to translating into reality the commitment of the United Nations to the people of Rwanda.



UNITED  
NATIONS

S



## Security Council

Distr.  
GENERALS/RES/1047 (1996)  
29 February 1996

## RESOLUTION 1047 (1996)

Adopted by the Security Council at its 1637th meeting,  
on 29 February 1996

The Security Council,

Recalling its resolutions 808 (1993) of 22 February 1993, 827 (1993) of 25 May 1993, 936 (1994) of 8 July 1994 and 955 (1994) of 8 November 1994,

Noting with regret the resignation of Mr. Richard J. Goldstone taking effect 1 October 1996,

Having regard to Article 16(4) of the Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (S/25704) and Article 15 of the Statute of the International Tribunal for Rwanda (S/RES/955 (1994), Annex),

Having considered the nomination by the Secretary-General of Mrs. Louise Arbour for the position of Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Tribunal for Rwanda,

Appoints Mrs. Louise Arbour as Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Tribunal for Rwanda with effect from the date on which Mr. Goldstone's resignation takes effect.

56-04935 (S)



**UNITED  
NATIONS****S****Security Council**Distr.  
GENERALS/1996/149  
29 February 1996

ORIGINAL: ENGLISH

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

1. The present report is submitted pursuant to Security Council resolution 1029 (1995) of 12 December 1995, in which the 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 (A/50/868-S/1996/61) 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 those 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 important 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 per cent of pre-war output; child immunization, sanitation, urban water supply and healthcare, 80 per cent; industrial production, 75 per cent; while public transport, primary schools and university education are above 60 per cent.

3. However, there remain a number of outstanding issues that 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 destabilization activities by the former RGF and the equitable disbursement of aid. The prospect of the UNAMIR withdrawal after 8 March 1996 has also caused representatives of some international organizations in Rwanda to express concern about their safety, in particular after the expulsion of 38 non-governmental organizations and an incident, albeit isolated and immediately acted upon by the Government, in which

96-04175 (E) 290296 010396



/...

S/1996/149

English

Page 2

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, in particular 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 Government of Rwanda, a large number of infiltrators have 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 border with Zaire.

5. During the period under review, the former Heads of State of Mali and the United Republic of 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 (see S/1995/1001), 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 the United Republic of 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 handover 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 that discourage refugees from returning to Rwanda continues to be the non-functioning of the justice system. Although some constitutional changes have been introduced to allow for 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 sects. III and VI).

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 were 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 the UNAMIR mandate, security arrangements for the Office of the Prosecutor will need to be agreed between the Tribunal and the Government of Rwanda.

8. As regards relations between the Government of Rwanda and UNAMIR, several issues 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

S/1996/149  
English  
Page 3

equipment, as elements of UNAMIR withdrew, 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 General Assembly regarding UNAMIR equipment that, in the context of the liquidation process, can be released for use in Rwanda. I trust 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 insisted that United Nations contractors and their expatriate personnel should be exempt 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 of contractors were 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 the Privileges and Immunities of the United Nations.

### III. HUMAN RIGHTS

10. The Human Rights Field Operation in Rwanda (HRFOR) has established a presence in all but one of Rwanda's 11 prefectures and developed relationships with the authorities, including the security forces. The human rights officers contribute to the prevention of human rights violations and to appropriate investigation and action. The Field Operation 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 the national and local levels. The information resulting from the Operation's own investigations, together with the Government of Rwanda's response, is reported to the United Nations High Commissioner for Human Rights and made available to the Special Rapporteur on Rwanda.

11. Conditions of detention are one of the most serious aspects of the current human rights situation. They form an important subject of the overall monitoring, dialogue with the authorities and reporting by HRFOR. 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 a reduction in the numbers of those detained without charge or trial.

/...



S/1996/149  
English  
Page 4

12. HRFOR assesses the state of readiness of home communes to receive returnees and assists those communes in the resettlement process. The Office of the United Nations High Commissioner for Refugees (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 the mandate of UNAMIR 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 50/58 L 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. The request for regular budget funding for HRFOR was not approved by the General Assembly at its last session. The High Commissioner was therefore obliged to donors in January 1996 for additional voluntary contributions. 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 that he received from the Central Emergency Revolving Fund in order to start operations in September 1994 and financial requirements for the period from 1 April to 31 December 1996 are 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. 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.

S/1996/149  
English  
Page 5

#### 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 as a result 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 that unit have had to be contracted out or terminated.

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 Criminal 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 Kibungo, Gitarama, Butare, Cyangugu and Gisenyi respectively (see map).

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 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 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 road and bridge 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 the Mission'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 either 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

S/1996/149

English

Page 6

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 the United Republic of 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 Zaire, Rwanda and UNHCR to implement decisions taken by the Tripartite Commission at its 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 Burundi/Rwanda/UNHCR 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 the United Republic of 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, held at 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 further away from the border areas inside Burundi.

26. The number of returnees from the United Republic of Tanzania also showed a significant rise in February. A delegation from Rwanda and the United Republic of Tanzania led by the Rwandan Prime Minister, Mr. Pierre Rwigyema, held meetings with Rwandan refugees in the United Republic of Tanzania. An attentive audience of more than 10,000 people in the Benaco camp listened for three hours as he discussed the situation in Rwanda and answered questions on security and

/...



S/1996/149  
English  
Page 7

property. Over 500 people repatriated during the week of 12 to 16 February, more than during the preceding months combined.

27. An estimated 1.1 million Rwandan refugees remain in Zaire, 511,000 in the United Republic of 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 the Office'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 a supply of potable water, as well as the distribution of non-food items to returnees and activities carried out by non-governmental organization 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 the United Nations Development Programme (UNDP) proposed a \$70.5 million programme on 24 January. The projects, presented at a donors meeting at 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, held in February 1995 at Bujumbura.

29. On 6 December 1995, 38 non-governmental organizations were requested by the Ministry of Rehabilitation and Social Integration to cease operation (19 of them had already left the country), leaving behind 114 non-governmental organizations still operating. In a letter addressed to the non-governmental organization community, the Ministry regretted the misinterpretation of the expulsion as general hostility to all non-governmental organizations and stated that the reasons for this action included the involvement of non-governmental organizations 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 remaining non-governmental organisations 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 towards rehabilitation and development programmes, representing 62 per cent of all food aid distributed. In addition, WFP provided food to over 7,500 children in January.

31. The United Nations Children's Fund (UNICEF), through its health and nutrition programmes, began recruiting 11 new health workers to 11 health centres already working in the prefectures. In 1996 training will focus on teachers and medical workers as they have the most direct contact with traumatized children.

#### VI. REHABILITATION, RECONSTRUCTION AND DEVELOPMENT

32. On the first anniversary of the Geneva round-table conference, disbursements by donor countries reached \$404 million, representing nearly



S/1996/149  
English  
Page 8

70 per cent 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 Rwanda's current import coverage to 5.1 months. Preparations are under way for the 1996 round table, due to be held on 2 and 3 May at 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.

33. With regard to the justice system, the Ministry of Justice has communicated its revised plan for the UNDP "Rehabilitation of the justice system" project. The plan proposes the recruitment of 10 legal advisers to assist in the establishment of "special chambers" to handle genocide cases, which must be viewed in the light of the recommendations made by the Conference on Genocide held at 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.

34. 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.

35. 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.

36. 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 underqualified teachers. The programme, which also includes instruction in landmine 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 the United Nations Educational, Scientific

/...

S/1996/149  
English  
Page 9

and Cultural Organization (UNESCO) are collaborating with various government ministries in the elaboration of strategies for reintegrating child detainees into the Rwandan school system.

37. As reported in December (see S/1995/1002), agricultural production in Rwanda is recovering beyond initial estimates. According to the Food and Agriculture Organization of the United Nations (FAO)/WFP crop survey for the 1996-A season and the food needs assessment report published in January, the area under cultivation in Rwanda increased by 14 per cent over the 1995-A season. The report estimates the aggregate food production for the 1996-A season as 24 per cent higher than the 1995-A season. The largest problem facing farmers remains the low availability of agricultural inputs.

#### VII. FINANCIAL ASPECTS

38. In 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.

39. 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 Council choose any of the options described in the present report for a continuing political or military presence of the United Nations in Rwanda, I shall request the Assembly at its resumed session to provide the resources required for its implementation.

40. As at 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 for all peace-keeping operations stood at \$1,891.6 million.

#### VIII. CONCLUSIONS AND OBSERVATIONS

41. 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.

42. Today, conditions in Rwanda are improving. Despite a significant portion of the population are still refugees or displaced persons, some progress has been achieved essentially through the efforts of the people of Rwanda. But UNAMIR, other United Nations and international agencies and non-governmental organizations 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

/...

S/1996/149  
English  
Page 10

helped clear mines. In cooperation with United Nations agencies and non-governmental organizations, UNAMIR has assisted orphans, moved 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 prison situation. UNAMIR by its presence has provided a sense of security and confidence to the representatives of United Nations agencies, intergovernmental institutions and non-governmental organizations who, throughout the country and sometimes under very difficult circumstances, have worked for the recovery of Rwanda.

43. In my report of 30 January 1996 (S/1996/61) I repeated the view that the United Nations would still have a useful role to play in Rwanda after the expiry of the mandate of UNAMIR on 8 March 1996. On 31 January, my Special Representative briefed the Security Council in informal consultations about various options for a post-UNAMIR presence which he would be discussing with the Rwandan authorities. He mentioned three such options:

(a) The retention of a small political office to support the Rwandan Government's efforts to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure;

(b) The retention of a political office on the above lines, plus a military component consisting of military observers to monitor the return of refugees, specialized units to provide logistic support for their return and formed troops to ensure security for the logistic units;

(c) The establishment of a regional office with responsibilities for promoting peace, stability and development in the Great Lakes region as a whole.

44. In her letter to me of 13 February 1996 (S/1996/103), the President of the Security Council said that the members of the Council concurred with my observation that the United Nations still had a useful role to play in Rwanda and encouraged me to undertake consultations on the appropriate nature of that role after 8 March 1996. My Special Representative has since explored the above options with the Rwandan authorities. However, the latter have not requested that any of the options should be recommended to the Security Council and have continued to express strong reservations about the retention of United Nations troops in Rwanda after the expiry of UNAMIR's current mandate.

45. Despite the significant progress towards normalcy in Rwanda reported above, the relative peace now prevailing in that country will be under constant threat as long as more than 1.5 million refugees are held along its borders. The presence among these refugees of numerous elements of the former Rwandan army together with organized militias adds to this threat. While intimidation by these armed elements plays an important role in discouraging repatriation, the reluctance of the refugees to return to their homes is motivated to a high degree by concern about security conditions inside Rwanda. It is my belief that in these circumstances the deployment of United Nations military personnel, particularly in those areas to which large numbers of refugees are expected to return, could speed up the process of return both by building confidence and by providing much-needed logistic support. I am convinced, therefore, that Rwanda

/...

S/1996/149  
English  
Page 11

could benefit greatly from a further phase of United Nations support to help consolidate peace and security.

46. However, any of the three options presented in paragraph 43 above would require the consent of the Rwandan Government and that consent has not been forthcoming. I regret, therefore, that there appears to be no alternative, in the present circumstances, to the complete withdrawal of all the civilian and military components of UNAMIR after 8 March, on the basis of the plans already prepared in accordance with paragraph 5 of resolution 1029 (1995). Notwithstanding UNAMIR's withdrawal, the programmes, funds, offices and agencies of the United Nations system, as well as the human rights officers and the International Tribunal, will remain in Rwanda to carry out their various mandates, with coordination being assured through the standard United Nations arrangements.

47. 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 non-governmental organizations, who have devoted themselves to translating into reality the commitment of the United Nations to the people of Rwanda.

1...



**UNITED  
NATIONS****S****Security Council**Distr.  
GENERALS/RES/1047 (1996)  
29 February 1996**RESOLUTION 1047 (1996)**

Adopted by the Security Council at its 3617th meeting,  
on 29 February 1996

The Security Council,

Recalling its resolutions 808 (1993) of 22 February 1993, 827 (1993) of 25 May 1993, 936 (1994) of 8 July 1994 and 955 (1994) of 8 November 1994,

Noting with regret the resignation of Mr. Richard J. Goldstone taking effect 1 October 1996,

Having regard to Article 16(4) of the Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (S/25704) and Article 15 of the Statute of the International Tribunal for Rwanda (S/RES/955 (1994), Annex),

Having considered the nomination by the Secretary-General of Mrs. Louise Arbour for the position of Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Tribunal for Rwanda,

Appoints Mrs. Louise Arbour as Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Tribunal for Rwanda with effect from the date on which Mr. Goldstone's resignation takes effect.

56-04935 (S)



UNITED  
NATIONS

S



## Security Council

Distr.  
GENERALS/1996/149  
29 February 1996

ORIGINAL: ENGLISH

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

## I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1029 (1995) of 12 December 1995, in which the 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 (A/50/868-S/1996/61) 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 those 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 important 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 per cent of pre-war output; child immunization, sanitation, urban water supply and healthcare, 80 per cent; industrial production, 75 per cent; while public transport, primary schools and university education are above 60 per cent.

3. However, there remain a number of outstanding issues that 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 destabilization activities by the former RGF and the equitable disbursement of aid. The prospect of the UNAMIR withdrawal after 8 March 1996 has also caused representatives of some international organizations in Rwanda to express concern about their safety, in particular after the expulsion of 38 non-governmental organizations and an incident, albeit isolated and immediately acted upon by the Government, in which

96-04175 (E) 290296 010396



/...

S/1996/149

English

Page 2

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, in particular 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 Government of Rwanda, a large number of infiltrators have 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 border with Zaire.

5. During the period under review, the former Heads of State of Mali and the United Republic of 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 (see S/1995/1001), 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 the United Republic of 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 handover 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 that discourage refugees from returning to Rwanda continues to be the non-functioning of the justice system. Although some constitutional changes have been introduced to allow for 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 sects. III and VI).

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 were 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 the UNAMIR mandate, security arrangements for the Office of the Prosecutor will need to be agreed between the Tribunal and the Government of Rwanda.

8. As regards relations between the Government of Rwanda and UNAMIR, several issues 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

/...

S/1996/149  
English  
Page 3

equipment, as elements of UNAMIR withdrew, 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 General Assembly regarding UNAMIR equipment that, in the context of the liquidation process, can be released for use in Rwanda. I trust 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 insisted that United Nations contractors and their expatriate personnel should be exempt 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 of contractors were 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 the Privileges and Immunities of the United Nations.

### III. HUMAN RIGHTS

10. The Human Rights Field Operation in Rwanda (HRFOR) has established a presence in all but one of Rwanda's 11 prefectures and developed relationships with the authorities, including the security forces. The human rights officers contribute to the prevention of human rights violations and to appropriate investigation and action. The Field Operation 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 the national and local levels. The information resulting from the Operation's own investigations, together with the Government of Rwanda's response, is reported to the United Nations High Commissioner for Human Rights and made available to the Special Rapporteur on Rwanda.

11. Conditions of detention are one of the most serious aspects of the current human rights situation. They form an important subject of the overall monitoring, dialogue with the authorities and reporting by HRFOR. 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 a reduction in the numbers of those detained without charge or trial.

/...



S/1996/149  
English  
Page 4

12. HRFOR assesses the state of readiness of home communes to receive returnees and assists those communes in the resettlement process. The Office of the United Nations High Commissioner for Refugees (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 the mandate of UNAMIR 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 50/58 L 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. The request for regular budget funding for HRFOR was not approved by the General Assembly at its last session. The High Commissioner was therefore obliged to donors in January 1996 for additional voluntary contributions. 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 that he received from the Central Emergency Revolving Fund in order to start operations in September 1994 and financial requirements for the period from 1 April to 31 December 1996 are 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. I share his view that it would be most regrettable if this closure had 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.

S/1996/149

English

Page 5

## 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 300 military observers and headquarters staff was achieved by early February. Some adjustment had to be made to the original projections of reduction of personnel as a result 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 that unit have had to be contracted out or terminated.

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 Criminal 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 Kibungo, Gitarama, Butare, Cyangugu and Gisenyi respectively (see map).

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 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 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 road and bridge 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 the Mission'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 either 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

8/1996/149

English

Page 6

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 the United Republic of 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 Zaire, Rwanda and UNHCR to implement decisions taken by the Tripartite Commission at its 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 Burundi/Rwanda/UNHCR 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 the United Republic of 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, held at 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 to camps away from the border areas inside Burundi.

26. The number of returnees from the United Republic of Tanzania also showed a significant rise in February. A delegation from Rwanda and the United Republic of Tanzania led by the Rwandan Prime Minister, Mr. Pierre Rwigyema, held meetings with Rwandan refugees in the United Republic of Tanzania. An attentive audience of more than 10,000 people in the Benaco camp listened for three hours as he discussed the situation in Rwanda and answered questions on security and

/...



S/1996/149

English

Page 7

property. Over 500 people repatriated during the week of 12 to 16 February, more than during the preceding months combined.

27. An estimated 1.1 million Rwandan refugees remain in Zaire, 511,000 in the United Republic of 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 the Office'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 a supply of potable water, as well as the distribution of non-food items to returnees and activities carried out by non-governmental organization 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 the United Nations Development Programme (UNDP) proposed a \$70.5 million programme on 24 January. The projects, presented at a donors meeting at 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, held in February 1995 at Bujumbura.

29. On 6 December 1995, 38 non-governmental organizations were requested by the Ministry of Rehabilitation and Social Integration to cease operation (19 of them had already left the country), leaving behind 114 non-governmental organizations still operating. In a letter addressed to the non-governmental organization community, the Ministry regretted the misinterpretation of the expulsion as general hostility to all non-governmental organizations and stated that the reasons for this action included the involvement of non-governmental organizations 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 remaining non-governmental organizations 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 towards rehabilitation and development programmes, representing 62 per cent of all food aid distributed. In addition, WFP provided food to over 7,500 children in January.

31. The United Nations Children's Fund (UNICEF), through its school recovery programme, began recruiting 11 new trauma advisors to collaborate with 11 others already working in the prefectures. In 1996 training will focus on teachers and medical workers as they have the most direct contact with traumatized children.

#### VI. REHABILITATION, RECONSTRUCTION AND DEVELOPMENT

32. On the first anniversary of the Geneva round-table conference, disbursements by donor countries reached \$404 million, representing nearly

/...



S/1996/149  
English  
Page 8

70 per cent 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 Rwanda's current import coverage to 5.1 months. Preparations are under way for the 1996 round table, due to be held on 2 and 3 May at 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.

33. With regard to the justice system, the Ministry of Justice has communicated its revised plan for the UNDP "Rehabilitation of the justice system" project. The plan proposes the recruitment of 10 legal advisers to assist in the establishment of "special chambers" to handle genocide cases, which must be viewed in the light of the recommendations made by the Conference on Genocide held at 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.

34. 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.

35. 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.

36. 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 underqualified teachers. The programme, which also includes instruction in landmine 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 the United Nations Educational, Scientific

/...

S/1996/149  
English  
Page 9

and Cultural Organization (UNESCO) are collaborating with various government ministries in the elaboration of strategies for reintegrating child detainees into the Rwandan school system.

37. As reported in December (see S/1995/1002), agricultural production in Rwanda is recovering beyond initial estimates. According to the Food and Agriculture Organization of the United Nations (FAO)/WFP crop survey for the 1996-A season and the food needs assessment report published in January, the area under cultivation in Rwanda increased by 14 per cent over the 1995-A season. The report estimates the aggregate food production for the 1996-A season as 24 per cent higher than the 1995-A season. The largest problem facing farmers remains the low availability of agricultural inputs.

#### VII. FINANCIAL ASPECTS

38. In 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.

39. 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 Council choose any of the options described in the present report for a continuing political or military presence of the United Nations in Rwanda, I shall request the Assembly at its resumed session to provide the resources required for its implementation.

40. As at 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 for all peace-keeping operations stood at \$1,891.6 million.

#### VIII. CONCLUSIONS AND OBSERVATIONS

41. 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.

42. Today, conditions in Rwanda are returning to normal, though a significant portion of the population are still refugees or displaced persons. This progress has been achieved essentially through the efforts of the people of Rwanda. But UNAMIR, other United Nations and international agencies and non-governmental organizations 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

S/1996/149

English

Page 10

helped clear mines. In cooperation with United Nations agencies and non-governmental organizations, UNAMIR has assisted orphans, moved 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 prison situation. UNAMIR by its presence has provided a sense of security and confidence to the representatives of United Nations agencies, intergovernmental institutions and non-governmental organizations who, throughout the country and sometimes under very difficult circumstances, have worked for the recovery of Rwanda.

43. In my report of 30 January 1996 (S/1996/61) I repeated the view that the United Nations would still have a useful role to play in Rwanda after the expiry of the mandate of UNAMIR on 8 March 1996. On 31 January, my Special Representative briefed the Security Council in informal consultations about various options for a post-UNAMIR presence which he would be discussing with the Rwandan authorities. He mentioned three such options:

(a) The retention of a small political office to support the Rwandan Government's efforts to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure;

(b) The retention of a political office on the above lines, plus a military component consisting of military observers to monitor the return of refugees, specialized units to provide logistic support for their return and formed troops to ensure security for the logistic units;

(c) The establishment of a regional office with responsibilities for promoting peace, stability and development in the Great Lakes region as a whole.

44. In her letter to me of 13 February 1996 (S/1996/103), the President of the Security Council said that the members of the Council concurred with my observation that the United Nations still had a useful role to play in Rwanda and encouraged me to undertake consultations on the appropriate nature of that role after 8 March 1996. My Special Representative has since explored the above options with the Rwandan authorities. However, the latter have not requested that any of the options should be recommended to the Security Council and have continued to express strong reservations about the retention of United Nations troops in Rwanda after the expiry of UNAMIR's current mandate.

45. Despite the significant progress towards normalcy in Rwanda reported above, the relative peace now prevailing in that country will be under constant threat as long as more than 1.1 million refugees are concentrated in the camps. The presence among these refugees of the same elements of the former Rwandan army together with organized militias adds to this threat. While intimidation by these armed elements plays an important role in discouraging repatriation, the reluctance of the refugees to return to their homes is motivated to a high degree by concern about security conditions inside Rwanda. It is my belief that in these circumstances the deployment of United Nations military personnel, particularly in those areas to which large numbers of refugees are expected to return, could speed up the process of return both by building confidence and by providing much-needed logistic support. I am convinced, therefore, that Rwanda

/...

S/1996/149

English

Page 11

could benefit greatly from a further phase of United Nations support to help consolidate peace and security.

46. However, any of the three options presented in paragraph 43 above would require the consent of the Rwandan Government and that consent has not been forthcoming. I regret, therefore, that there appears to be no alternative, in the present circumstances, to the complete withdrawal of all the civilian and military components of UNAMIR after 8 March, on the basis of the plans already prepared in accordance with paragraph 5 of resolution 1029 (1995). Notwithstanding UNAMIR's withdrawal, the programmes, funds, offices and agencies of the United Nations system, as well as the human rights officers and the International Tribunal, will remain in Rwanda to carry out their various mandates, with coordination being assured through the standard United Nations arrangements.

47. 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 non-governmental organizations, who have devoted themselves to translating into reality the commitment of the United Nations to the people of Rwanda.

/...



**UNITED  
NATIONS****S****Security Council**Distr.  
GENERALS/RES/1047 (1996)  
29 February 1996**RESOLUTION 1047 (1996)**

Adopted by the Security Council at its 3617th meeting,  
on 29 February 1996

The Security Council,

Recalling its resolutions 808 (1993) of 22 February 1993, 827 (1993) of 25 May 1993, 936 (1994) of 8 July 1994 and 955 (1994) of 8 November 1994,

Noting with regret the resignation of Mr. Richard J. Goldstone taking effect 1 October 1996,

Having regard to Article 16(4) of the Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (S/25704) and Article 15 of the Statute of the International Tribunal for Rwanda (S/RES/955 (1994), Annex),

Having considered the nomination by the Secretary-General of Mrs. Louise Arbour for the position of Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Tribunal for Rwanda,

Appoints Mrs. Louise Arbour as Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Tribunal for Rwanda with effect from the date on which Mr. Goldstone's resignation takes effect.

56-04935 (8)



**UNITED  
NATIONS****S****Security Council**Distr.  
GENERALS/1996/149  
29 February 1996

ORIGINAL: ENGLISH

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

1. The present report is submitted pursuant to Security Council resolution 1029 (1995) of 12 December 1995, in which the 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 (A/50/868-S/1996/61) 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 those 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 important 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 per cent of pre-war output; child immunization, sanitation, urban water supply and healthcare, 80 per cent; industrial production, 75 per cent; while public transport, primary schools and university education are above 60 per cent.

3. However, there remain a number of outstanding issues that 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 destabilization activities by the former RGF and the equitable disbursement of aid. The prospect of the UNMIR withdrawal after 8 March 1996 has also caused representatives of some international organizations in Rwanda to express concern about their safety, in particular after the expulsion of 38 non-governmental organizations and an incident, albeit isolated and immediately acted upon by the Government, in which

96-04175 (S) 290296 010396



/...

S/1996/149

English

Page 2

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, in particular 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 Government of Rwanda, a large number of infiltrators have 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 border with Zaire.

5. During the period under review, the former Heads of State of Mali and the United Republic of 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 (see S/1995/1001), 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 the United Republic of 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 handover 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 that discourage refugees from returning to Rwanda continues to be the non-functioning of the justice system. Although some constitutional changes have been introduced to allow for 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 sects. III and VI).

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 were 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 the UNAMIR mandate, security arrangements for the Office of the Prosecutor will need to be agreed between the Tribunal and the Government of Rwanda.

8. As regards relations between the Government of Rwanda and UNAMIR, several issues 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

S/1996/149  
English  
Page 3

equipment, as elements of UNAMIR withdrew, 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 General Assembly regarding UNAMIR equipment that, in the context of the liquidation process, can be released for use in Rwanda. I trust 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 insisted that United Nations contractors and their expatriate personnel should be exempt 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 of contractors were 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 the Privileges and Immunities of the United Nations.

### III. HUMAN RIGHTS

10. The Human Rights Field Operation in Rwanda (HRFOR) has established a presence in all but one of Rwanda's 11 prefectures and developed relationships with the authorities, including the security forces. The human rights officers contribute to the prevention of human rights violations and to appropriate investigation and action. The Field Operation 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 the national and local levels. The information resulting from the Operation's own investigations, together with the Government of Rwanda's response, is reported to the United Nations High Commissioner for Human Rights and made available to the Special Rapporteur on Rwanda.

11. Conditions of detention are one of the most serious aspects of the current human rights situation. They form an important subject of the overall monitoring, dialogue with the authorities and reporting by HRFOR. 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 a reduction in the numbers of those detained without charge or trial.

/...



S/1996/149

English

Page 4

12. HRFOR assesses the state of readiness of home communes to receive returnees and assists those communes in the resettlement process. The Office of the United Nations High Commissioner for Refugees (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 the mandate of UNAMIR 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 50/58 L 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. The request for regular budget funding for HRFOR was not approved by the General Assembly at its last session. The High Commissioner was therefore obliged to donors in January 1996 for additional voluntary contributions. 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 that he received from the Central Emergency Revolving Fund in order to start operations in September 1994 and financial requirements for the period from 1 April to 31 December 1996 are 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. 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.

S/1996/149  
English  
Page 5

#### 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 300 military observers and headquarters staff was achieved by early February. Some adjustment had to be made to the original projections of reduction of personnel as a result 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 that unit have had to be contracted out or terminated.

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 Criminal 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 Kibungo, Gitarama, Butare, Cyangugu and Gisenyi respectively (see map).

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 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 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 road and bridge 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 the Mission'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

S/1996/149

English

Page 6

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 the United Republic of 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 Zaire, Rwanda and UNHCR to implement decisions taken by the Tripartite Commission at its 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 Burundi/Rwanda/UNHCR 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 the United Republic of 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, held at 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 further away from the border areas inside Burundi.

26. The number of returnees from the United Republic of Tanzania also showed a significant rise in February. A delegation from Rwanda and the United Republic of Tanzania led by the Rwandan Prime Minister, Mr. Pierre Rwigyema, held meetings with Rwandan refugees in the United Republic of Tanzania. An attentive audience of more than 10,000 people in the Benaco camp listened for three hours as he discussed the situation in Rwanda and answered questions on security and

/...



S/1996/149

English

Page 7

property. Over 500 people repatriated during the week of 12 to 16 February, more than during the preceding months combined.

27. An estimated 1.1 million Rwandan refugees remain in Zaire, 511,000 in the United Republic of 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 the Office'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 a supply of potable water, as well as the distribution of non-food items to returnees and activities carried out by non-governmental organization 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 the United Nations Development Programme (UNDP) proposed a \$70.5 million programme on 24 January. The projects, presented at a donors meeting at 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, held in February 1995 at Bujumbura.

29. On 6 December 1995, 38 non-governmental organizations were requested by the Ministry of Rehabilitation and Social Integration to cease operation (19 of them had already left the country), leaving behind 114 non-governmental organizations still operating. In a letter addressed to the non-governmental organization community, the Ministry regretted the misinterpretation of the expulsion as general hostility to all non-governmental organizations and stated that the reasons for this action included the involvement of non-governmental organizations 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 remaining non-governmental organizations 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 towards rehabilitation and development programmes, representing 62 per cent of all food aid distributed. In addition, WFP provided food to over 7,500 children in January.

31. The United Nations Children's Fund (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 focus on teachers and medical workers as they have the most direct contact with traumatized children.

#### VI. REHABILITATION, RECONSTRUCTION AND DEVELOPMENT

32. On the first anniversary of the Geneva round-table conference, disbursements by donor countries reached \$404 million, representing nearly

/...



S/1996/149  
English  
Page 8

70 per cent 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 Rwanda's current import coverage to 5.1 months. Preparations are under way for the 1996 round table, due to be held on 2 and 3 May at 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.

33. With regard to the justice system, the Ministry of Justice has communicated its revised plan for the UNDP "Rehabilitation of the justice system" project. The plan proposes the recruitment of 10 legal advisers to assist in the establishment of "special chambers" to handle genocide cases, which must be viewed in the light of the recommendations made by the Conference on Genocide held at 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.

34. 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.

35. 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.

36. 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 a view 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 underqualified teachers. The programme, which also includes instruction in landmine 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 the United Nations Educational, Scientific

/...

and Cultural Organization (UNESCO) are collaborating with various government ministries in the elaboration of strategies for reintegrating child detainees into the Rwandan school system.

37. As reported in December (see S/1995/1002), agricultural production in Rwanda is recovering beyond initial estimates. According to the Food and Agriculture Organization of the United Nations (FAO)/WFP crop survey for the 1996-A season and the food needs assessment report published in January, the area under cultivation in Rwanda increased by 14 per cent over the 1995-A season. The report estimates the aggregate food production for the 1996-A season as 24 per cent higher than the 1995-A season. The largest problem facing farmers remains the low availability of agricultural inputs.

#### VII. FINANCIAL ASPECTS

38. In 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.

39. 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 Council choose any of the options described in the present report for a continuing political or military presence of the United Nations in Rwanda, I shall request the Assembly at its resumed session to provide the resources required for its implementation.

40. As at 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 for all peace-keeping operations stood at \$1,891.6 million.

#### VIII. CONCLUSIONS AND OBSERVATIONS

41. 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.

42. Today, conditions in Rwanda are returning to normal, though a significant portion of the population are still refugees or displaced persons. This progress has been achieved essentially through the efforts of the people of Rwanda. But UNAMIR, other United Nations and international agencies and non-governmental organizations 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

/...

S/1996/149

English

Page 10

helped clear mines. In cooperation with United Nations agencies and non-governmental organizations, UNAMIR has assisted orphans, moved 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 prison situation. UNAMIR by its presence has provided a sense of security and confidence to the representatives of United Nations agencies, intergovernmental institutions and non-governmental organizations who, throughout the country and sometimes under very difficult circumstances, have worked for the recovery of Rwanda.

43. In my report of 30 January 1996 (S/1996/61) I repeated the view that the United Nations would still have a useful role to play in Rwanda after the expiry of the mandate of UNAMIR on 8 March 1996. On 31 January, my Special Representative briefed the Security Council in informal consultations about various options for a post-UNAMIR presence which he would be discussing with the Rwandan authorities. He mentioned three such options:

(a) The retention of a small political office to support the Rwandan Government's efforts to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure;

(b) The retention of a political office on the above lines, plus a military component consisting of military observers to monitor the return of refugees, specialized units to provide logistic support for their return and formed troops to ensure security for the logistic units;

(c) The establishment of a regional office with responsibilities for promoting peace, stability and development in the Great Lakes region as a whole.

44. In her letter to me of 13 February 1996 (S/1996/103), the President of the Security Council said that the members of the Council concurred with my observation that the United Nations still had a useful role to play in Rwanda and encouraged me to undertake consultations on the appropriate nature of that role after 8 March 1996. My Special Representative has since explored the above options with the Rwandan authorities. However, the latter have not requested that any of the options should be recommended to the Security Council and have continued to express strong reservations about the retention of United Nations troops in Rwanda after the expiry of UNAMIR's current mandate.

45. Despite the significant progress towards normalcy in Rwanda reported above, the relative peace now prevailing in that country will be under constant threat as long as more than 1.5 million refugees are camped along the borders. The presence among their ranks of some 100,000 armed elements of the former Rwandan army together with organized militias adds to this threat. While participation by these armed elements plays an important role in discouraging repatriation, the reluctance of the refugees to return to their homes is motivated to a high degree by concern about security conditions inside Rwanda. It is my belief that in these circumstances the deployment of United Nations military personnel, particularly in those areas to which large numbers of refugees are expected to return, could speed up the process of return both by building confidence and by providing much-needed logistic support. I am convinced, therefore, that Rwanda

/...

S/1996/149  
English  
Page 11

could benefit greatly from a further phase of United Nations support to help consolidate peace and security.

46. However, any of the three options presented in paragraph 43 above would require the consent of the Rwandan Government and that consent has not been forthcoming. I regret, therefore, that there appears to be no alternative, in the present circumstances, to the complete withdrawal of all the civilian and military components of UNAMIR after 8 March, on the basis of the plans already prepared in accordance with paragraph 5 of resolution 1029 (1995). Notwithstanding UNAMIR's withdrawal, the programmes, funds, offices and agencies of the United Nations system, as well as the human rights officers and the International Tribunal, will remain in Rwanda to carry out their various mandates, with coordination being assured through the standard United Nations arrangements.

47. 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 non-governmental organizations, who have devoted themselves to translating into reality the commitment of the United Nations to the people of Rwanda.

1...



UNITED  
NATIONS

S



## Security Council

Distr.  
GENERALS/RES/1047 (1996)  
29 February 1996

## RESOLUTION 1047 (1996)

Adopted by the Security Council at its 3637th meeting,  
on 29 February 1996

The Security Council,

Recalling its resolutions 808 (1993) of 22 February 1993, 827 (1993) of 25 May 1993, 936 (1994) of 8 July 1994 and 955 (1994) of 8 November 1994,

Noting with regret the resignation of Mr. Richard J. Goldstone taking effect 1 October 1996,

Having regard to Article 16(4) of the Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (S/25704) and Article 15 of the Statute of the International Tribunal for Rwanda (S/RES/955 (1994), Annex),

Having considered the nomination by the Secretary-General of Mrs. Louise Arbour for the position of Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Tribunal for Rwanda,

Appoints Mrs. Louise Arbour as Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Tribunal for Rwanda with effect from the date on which Mr. Goldstone's resignation takes effect.

56-04935 (2)

[REDACTED]

UNITED  
NATIONS

S



## Security Council

Distr.  
GENERALS/1996/149  
29 February 1996

ORIGINAL: ENGLISH

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

## I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1029 (1995) of 12 December 1995, in which the 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 (A/50/868-S/1996/61) 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 those 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 important 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 per cent of pre-war output; child immunization, sanitation, urban water supply and healthcare, 80 per cent; industrial production, 75 per cent; while public transport, primary schools and university education are above 60 per cent.

3. However, there remain a number of outstanding issues that 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 destabilization activities by the former RGF and the equitable distribution of aid. The prospect of the UNAMIR withdrawal after 8 March 1996 has also caused representatives of some international organizations in Rwanda to express concern about their safety, in particular after the expulsion of 38 non-governmental organizations and an incident, albeit isolated and immediately acted upon by the Government, in which

96-04175 (X) 290296 010396



/...

S/1996/149

English

Page 2

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, in particular 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 Government of Rwanda, a large number of infiltrators have 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 border with Zaire.

5. During the period under review, the former Heads of State of Mali and the United Republic of 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 (see S/1995/1001), 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 the United Republic of 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 handover 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 that discourage refugees from returning to Rwanda continues to be the non-functioning of the justice system. Although some constitutional changes have been introduced to allow for 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 sects. III and VI).

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 were 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 the UNAMIR mandate, security arrangements for the Office of the Prosecutor will need to be agreed between the Tribunal and the Government of Rwanda.

8. As regards relations between the Government of Rwanda and UNAMIR, several issues 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

S/1996/149  
English  
Page 3

equipment, as elements of UNAMIR withdrew, 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 General Assembly regarding UNAMIR equipment that, in the context of the liquidation process, can be released for use in Rwanda. I trust 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 insisted that United Nations contractors and their expatriate personnel should be exempt 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 of contractors were 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 the Privileges and Immunities of the United Nations.

### III. HUMAN RIGHTS

10. The Human Rights Field Operation in Rwanda (HRFOR) has established a presence in all but one of Rwanda's 11 prefectures and developed relationships with the authorities, including the security forces. The human rights officers contribute to the prevention of human rights violations and to appropriate investigation and action. The Field Operation 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 the national and local levels. The information resulting from the Operation's own investigations, together with the Government of Rwanda's response, is reported to the United Nations High Commissioner for Human Rights and made available to the Special Rapporteur on Rwanda.

11. Conditions of detention are one of the most serious aspects of the current human rights situation. They form an important subject of the overall monitoring, dialogue with the authorities and reporting by HRFOR. 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 a reduction in the numbers of those detained without charge or trial.

/...



S/1996/149

English

Page 4

12. HRFOR assesses the state of readiness of home communes to receive returnees and assists those communes in the resettlement process. The Office of the United Nations High Commissioner for Refugees (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 the mandate of UNAMIR 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 50/58 L 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. The request for regular budget funding for HRFOR was not approved by the General Assembly at its last session. The High Commissioner was therefore obliged to donors in January 1996 for additional voluntary contributions. 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 that he received from the Central Emergency Revolving Fund in order to start operations in September 1994 and financial requirements for the period from 1 April to 31 December 1996 are 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. I share his view that it would be most regrettable if this closure had 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.

S/1996/149

English

Page 5

#### 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 as a result 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 that unit have had to be contracted out or terminated.

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 Criminal 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 Kibungo, Gitarama, Butare, Cyangugu and Gisenyi respectively (see map).

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 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 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 road and bridge 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 the Mission'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

S/1996/149

English

Page 6

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 the United Republic of 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 Zaire, Rwanda and UNHCR to implement decisions taken by the Tripartite Commission at its 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 Burundi/Rwanda/UNHCR 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 the United Republic of 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, held at 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 the United Republic of Tanzania also showed a significant rise in February. A delegation from Rwanda and the United Republic of Tanzania led by the Rwandan Prime Minister, Mr. Pierre Rwigyema, held meetings with Rwandan refugees in the United Republic of Tanzania. An attentive audience of more than 10,000 people in the Benaco camp listened for three hours as he discussed the situation in Rwanda and answered questions on security and

/...



S/1996/149

English

Page 7

property. Over 500 people repatriated during the week of 12 to 16 February, more than during the preceding months combined.

27. An estimated 1.1 million Rwandan refugees remain in Zaire, 511,000 in the United Republic of 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 the Office'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 a supply of potable water, as well as the distribution of non-food items to returnees and activities carried out by non-governmental organization 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 the United Nations Development Programme (UNDP) proposed a \$70.5 million programme on 24 January. The projects, presented at a donors meeting at 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, held in February 1995 at Bujumbura.

29. On 6 December 1995, 38 non-governmental organizations were requested by the Ministry of Rehabilitation and Social Integration to cease operation (19 of them had already left the country), leaving behind 114 non-governmental organizations still operating. In a letter addressed to the non-governmental organization community, the Ministry regretted the misinterpretation of the expulsion as general hostility to all non-governmental organizations and stated that the reasons for this action included the involvement of non-governmental organizations 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 remaining non-governmental organizations 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 towards rehabilitation and development programmes, representing 62 per cent of all food aid distributed. In addition, WFP provided food to over 7,500 children in January.

31. The United Nations Children's Fund (UNICEF), through its trauma recovery programme, began recruiting 11 new trauma advisors to collaborate with 12 others already working in the prefectures. In 1996 training will focus on teachers and medical workers as they have the most direct contact with traumatized children.

#### VI. REHABILITATION, RECONSTRUCTION AND DEVELOPMENT

32. On the first anniversary of the Geneva round-table conference, disbursements by donor countries reached \$404 million, representing nearly



S/1996/149

English

Page 8

70 per cent 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 Rwanda's current import coverage to 5.1 months. Preparations are under way for the 1996 round table, due to be held on 2 and 3 May at 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.

33. With regard to the justice system, the Ministry of Justice has communicated its revised plan for the UNDP "Rehabilitation of the justice system" project. The plan proposes the recruitment of 10 legal advisers to assist in the establishment of "special chambers" to handle genocide cases, which must be viewed in the light of the recommendations made by the Conference on Genocide held at 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.

34. 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.

35. 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.

36. 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 underqualified teachers. The programme, which also includes instruction in landmine 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 the United Nations Educational, Scientific

/...

S/1996/149  
English  
Page 9

and Cultural Organization (UNESCO) are collaborating with various government ministries in the elaboration of strategies for reintegrating child detainees into the Rwandan school system.

37. As reported in December (see S/1995/1002), agricultural production in Rwanda is recovering beyond initial estimates. According to the Food and Agriculture Organization of the United Nations (FAO)/WFP crop survey for the 1996-A season and the food needs assessment report published in January, the area under cultivation in Rwanda increased by 14 per cent over the 1995-A season. The report estimates the aggregate food production for the 1996-A season as 24 per cent higher than the 1995-A season. The largest problem facing farmers remains the low availability of agricultural inputs.

#### VII. FINANCIAL ASPECTS

38. In 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.

39. 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 Council choose any of the options described in the present report for a continuing political or military presence of the United Nations in Rwanda, I shall request the Assembly at its resumed session to provide the resources required for its implementation.

40. As at 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 for all peace-keeping operations stood at \$1,891.6 million.

#### VIII. CONCLUSIONS AND OBSERVATIONS

41. 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.

42. Today, conditions in Rwanda are returning to normal, though a significant portion of the population are still refugees or displaced persons. This progress has been achieved essentially through the efforts of the people of Rwanda. But UNAMIR, other United Nations and international agencies and non-governmental organizations 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

S/1996/149

English

Page 10

helped clear mines. In cooperation with United Nations agencies and non-governmental organizations, UNAMIR has assisted orphans, moved 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 prison situation. UNAMIR by its presence has provided a sense of security and confidence to the representatives of United Nations agencies, intergovernmental institutions and non-governmental organizations who, throughout the country and sometimes under very difficult circumstances, have worked for the recovery of Rwanda.

43. In my report of 30 January 1996 (S/1996/61) I repeated the view that the United Nations would still have a useful role to play in Rwanda after the expiry of the mandate of UNAMIR on 8 March 1996. On 31 January, my Special Representative briefed the Security Council in informal consultations about various options for a post-UNAMIR presence which he would be discussing with the Rwandan authorities. He mentioned three such options:

(a) The retention of a small political office to support the Rwandan Government's efforts to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure;

(b) The retention of a political office on the above lines, plus a military component consisting of military observers to monitor the return of refugees, specialized units to provide logistic support for their return and formed troops to ensure security for the logistic units;

(c) The establishment of a regional office with responsibilities for promoting peace, stability and development in the Great Lakes region as a whole.

44. In her letter to me of 13 February 1996 (S/1996/103), the President of the Security Council said that the members of the Council concurred with my observation that the United Nations still had a useful role to play in Rwanda and encouraged me to undertake consultations on the appropriate nature of that role after 8 March 1996. My Special Representative has since explored the above options with the Rwandan authorities. However, the latter have not requested that any of the options should be recommended to the Security Council and have continued to express strong reservations about the retention of United Nations troops in Rwanda after the expiry of UNAMIR's current mandate.

45. Despite the significant progress towards normalcy in Rwanda reported above, the relative peace now prevailing in that country will be under constant threat as long as more than 1.5 million refugees are camped along its borders. The presence among these refugees of numerous elements of the former Rwandan army together with organized militias adds to this threat. While intimidation by these armed elements plays an important role in discouraging repatriation, the reluctance of the refugees to return to their homes is motivated to a high degree by concern about security conditions inside Rwanda. It is my belief that in these circumstances the deployment of United Nations military personnel, particularly in those areas to which large numbers of refugees are expected to return, could speed up the process of return both by building confidence and by providing much-needed logistic support. I am convinced, therefore, that Rwanda

/...

S/1996/149  
English  
Page 11

could benefit greatly from a further phase of United Nations support to help consolidate peace and security.

46. However, any of the three options presented in paragraph 43 above would require the consent of the Rwandan Government and that consent has not been forthcoming. I regret, therefore, that there appears to be no alternative, in the present circumstances, to the complete withdrawal of all the civilian and military components of UNAMIR after 8 March, on the basis of the plans already prepared in accordance with paragraph 5 of resolution 1029 (1995). Notwithstanding UNAMIR's withdrawal, the programmes, funds, offices and agencies of the United Nations system, as well as the human rights officers and the International Tribunal, will remain in Rwanda to carry out their various mandates, with coordination being assured through the standard United Nations arrangements.

47. 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 non-governmental organizations, who have devoted themselves to translating into reality the commitment of the United Nations to the people of Rwanda.



UNITED  
NATIONS

S



Security Council

Distr.  
GENERALS/RES/1047 (1996)  
29 February 1996

## RESOLUTION 1047 (1996)

Adopted by the Security Council at its 3637th meeting,  
on 29 February 1996

The Security Council,

Recalling its resolutions 808 (1993) of 22 February 1993, 827 (1993) of 25 May 1993, 936 (1994) of 8 July 1994 and 955 (1994) of 8 November 1994,

Noting with regret the resignation of Mr. Richard J. Goldstone taking effect 1 October 1996,

Having regard to Article 16(4) of the Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (S/25704) and Article 15 of the Statute of the International Tribunal for Rwanda (S/RES/955 (1994), Annex),

Having considered the nomination by the Secretary-General of Mrs. Louise Arbour for the position of Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Tribunal for Rwanda,

Appoints Mrs. Louise Arbour as Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Tribunal for Rwanda with effect from the date on which Mr. Goldstone's resignation takes effect.

56-04935 (8)

[REDACTED]