

WIR

INTERNATIONAL TRIBUNAL

27 OCT 1994 - 12 APR 1995

UNCLASSIFIED
RHWG APR 2009

PLEASE RETAIN
ORIGINAL ORDER

UN ARCHIVES

SERIES	<u>51120</u>
BOX	<u>67</u>
FILE	<u>3</u>
ACC.	<u>1998/278</u>

UNITED NATIONS NATIONS UNIES

POSTAL ADDRESS: ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
CABLE ADDRESS: ADRESSE TELEGRAPHIQUE: UNITED NATIONS NEW YORK

Guy ED
Schulha

REFERENCES:

Page 1 of 1

TO: Mr. Jose Vitor Da Silva Dangelo
Designated Official
Tanzania

FAX NO: 255-51-46718

FROM: Benon V. Sevan
United Nations Security Coordinator

DATE: 12 October 1995

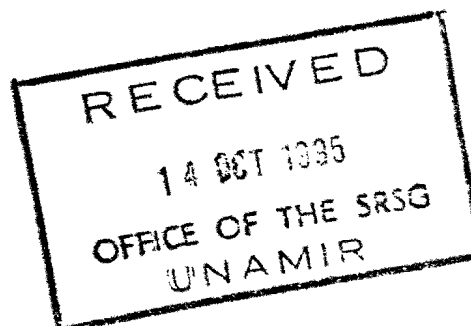
SUBJECT: Security Arrangements for the International Tribunal

1. In light of the urgent requirement to review security arrangements for the seat of the International Tribunal in Arusha, and to take advantage of other mission travel, I have proposed that Mr. Richard Manlove travel from Kigali to Arusha on or about 30 October 1995.

2. Should you concur, I suggest that Mr. Manlove travel from Arusha to Dar es Salaam the evening of 1 November in order to meet with you the morning of 2 November. His tentative schedule is as follows: depart Kilimanjaro Wednesday, 1 November at 1650 hours Air Tanzania Corp flight 537, arriving Dar es Salaam at 1740 hours; departing Dar es Salaam Thursday, 2 November at 1600 hours Air Tanzania Corp flight 68 for Nairobi.

3. I should be grateful if your Office could arrange for transportation and lodging for Mr. Manlove while in Dar es Salaam.

cc: Mr. Corell
✓ Mr. Shaharyar Khan
Mr. Gutierrez
Mr. Anderson



Reçu le 14 OCT. 1995

ROUTING SLIP

FICHE DE TRANSMISSION

TO: A: Mr. Ischlika		
FROM: DE: Wilfrid de Souza <i>WS</i>		
Room No. - No de bureau	Extension - Poste	Date 13/10/95
FOR ACTION		POUR SUITE A DONNER
FOR APPROVAL		POUR APPROBATION
FOR SIGNATURE		POUR SIGNATURE
FOR COMMENTS		POUR OBSERVATIONS
MAY WE DISCUSS?		POURRIONS-NOUS EN PARLER ?
YOUR ATTENTION		VOTRE ATTENTION
AS DISCUSSED		COMME CONVENU
AS REQUESTED		SUITE A VOTRE DEMANDE
NOTE AND RETURN		NOTER ET RETOURNER
FOR INFORMATION		POUR INFORMATION

Please see SRSG's remarks on the attached and prepare your suggestions in cooperation with all concerned.

UNITED NATIONS NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE UNITED NATIONS, N.Y. 10017

CABLE ADDRESS—ADRESSE TELEGRAPHIQUE UNATIONS NEW YORK

95 OCT 12 17

REFERENCE:

Page 1 of 1

ED
FC
CAO
Schuka
Zonilla
13-10-95

TO: Mr. Mohammed Shaharyar Khan
Special Representative of the Secretary-General
Rwanda

FAX NO: 3-3090

FROM: Benon V. Sevan
United Nations Security Coordinator

DATE: 11 October 1995

SUBJECT: Security Arrangements for the Office of the Prosecutor

1. I have received your cable dated 28 September 1995 reference the above subject. Unfortunately, Mr. Manlove was unable to travel to Kigali in early October; however, I am proposing to send Mr. Manlove, who will be in Bujumbura on another mission, to Kigali on or about 24 October.

2. The purpose of Mr. Manlove's mission will be to review the status of planning for the post-UNAMIR security of the Office of the Prosecutor, Kigali, as well as to review security arrangements for the International Tribunal for Rwanda in Arusha.

3. Should you concur with this proposal, your kind assistance in arranging support for Mr. Manlove's mission, to include a visit to Arusha 29 - 31 October, would be greatly appreciated.

cc: Mr. Annan
Mr. Corell
Mr. Hasegawa
Mr. Adede
Mr. Gutierrez
Mr. Gilli
Mr. Bordewijk

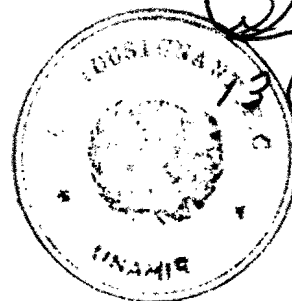
RECEIVED

13 OCT 1995
OFFICE OF THE SRSG
UNAMIR

We should work out a brief for Mr. Manlove before his visit. If and when our forces leave security would be needed for your HQ ii) Tribunal iii) BV (ie. witnesses) iv) our equipment left behind v) our antennas in the perimeter vi) Traffic

sent
13-10

FC
ED



ED
I agree with SRSG.

WJH
13 OCT 95

UNITED NATIONS NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE UNITED NATIONS, N.Y. 10017
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE UNATIONS NEW YORK

REFERENCE:

Page 1 of 1

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cc: Mr. Annan
Mr. Corell
Mr. Hasegawa
Mr. Adede
Mr. Gutierrez
Mr. Gilli
Mr. Bordewijk

Manlove personal copies

RECEIVED
13 OCT 1995
OFFICE OF THE SRSG
UNAMIR

*we should work out
a brief for Mr. Manlove before his
visit. If and when our forces
leave security would be needed
for your HQ i) Tribunal ii) BV
(ie residences) iii) our equipment left behind
iv) our Antennas in the prefectures v) Nafipoo
vi) our Amplifier etc?*

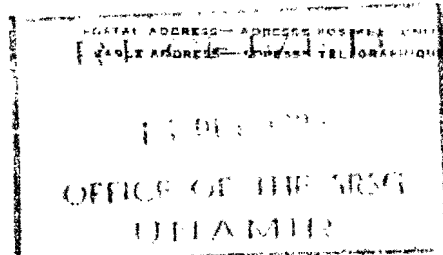
*sent -
13-10*

*FC
ED*

UNITED NATIONS NATIONS UNIES

DATE: 12121 953-7445

FAX: (212) 963-4304



Page 1 of 2

TO: Mr. Sukehiro Hasegawa
Resident Representative, UNDP
Rwanda

FAX NO: 873-150-7445

FROM: Benon V. Sevan
United Nations Security Coordinator

DATE: 11 October 1995

SUBJECT: Security Arrangements for the
Office of the Prosecutor, Kigali

1. In light of the possible termination of the UNAMIR mandate I indicated to the Department of Peace-keeping Operations my willingness to dispatch a Security Coordination Officer to Kigali to review the status of planning for the post-UNAMIR security of the Office of the Prosecutor (OTP), Kigali. I have therefore instructed Mr. Richard Manlove, who will be in Bujumbura on another mission, to travel to Kigali on or about 24 October, if possible.

2. As you are aware there are several issues to be considered in the event the UNAMIR mandate is not extended. In this regard, I believe that your Office may be able to provide valuable assistance to both UNAMIR and the OTP during the transition process.

3. As you consider post-UNAMIR security planning requirements, you should keep in mind that upon the termination of the UNAMIR mandate one senior official of the remaining organizations will be designated by the Secretary-General as the Designated Official. This official will undertake overall and special responsibility for the special protection of the organization's staff members and property in Rwanda, to include the OTP. Although a final decision has not been made in this regard, as the Deputy Designated Official you should be prepared to accept this responsibility.

4. Clearly the impact of losing support now provided by UNAMIR will be substantial. As UNAMIR withdraws, it will be necessary to plan for a smooth hand over of security responsibilities to ensure that all remaining UN agency and programme personnel continue to be covered by one over-arching security plan. You will need to coordinate closely and continuously with UNAMIR to ensure that this transition is as smooth as possible.

5. With specific regard to the OTP, the following factors should be considered:

a. Security Planning. All OTP staff must be included in the security plan for Rwanda, to include being assigned wardens, etc. Given the sensitivity of the OTP mission, however, a stand-alone plan should also be developed which would permit the evacuation of the OTP international staff, if required, without implementing the Security Plan for Rwanda.

b. OTP Office Security Requirements. The UNAMIR report on security requirements for the Office of the Prosecutor, dated 22 June 1995, should be re-examined to determine those changes which will be caused by the departure of UNAMIR, and recommendations should be made as to how the gaps can be filled. It would be prudent to do this as quickly as possible, particularly should it be necessary to request UNAMIR support with contractual procedures.

c. Security Related Items. A consolidated list of security related items that could possibly be either transferred or purchased from UNAMIR should be provided to UNAMIR as soon as possible. If such items are not identified in a timely manner it could complicate UNAMIR logistics planning.

6. Although Mr. Manlove's schedule will be confirmed as soon as possible, I believe it would be prudent for you to initiate this process, as outlined above, without delay.

cc: Mr. Annan
Mr. Corell
Mr. Shaharyar Khan ✓
Mr. Adede
Mr. Gutierrez
Mr. Gilli
Mr. Bordewijk



OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

---

*Gilli's letter
clarifies everything!
ED
CAO*

*See
24-9.*

DATE: 21 September 1995

TO: Mr. W. De Souza
Executive Director

FROM: William Clive
OIC, Administration

W. Clive

*Vee
K.S.*

SUBJECT: Office furniture for the International Tribunal for Rwanda

... With reference to your inter-office memorandum dated 18 September 1995, please find herewith attached for your information the history on the above captioned subject.

UNITED NATIONS
ASSISTANCE MISSION TO RWANDA



NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

INTER-OFFICE MEMORANDUM

DATE: September 20, 1995

TO: W. Clive
O.I.C. Administration

FROM: J. Lombardo
Administrative & Logistics LO for ITR

SUBJECT: Office Furniture for the International Tribunal for Rwanda

In reference to Mr. De Souza's memo to you of 18 September, 1995, here is a chronology of events with regard to the ITR's furniture.

1. The furniture was sent from UNOSOM to UNAMIR in January, 1995.
2. 15 sets of furniture, filing cabinets and conference tables were set up by Patsey Mullings and myself in January, 1995 in the UNICEF building.
3. || Mr. Hermann Gilli, the Chief Administrative Officer of the Tribunal gave UNAMIR permission to distribute the furniture to UNAMIR staff members on 9 March, 1995 (see memo attached).
4. 18 Dutch investigators will arrive in Kigali on 28 September and the request to return the Tribunal furniture was received verbally on 19 September, 1995.
5. The Tribunal's furniture will be returned before 25 September, 1995 and all UNAMIR furniture will be retrieved.

I trust this clears up the issue of the Tribunal furniture.

20.SEP'95 11:16

P.2

LEGAL: RWANDA

195- 3- 03 : 22 22 :

212-263-5847

COMMSEN. 1

IN 926

OFFICE OF LEGAL AFFAIRS

INTERNATIONAL TRIBUNAL FOR RWANDA 05 10

Room 0472, DC-2
2, United Nations Plaza, New York, N.Y., 10017
Telephone: (212) 963-3939 * Fax: (212) 963-5847

FACSIMILE TRANSMISSION

DATE: 9 March 1995

TO: Mr. Ali Golo
Officer in Charge of Administration
UNAMIR

FAX NUMBER: 3.3090

FROM: Hermann H. Gilli
Acting Chief of Administration
International Tribunal of Rwanda

FAX NUMBER: (212) 963-5847

TOTAL NUMBER OF PAGES (INCLUDING COVER PAGE): 2

SUBJECT: Please see attached.

MESSAGE:

EIDIR

CAS

KIGALI/RWANDA

1995 3-9 12:22

212.3635647

COMMUN. # 2

United Nations Nations Unies

INTEROFFICE MEMORANDUM

MEMORANDUM INTERIUM

9 March 1995

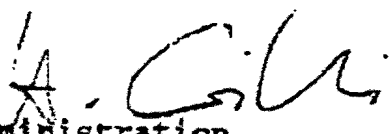
TO: Mr. Ali Golo
 A: Officer in Charge of Administration
 UNAMIR

DATE:

REFERENCE:

THROUGH

NOTE:

FROM: Hermann H. Gilli 
 DE: Acting Chief of Administration
 International Tribunal for Rwanda

SUBJECT:

OBJET:

Recruitment of an Administrative Officer for the
 International Tribunal for Rwanda

1. On 27 February 1995 the Chairman of the Advisory Committee on Administrative and Budgetary Questions informed the Secretary-General of the Committee's concurrence that he enter into commitments not exceeding \$2,914,900.

2. The request submitted by the Office of Legal Affairs included the post of an Administrative Officer in Kigali at the P-3/4 level who would work exclusively for the Rwanda Tribunal. I have requested vacancy announcements for a P-4 administrative post and several other posts, to be circulated. So far we have not been successful in finding candidates. A solution would be to find a candidate within UNAMIR who would then be transferred to the Tribunal's payroll. Should such a candidate be available, Mr. Port has a copy of the conditions of service for Tribunal personnel at Kigali. These conditions would apply to the said post.

3. Mr. Port brought another point to my attention. I know that the Tribunal has a substantial amount of office furniture at Kigali waiting to be installed in the offices for the investigators and prosecutors. Since at present there are never more than five to fifteen staff members at the same time in Kigali, there is absolutely no objection if UNAMIR wishes to borrow some of that furniture for some time, as long as we can get it back when we need it.

4. I am fully aware of the assistance which UNAMIR has given to the Tribunal and I am grateful for it. I hope we can continue this cooperation for a successful completion of the task at hand.

cc: Mr. Madili
 Mr. Lasiuk

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA



NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

Office of the Force Commander
UNAMIR Force Headquarters
Kigali

Id. Ref: FC/DR/01/ADM

19 September 1995

Mr. Joseph Lombardo
STO/FSA Coordinator
Division of Administration and
Management
UNAMIR

Subject: Loan of Office Equipment

① Some time in January 95, the SRSG and myself had made some commitments to provide assistance to remote prefectures. This initiative was prompted by New York's suggestion that UNAMIR should share the wealth of its resources with the Government of Rwanda in order to facilitate good governance and accelerate normalization. As you are aware, this proved to be more difficult than anticipated. We were not as wealthy as perceived.

One commitment remains nevertheless outstanding and is constantly coming back to haunt me in the person of the Prefect of Kibuye. He had requested a computer, a printer and a photocopier and reminds me almost every week. Several attempts at providing him this equipment have been without results. I would be very grateful if you could help me in making this problem go away by making the necessary arrangements for the loan of these items. I am prepared to deliver the merchandise personally.

Thank you in advance for your cooperation.

② OIC Admin

Could you authorize?
If so, could you have
EDP deliver items to me
as soon as practicable?

G.C. Tousignant
Major General
Force Commander



OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

DATE: 21 September 1995

TO: Mr. W. De Souza
Executive Director

FROM: William Clive
OIC, Administration

W. Clive

SUBJECT: Office furniture for the International Tribunal for Rwanda

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GS 1

*Please send a
copy to the SRSG
for his info.*

*22. 9. 95
WS*

UNITED NATIONS
ASSISTANCE MISSION TO RWANDA



NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

INTER-OFFICE MEMORANDUM

DATE: September 20, 1995

TO: W. Clive
O.I.C. Administration

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Administrative & Logistics LO for ITR

A handwritten signature in black ink, appearing to be "J. Lombardo", written over the "FROM:" line.

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CHAMBER KIGALI RWANDA

1995-3-9 22 29

212 963-5847

COMMUNIC. 1

IN 926

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INTERNATIONAL TRIBUNAL FOR RWANDA

05:18

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FROM: Hermann H. Gilli
Acting Chief of Administration
International Tribunal of Rwanda
FAX NUMBER: (212) 963-5847
TOTAL NUMBER OF PAGES (INCLUDING COVER PAGE): 2
SUBJECT: Please see attached.

MESSAGE:

EIDIR

CAS

UNAMIR KIGALI/RWANDA

1995-03-08 22:22

712-8635647-

COMMON-P-2

United Nations Nations Unies

INTEROFFICE MEMORANDUM

MEMORANDUM INTERIEUR

TO: Mr. Ali Golo
 A: Officer in Charge of Administration
 UNAMIR

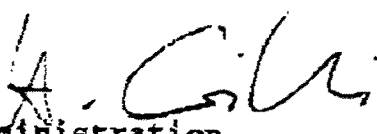
9 March 1995

DATE:

REFERENCE:

THROUGH

BY DE:

FROM: Hermann H. Gilli 
 DE: Acting Chief of Administration
 International Tribunal for Rwanda

SUBJECT:

CHART: Recruitment of an Administrative Officer for the
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ASSISTANCE MISSION FOR RWANDA



NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

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Joe STO
m10105

G.C. Tousignant
Major General
Force Commander



ROUTINE

OUTGOING FAX NO. 4905
MIR NO. 3304

PAGE 1 OF 4

TO: Mr. H. Gilli Chief Administrative Officer International Tribunal for Rwanda New York, New York	FROM: W. V. Clive O.I.C. Administration UNAMIR Kigali, Rwanda
ATTN: A. Waldrum, FALD M. O'Grady, FALD	DATE: September 19, 1995
FAX NO: 212-963-9685 212-963-2116	INT DISTN: SRSG, CISS
If all pages are not received in good order please contact number listed beside.	PHONE : 212-963-3582 Ext. 11616 FAX NO: 212-963-3090
SUBJECT: UNAMIR'S CONTINUED SUPPORT TO THE ITR	

We received a copy of a memo written by the External Relations Officer to Mr. Fraternalé of 13 September, 1995 (copy attached). Unfortunately, the memo is factually incorrect and potentially damaging to the solid working relationship that Mr. Lombardo has endeavoured to establish between UNAMIR and the Tribunal.

Never, in conversations with Tribunal staff has Mr. Lombardo ever *demanded* anything. Nor, as is stated in the second paragraph of the aforementioned memo, can he only *guess* at the office and vehicle requirements. In fact, he has been working as Logistics and Administrative Officer for the Tribunal since December, 1994. He has followed the Tribunal's deployment and has a very definite idea of what is needed in both areas as can be seen from the continued satisfaction of Tribunal staff with the support that UNAMIR has provided

In actual fact, there are 15 desks currently at the Tribunal offices and progress is being made to supply the Tribunal with the furniture that was distributed to UNAMIR staff in February. Progress is being made in this regard and in consultation with Mr. Bordewijk, the requisite amount of furniture will be in place before the 18 Dutch investigators arrive on 23 September.

We have continued to support the Tribunal with everything that it has requested over the last 10 months even without knowing for certain, how many Tribunal staff members would be in Kigali at any one time. Given the fact that a large number of investigators will be deploying to Kigali and more direct hires are on the way, we have asked New York for authorization to continue supplying the Tribunal with the materials, equipment and services that it requests. I am sure you will agree that a clear statement from New York on UNAMIR's terms of reference will benefit all concerned.

SRSG CISS

A release
on dossier du Tribunal
22-9-95
WS

With reference to the aforementioned memo it would seem that Mr. Sigg prefers a more adversarial relationship between UNAMIR and the ITR. UNAMIR will continue to work in the best interests of the ITR despite inflammatory correspondence and conversations that the External Relations Officer has taken upon himself to initiate. In this vein, we are happy to work with Mr. Bordewijk on the issue of administrative and logistics support to the Tribunal, and request that all officers of the Tribunal be directed to defer to Mr. Bordewijk, or whomever the Registrar wishes to appoint, in order to ensure that all administrative and logistics requests are properly scrutinized and responded to with the least amount of delay.

P2/4
MIR 3324



UNICEF Building, P.O. Box 749, Kigali, Rwanda. Tel.: +(255) 84266 extn 11013/17 Tel.: +(1-212) 963 9906 Fax: +(1-212) 963-4001
Aegon Building, Churchillplein 1, 2517 JW The Hague, The Netherlands. Telephone: +(31-70) 416-5347 Fax: +(31-70) 416-5358

Office of the Prosecutor
Bureau du Procureur

The Deputy Prosecutor
INTEROFFICE MEMORANDUM

Le Procureur Adjoint
MEMORANDUM INTERIEUR

TO: Mr. Giorgio Fraternali
A: Procurement Officer
ITR, The Hague

DATE: 13 September 1995
REFERENCE: M10/95.HR/sp

THROUGH:
S/C DE:

FROM: Alain Sigg
DE: External Relations

SUBJECT: ITR REQUEST TO UNAMIR FOR EQUIPMENT/VEHICLES
OBJET:

Mr. Joe Lombardo visited ITR offices today demanding official requests for office furniture, telephones and vehicles. Mr. Lombardo then indicated that he was working on having 25 sets of desk and chairs delivered to the UNICEF building before 25 September.

Mr Lombardo informed us he could at best only guess ITR office and vehicle requirements. Following our discussion with Mr. Lombardo and in view of the imminent arrival of staff, I list below our requirements up to 30th September.

1. Currently we have available in the office four locked desks with no keys to open them. We will require chairs and lockable desks for the following staff:

20 seconded Dutch personnel
10 staff (seconded and direct hire) who will be in Kigali before in the end of Sept.
2. On Monday 18 September, Dr. Andrew Thomson and Mr. Bill Haglund will travel to Kibuye. It is intended they take one vehicle each because Mr. Haglund will stay in the area for 10 days. Dr. Andrew Thomson will return to Kigali then travel to The Hague on 21 September.

Assuming Brenda-Sue Thornton and Dan Gowan return to Kigali on Monday 18 September together with a number of secondees and Judge Rakotomanana, our staff will be increasing from Wednesday 20 September. This includes the arrival this week of Anne Rogier, Rajesh Neupane, Stephen Myall, Reiner Bordewijk and Sara Dareshori.

P3/4
m1R 3304

faxed 13.9.95
5.35pm

2.

I would be grateful if an official request could be issued to UNAMIR, either from yourself or from this office on your behalf (please advise if you wish us to do this) requesting office furniture, telephone connection and vehicles for the abovementioned personnel. I should add that Transport Section of UNAMIR have informed us they have not received any official request for vehicles for incoming staff.

I appreciate you are well aware of the urgency of this issue. It would help us greatly - and apparently also Mr. Lombardo - if UNAMIR were issued with an official request at the earliest opportunity.

Regards.

P4/4
MIR 3304



INTEROFFICE MEMORANDUM

Kigali 18 September 1995

TO: William Clive
Acting CAO

FROM: Wilfrid de Souza
Executive Director

SUBJECT: Office furniture for the International Tribunal for Rwanda

1. The attached self-explanatory memorandum from M. Rupert Lewis has been copied to you for your consideration by both the drafter and the SRSG.
2. I should be grateful if you would kindly take the necessary action accordingly.

Thank you for your cooperation.

cc: SRSG *Chris Savage*



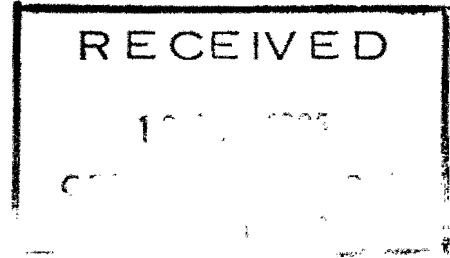
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(aim) not from (no
inter tel for (aim
has been carried
to UNDP. (aim
must be corrected
if not is the
case 80-
189.*

September 18, 1995

TO: MR. S. K. BUO
A/EXECUTIVE DIRECTOR
OFFICE OF THE SRSG

FROM: RUPERT LEWIS
SUMMO

*EB
CAO
R Lewis*



SUBJECT: OFFICE FURNITURE FOR THE INTERNATIONAL TRIBUNAL FOR RWANDA

As per our discussion, this note is intended to serve as confirmation of the fact that sometime during the previous (3rd) Mandate, a shipment of Office furniture which was scheduled for use by the International Tribunal for Rwanda, had arrived in the Mission area.

The furniture was subsequently distributed to various UNAMIR Offices. To that effect, please find attached a copy of the directive (from Mr. G.J. Wordley) which authorized the distribution.

To date the Office of the SUMMO has been working closely with the Trafipro Warehouse Management Team to provide Office furniture on a replacement basis to the I.T.R to meet its needs, in light of the imminent arrival of its International staff of Investigators.

This is an on going process, but due to Budgetary constraints we are limited in our immediate response.

Best regards.

cc. CAO
CISS

*To SRSG, for information
as discussed.*

Sammy Bus

18/9/95

cc: ED



UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

Ref: LOG/178

Date: 14 March, 1995

To: CLSG
DSMMS

Info: ICTR
Fidele
STO

From: G J Wordley
CILM

Subject: RELEASE OF FURNITURE PROVIDED TO ICTR

1. It has been agreed that furniture supplied by UNOSOM for use by the ICTR may be released for UNAMIR use. However, this transfer is made on the understanding that the furniture can be recovered immediately should the ICTR expand. You are therefore authorised to issue the furniture shown on the attached R&I forms to personnel in the Kigali area only. Recipients are to sign for the furniture and are to be made aware that it may be recovered at a later date.
2. I should be grateful if you would assist the LN in arranging transport for these stores to the Headquarters.
3. In terms of priorities in the Headquarters staffs, the following are to receive the furniture:
Office of ED

1 x Executive Chair	✓ issued from Nanay's office
4 x visitors chairs	→ 2 issued
2 x visitors seats	NA
2 x computer desks	NA
2 x typist chairs	→ 1 issued (one needed)
1 x filing cabinet	NA
1 x secretarial desk	→ 1 issued

Radio UNAMIR Secretary 11079

1 x computer desk	
1 x secretarial desk	→ issued 12/3/95
1 x typist chair	→ issued , ,
1 x filing cabinet	

Finance (UNICEF building)

13 x desks
13 x chairs

✓ issued

UNV Programme coordinator

1 + 2 x desks
2 + 4 x chairs

✓ issued

✓ 1 x filing cabinet ~~NA~~ ✓

EDP training room

13 x desks
13 x chairs

✓ issued

Welfare Officer ✓

1 x bookcase

✓ received

4 x chairs

✓ received

1 x round meeting table NA

2 x executive chairs

✓ received

2 x drawer filing cabinet NA

1 x VCR

NA

1 x TV

NA

Legal Officer

1 x filing cabinet

NA

Auditors

1 x table/desk
2 x chairs

} They don't need these

Procurement (UNICEF)

1 x chair
1 x desk

✓
✓

ICTR UNICEF

- Carolyn Egan.

← 4 x metal racking

Supply Control Office. ✓

2 x desks

3 x chairs

1 x filing cabinet



September 18, 1995

TO: MR. S. K. BUO
A/EXECUTIVE DIRECTOR
OFFICE OF THE SRSG

FROM: RUPERT LEWIS
SUMMO

Done
19-9-95
WS

SUBJECT: OFFICE FURNITURE FOR THE INTERNATIONAL TRIBUNAL FOR RWANDA

As per our discussion, this note is intended to serve as confirmation of the fact that sometime during the previous (3rd) Mandate, a shipment of Office furniture which was scheduled for use by the International Tribunal for Rwanda, had arrived in the Mission area.

The furniture was subsequently distributed to various UNAMIR Offices. To that effect, please find attached a copy of the directive (from Mr. G.J. Wordley) which authorized the distribution.

To date the Office of the SUMMO has been working closely with the Trafipro Warehouse Management Team to provide Office furniture on a replacement basis to the I.T.R to meet its needs, in light of the imminent arrival of its International staff of Investigators.

This is an on going process, but due to Budgetary constraints we are limited in our immediate response.

Best regards.

cc. CAO
CISS

*To SRSG, for information
as discussed.*

Sammy Bus
18/9/95



UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

Ref: LOG/178

Date: 14 March, 1995

To: CLSG
DSMMS

Info: ICTR
Fidele
STO

From: G J Wordley
CILM

Subject: RELEASE OF FURNITURE PROVIDED TO ICTR

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4 x visitors chairs	→ 2 issued
2 x visitors seats	NA
2 x computer desks	NA
2 x typist chairs	→ 1 issued (one needed)
1 x filing cabinet	NA
1 x secretarial desk	→ 1 issued

Radio UNAMIR Secretary 11079

1 x computer desk	→ issued 12/3/95
1 x secretarial desk	→ issued
1 x typist chair	→ issued
1 x filing cabinet	

Finance (UNICEF building)

13 x desks
13 x chairs

✓ issued

UNV Programme coordinator

1 + 2 x desks

2 + 4 x chairs

✓ 1 x filing cabinet

✓ issued

EDP training room

13 x desks
13 x chairs

✓ issued

Welfare Officer

1 x bookcase

4 x chairs

1 x round meeting table

2 x executive chairs

2 x drawer filing cabinet

1 x VCR

1 x TV

✓ received
✓ received
NA
✓ received
NA
NA
NA

Legal Officer

1 x filing cabinet

NA

Auditors

1 x table/desk

2 x chairs

} They don't need these

Procurement (UNICEF)

1 x chair

1 x desk

✓
✓

ICTR UNICEF

- Carolyn Egan.

← 4 x metal racking

Supply Control Office. ✓

2 x desks

3 x chairs

1 x filing cabinet



See Sub
919
Keep for ID

INTEROFFICE MEMORANDUM

Vu
WS

TO : Ms. Susan Matthew
Chief Administrative Officer

Date: 8 September 1995

FROM: Beadengar P. Dessande
Chief of Protocol Room 4060 - Ext: 11069

SUBJECT: Accommodation for the Deputy General Prosecutor,
International Criminal Tribunal for Rwanda, Kigali.

Please be informed that the Special Representative of the Secretary General of the United Nations has recently decided to provide to Judge Rakotomanana, until otherwise decided, the apartment n° 2 at the Belgium Village which will be from now his provisional residence.

For the judge's comforts the above apartment should be equipped with a minimum essential of equipment as the manager does not provide services such as breakfast, lunch and dinner anymore.

In this connection, please find below a list of the necessary equipments for the above apartment:

- 1 cooker
- 1 refrigerator
- 1 small table for the kitchen
- curtains for door and windows
- 2 sets of pillow cases
- 2 sets of bedsheet
- 1 flask (thermos) 1l/2 l or 2l)
- 4 tea cups
- tea spoons
- water cups
- plates
- cutlery

Reçu le - 9 SEP. 1995

In view of the above we would also like to request that the other two appartments n°3 and n° 4 which are reserved for VIP guests, be furnished with the following items :

- 1 electric stove
- 1 electrjc kettle

Thank you in advance for your prompt action.

cc: SRSG

ED

CISS

STO

ICTR

Int E
Reference

ROUTING SLIP

FICHE DE TRANSMISSION

TO:
A: Mr. Khan

FROM:
DE: Wilfrid de Souza WS

Room No. - No de bureau Extension - Poste Date 02/9/95

FOR ACTION		POUR SUITE A DONNER
FOR APPROVAL		POUR APPROBATION
FOR SIGNATURE		POUR SIGNATURE
FOR COMMENTS		POUR OBSERVATIONS
MAY WE DISCUSS?		POURRIONS-NOUS EN PARLER ?
YOUR ATTENTION		VOTRE ATTENTION
AS DISCUSSED		COMME CONVENU
AS REQUESTED		SUITE A VOTRE DEMANDE
NOTE AND RETURN		NOTER ET RETOURNER
FOR INFORMATION		POUR INFORMATION

The attached draft has been prepared by the Chief Security Officer as a response to Mr. Sevan's memorandum of 29 August 1995 on security for the International Tribunal Staff.

DRAFT

TO: Mr. Benon Sevan
United Nations Security Coordinator

FROM: Shaharyar Khan
SRSG
Kigali - Rwanda

DATE: 2 September 1995

SUBJECT: SECURITY FOR INTERNATIONAL TRIBUNAL STAFF

Your fax of 29 August 1995 on increased risk to the Tribunal staff refers.

1. I wish to express my dismay at the fears expressed by Mr. Halliday on the increased risk to the International Tribunal staff members in Kigali, resulting from the current political changes in the Government of Rwanda.

2. Indeed there has been changes in the Rwandan cabinet where the Prime Minister and four other cabinet ministers were relieved of their duties. But these changes have neither posed, nor increased any security risk to the Tribunal staff, or the international community in general.

The swearing-in ceremony of the New Prime Minister and 3 other Ministers took place at the Parliament Building on Thursday 31 August 1995 at 1500 hours LT. The ceremony was conducted under a very cordial atmosphere and witnessed by a cross section of the International Community and other Dignitaries. Life in Kigali itself has been very normal besides isolated cases of arm robbery and burglary.

3. The overall security situation in Rwanda I must say remains stable and continues to improve throughout the country. The only area of concern had been the forced repatriation of the Rwandan refugees from Goma and Bukavu camps into Rwanda, by the Zairian Government. This has however been temporarily suspended and left to voluntary repatriation with a deadline for end of December 1995. The UNHCR is currently handling the situation well, together with other international agencies and Ngos.

Reports have further more shown that the RPA is exercising a fair amount of restraint in dealing with the Returnees, perhaps as a message of assurance to their compatriots in the camps, towards their voluntary repatriation to Rwanda. This is an encouraging aspect of the operations as a sense of magnanimity by the Rwandan authorities.

However notwithstanding, the security situation along the Zairian border still remains relatively tense.

Presently, the International Tribunal which is housed in the old UNICEF building within walking distance of UNAMIR HQ. is guarded by military personnel from Ghanbatt 3 on 24 hourly basis. In addition the chief prosecutor is also provided two security officers from UNAMIR security section.

On the basis of the above, I totally disagree with any suggestion that the present political changes in the Government of Rwanda has posed increased risk to the members of the International Tribunal.

Please find below the list of the present members of the Tribunal currently based in Kigali. In addition, 28 more staff members are due in Kigali between now and end of September 1995.

1. Judge Honore Rakotomanana - Chief Prosecutor
2. Brenda-Sue Thornton
3. Philip Sundel
4. Dan Gowan
5. Alain Sigg

Best Regards.

UNITED NATIONS

ASSISTANCE MISSION FOR RWANDA



NATIONS UNIES

MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

International Tribunal
CC: ED (up for review)
Sub
4/9

NOTE FOR THE FILE

On 1 September 1995, I accompanied the following members of the official United Nations delegation from Kigali to Arusha, Tanzania to visit the premises of the International Tribunal for Rwanda (ITR): the Prosecutor of the International Tribunal, Judge Richard Goldstone; the Deputy Prosecutor, Judge Honoré Rakotomanana; the President of the Tribunal, Judge Laïty Kama; a representative from the Office of Legal Affairs in New York, Mr. Andronico Adede; and the External Relations Officer for the Tribunal in Kigali, Mr. Alain Sigg.

The flight to Kilimanjaro Airport on the Beechcraft 200 took approximately two hours. Upon arrival at the airport, we were greeted by the assistant to the UNDP Resident Representative in Dar-es-Salaam, as well as members of the management board of the Arusha International Conference Centre (AICC). We then proceeded to drive to Arusha in three 4x4 vehicles. The trip lasted about 40 minutes and although road conditions were very good for most of the journey, the last stretch of the road which was under construction was not.

Arusha itself appeared to be a small town similar to Kigali in its general aspects. On our way, we passed by a few small hotels, the AICC hospital and several schools, including an international school, which were located in large single villas. Small businesses and shops were operating, but the place was not congested.

The Arusha International Conference Centre (AICC)

When we arrived at the AICC, we were led in by the main public entrance to the building. The building itself appeared old and grey from the outside. We were surprised to see the large number of people walking around and their apparent free access to all areas of the building. Besides offices, there were small shops, businesses and fast-food outlets located on the ground floor.

We were led by the building management team to a conference room on the fifth floor where we were joined by the Director-General of the AICC and introductions were made. We then headed for the areas designated for the ITR's operations: the entire third and fourth floors, as well as an annex on the ground floor. On the fourth floor, we inspected two large conference rooms which were considered suitable for trial chambers, as well as office space. The third floor only comprised offices, but all were satisfied with the general condition of the premises on both floors, as well as the square footage at the disposal of the Tribunal.

However, several concerns were expressed regarding the building's security arrangements and accessibility to the premises by the general public. In this regard, we were assured by the building management team that architectural plans would be made to create a separate access to the premises occupied by the ITR to be used exclusively by ITR personnel. We were shown a rear entrance to the building for this purpose, as well as a small parking lot which would also be used for ITR staff only. They informed us that although the general security for the building would be provided by the Tanzanian Government, security for the premises occupied by the ITR would be the UN's responsibility.

Reçu le - 4 SEP. 1995

We then visited the annex located on the ground floor. Once again, we were pleased with the facilities to be placed at the ITR's disposal, except for signs of leakage from the roof of some of the offices. The Director-General informed us that although his building management team had proceeded with the bidding process to select contractors for the necessary repair work, they had been informed by New York to discontinue such efforts as the matter would be handled by the United Nations. The UN team found this development to be quite disconcerting, considering the fact that the rainy season in Arusha begins in October and the repairs must be completed before then.

Visit to proposed prison site

Following an inspection of the IACC premises, we then proceeded to visit the proposed site of a prison to be built according to UN specifications. The site was located adjacent to an existing prison situated on the outskirts of Arusha near a small airfield. We spoke to the prison authorities, but were unable to specify any details (e.g. size of prison) due to the lack of sufficient information on the ITR's needs at this point in time. However, Judge Goldstone did state that he would like prison security to be provided by the Tanzanian authorities as it would obviate the need for recruiting an additional 30-40 ITR personnel.

Living accomodations

The Director-General informed us that his staff had located houses for the accomodation of ITR staff and that arrangements could also be made with the local hotels for individual rooms and apartments. Judge Goldsone specified that six houses would be needed to provide accomodation for the judges, but temporary housing should also be made available for the investigators and other staff. We were able to visit a house under construction (which met the approval of Judge Kama) in an upscale neighbourhood outside Arusha where several large and attractive villas (one of which had its own satellite dish) appeared to have been built recently.

Other matters

Although there was a general consensus among the UN team that the facilities at the AICC and the living arrangements in Arusha would be adequate for the Tribunal's needs, several outstanding issues remain to be resolved, including the provision of personal security to the judges and other staff members, as well as to the premises of the ITR. Other concerns include the provision of transportation and separate communication facilities for the Tribunal's operations. I believe some of these matters will be discussed during the scheduled visit of a UNAMIR communications/logistics team to Arusha this week.



Ladan M. Rafii
Political/Legal Officer
4 September 1995

cc: SRSB, ED



UNAMIR - MINUAR

INTEROFFICE MEMORANDUM

Date: 1 September 1995

To: Mr. Paul Ischlika
Chief, Security Officer

From: Wilfrid de Souza
Executive Director

A handwritten signature in black ink, appearing to read 'W. de Souza', written over the printed name.

Subject: Security for International Tribunal Staff

1. The attached memorandum from the United Nations Security Coordinator has been forwarded to you for action. Your urgent attention to the matter by preparing a draft reply to be signed by the SRSG would be appreciated.

2. My own view is that there is no increased risk to the security of the Tribunal Staff related to the changes in the Government in Rwanda. I wonder who gave them that information.

cc. SRSG
Mr. Buo
Mr. Dessandé

UNITED NATIONS NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE UNITED NATIONS, N.Y. 10017
CABLE ADDRESS—AUNESSE TELEGRAPHIQUE UNATIONS NEWYORK

*copy! ED
Security
31-8-95*

Page 1 of 1

ASPERHED:

TO: Mr. Mohammed Shaharyar Khan
Special Representative of the Secretary-General
Rwanda

FAX NO: 3-3090

FROM: Benon V. Sevan
United Nations Security Coordinator

DATE: 29 August 1995

SUBJECT: Security for International Tribunal Staff

*This is preposterous.
What additional threat?
I want a meeting
with all concerned
to put this issue
in context once and
for all.
Sevan 31-8-95*

1. I have been approached by Mr. Halliday, the Assistant Secretary-General for Human Resources Management, who attended a meeting chaired by Mr. Annan, regarding the possibility of increased risk to the security of Tribunal staff given the changes in the Government of Rwanda.

2. I would appreciate receiving your assessment of the current risk to Tribunal staff, the number of tribunal staff at the duty station, and any special arrangements which have been made for their security.

3. Should you require any support in this regard I would be pleased to request that Mr. Hasegawa make Mr. Cleland, the UNDP Field Security for Rwanda, available to assist.

CC: Mr. Annan
Mr. Halliday
Mr. Gutierrez
Mr. Hasegawa

*Assessed personnel exposure
Sevan*

RECEIVED
31 AUG 1995
OFFICE OF THE SRSG
UNAMIR

UNITED NATIONS



NATIONS UNIES

ASSISTANCE MISSION FOR RWANDA

MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

RECEIVED

30 AUG 1995

OFFICE OF THE SRSG
UNAMIR

30 août 1995

A L'ATTENTION DU JUGE RAKOTOMANANA

SUBSTITUT DU PROCUREUR GENERAL, TRIBUNAL INTERNATIONAL

RE: Retour de la Délégation à Nairobi le 1er Septembre 1995

A la communication téléphonique de cet après-midi avec M. DEMETROS, Chef du Bureau de Liaison de l'Administration à Nairobi, les points suivants ont été retenus:

La Délégation envisage d'arriver à temps à Nairobi, au plus tard à 18H00 locales pour permettre au Juge Goldstone de prendre son avion à 19H00.

Pour le reste des membres de la Délégation :

Deux chambres seront réservées à l'hôtel Intercontinental pour le Juge KAMA et le Conseiller Juridique ADEDE ;

Pour ceux qui doivent revenir Kigali par le vol MINUAR du 2/9/95 (Juge Rakotomanana, M. Sigg et Ms. Rafii), trois chambres seront réservées à l'hôtel Panafric et une voiture les conduira le matin à l'aéroport.

M. DEMETROS (tel: 250-4-622202) accueillera la délégation à son arrivée. Il recommande que l'heure de départ d'Arusha lui soit communiquée en temps opportun.

B. P. [Signature]
Chef de Protocole

cc: SRSG ✓

ED

CAO (Att. STO)

Reçu le 31 AOUT 1995



NOTE POUR LE DOSSIER

OBJET: VISITE A ARUSHA, TANZANIE - 1er SEPTEMBRE 1995

REF: TRIBUNAL INTERNATIONAL

Suite aux instructions du Représentant Spécial concernant la visite à Arusha, du Président KAMA et du Juge GOLDSTONE, j'ai, ce jour, 21 août, communiqué avec le Bureau du Coordonnateur Résident des Nations Unies à Dar-Es-Salaam (Tel: 255-51-46716).

En l'absence de M. Victor Angelo, j'ai parlé avec le Chargé du Bureau, M. Salomon NHONGO et lui ai indiqué que :

- Mon appel téléphonique vise à informer le bureau du prochain voyage, le 1er Septembre à Arusha du Président du Tribunal International (Leity KAMA), du Juge R. Goldstone, Procureur Général qui seront accompagnés par le Représentant Spécial (Ambassadeur Khan). Le Substitut du Procureur Rakotomanana sera également de voyage ainsi que M. Alain Sigg, Chargé des Relations Extérieures au Bureau du Tribunal International à Kigali.
- Un fax suivra pour donner les détails du voyage.
- Conformément au souhait du Juge Rakotomanana, le bureau devra prendre des dispositions pour accueillir la délégation à l'aéroport international d'Arusha et non à celui de Kilimandjaro.

Kigali, 21 août 1995


B.P. Dessande

cc : SRSG
ED ✓
SA
ICTR

UNITED NATIONS



NATIONS UNIES

ICTR

INTERNATIONAL CRIMINAL TRIBUNAL FOR
RWANDA

TRIBUNAL PENAL INTERNATIONAL POUR
LE RWANDA

Aegon Building, Churchillplein 1, 2501 EW The Hague, The Netherlands Telephone: +(3170) 344-5347 Fax: 31-70 344-5325
Kigali, Telephone (255) 84266 ext 11013 Fax (212) 963-4001

The Deputy Prosecutor

Le Procureur Adjoint

Kigali, le 15 août 1995

Excellence,

Faisant suite à ma lettre du 11 août 1995 et après concertation officieuse avec le Protocole d'Etat, j'ai l'honneur de porter à votre connaissance que le programme de visite au Rwanda et à Arusha du Président Leity KAMA et du Procureur Général Richard GOLDSTONE gagnerait à être établi ainsi qu'il suit (le vendredi étant un jour du Conseil des Ministres) :

- Rencontres avec les Hauts Dirigeants du Rwanda et le Chef de la Mission pour l'assistance au Rwanda : l'après-midi du mercredi 30 août et toute la journée du jeudi 31 août 1995,

- Visite à Arusha : le vendredi 1er septembre 1995,

- Ils repartiront pour Nairobi en fin d'après-midi du 1er septembre.

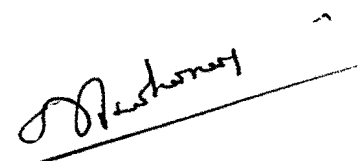
Il est souhaitable qu'ils rencontrent, dans la mesure du possible, les personnalités politiques suivantes :

- . SEM le Président de la République,
- . SEM le Vice-Président de la République,
- . SEM le Président de l'Assemblée Nationale
- . SEM le Premier Ministre,
- . SEM le Ministre des Affaires Etrangères et de la Coopération
- . SEM le Ministre de la Justice.

Confirmant les termes de ma correspondance susvisée, je vous serais reconnaissant de tous arrangements qui permettront d'assurer au mieux le déplacement de ces deux Chefs de Juridiction et leur hébergement au Complexe du Village Belge.

Avec mes remerciements, je vous prie d'agréer, Excellence, l'assurance de ma haute considération.

SEM L'Ambassadeur Shaharyar KHAN
Représentant Spécial du Secrétaire Général
Chef de la Mission pour l'Assistance au Rwanda


Honoré RAKOTOMANANA

Reçu le 15 AOUT 1995

ED's office

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA



NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

INTEROFFICE MEMORANDUM

TO: Ms. Isel Rivero
Special Assistant to the SRSG

FROM: Ladan M. Rafii
Political/Legal Officer

DATE: 26 August 1995

SUBJECT: Force Commander's Directive on the Legal Jurisdiction
Applicable to UNAMIR and Rwandan Authorities

The attached directive received from the military was revised following my discussions with our contract management cell, the Executive Director and our military component. The purpose of these consultations was to provide some measure of protection to the international staff of UNAMIR contractors (a category which had formerly been omitted from the prior version of the directive issued by the Force Commander on handover procedures).

As a result, this updated document includes a reference to the international personnel of UNAMIR contractors (see page 5), and it also modifies the extent of protection offered to personnel of NGOS (e.g., that such protection should be restricted to their international staff only). Otherwise, the information remains the same as that provided in the directive dated 24 July 1995 which was previously circulated.

cc: ED
CMC

Reçu le 26 AOUT 1995

UNITED NATIONS
ASSISTANCE MISSION IN RWANDA



NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

*La dan Rafii
could you look
this over please.
Highlight or
comment as
appropriate.
21/8/95*

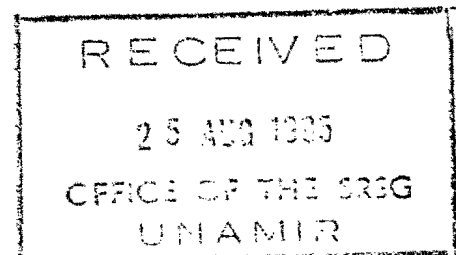
FROM : G 3 PLANS *for* 5000.45 (Plans)
TO : DISTRIBUTION LIST
DATE : 24 Aug 95
SUBJECT : DIRECTIVE ON THE LEGAL JURISDICTION APPLICABLE
TO UNAMIR AND RWANDAN AUTHORITIES

1. The updated directive on the legal jurisdiction applicable to UNAMIR and Rwandan authorities, is forwarded herewith. It will be effective from the date of receipt. It supersedes the version issued on 25 July 95.
2. Acknowledge.

Distribution :

Action :

LIST B, C AND D (less spares)
UNHFOR (UN Human Rights Field Operations in Rwanda)
CISS
CCPO
STO
CSO
MCC
CITMM
BMES
CCO



Information :

LIST A AND E (less spares)

- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the hand over and if not, why not.

INTERNATIONAL PERSONNEL OF UNAMIR CONTRACTORS

25. As soon as a Rwandan authority seeks legal jurisdiction over an international member of a UNAMIR contractor, HQ UNAMIR, the appropriate head of the UNAMIR contractor and the ICRC and UNHRCFOR must be notified. HQ UNAMIR is to dispatch MP to the site.

26. UNAMIR soldiers are to allow the Rwandan authority(s) to take custody of a international member of an UNAMIR contractor if that person(s) is identified as having legal authority (ie., Gendarme, Prosecutors). UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

27. Should handover take place, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC and UNHRCFOR are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

28. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G3 Ops, and the Force Provost Marshall:

- a. name of person handed over and the UNAMIR contractor they work for,
- b. location where the Rwandan Government sought jurisdiction,
- c. crime person accused of,
- d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,
- e. date, time and place the person was handed to the Prosecutor's Office, and
- f. whether an ICRC and UNHRCFOR representative was present during the hand over and if not, why not.

UNITED NATIONS



NATIONS UNIES

ICTR

INTERNATIONAL CRIMINAL TRIBUNAL FOR
RWANDA

TRIBUNAL PENAL INTERNATIONAL POUR
LE RWANDA

Aegon Building, Churchillplein 1, 2501 EW The Hague, The Netherlands Telephone: +(3170) 344-5347 Fax: 31-70 344-5325
Kigali, Telephone (255) 84266 ext 11013 Fax (212) 963-4001

The Deputy Prosecutor

Le Procureur Adjoint

Kigali, le 11 août

Au Général Tousignant
Chef de Mission a.i. et
Commandant de la Force

Faisant suite à notre entretien téléphonique de ce matin
mer que le Juge Leity KAMA, Président du Tribunal International
reux Général Richard GOLDSTONE effectueront une visite au R
1995 au 1er septembre 1995. Ils arriveront à Nairobi dans la mat
et repartiront de Nairobi dans la soirée du 1er septembre.

Comme ils envisagent de visiter les locaux destinés à abriter le Tribunal International
à Arusha, le jeudi 31 août, les rencontres avec les Hauts dirigeants de Rwanda pourraient être
programmées pour le mercredi 30 août après-midi et pendant la journée du 1er septembre jus-
qu'à la dernière utile - que vous détermineriez - pour le décollage de l'avion qui devra les ra-
mener à Nairobi.

Je vous serais, en conséquence, reconnaissant de tous arrangements qui permettront
d'assurer au mieux leur voyage. Je souhaiterais également que ces deux Chefs de juridiction
soient hébergés au complexe du Village Belge.

En vous remerciant de votre coopération et de votre assistance agissante, je vous prie
d'agréer, Mon Général, l'expression de mes sentiments très distingués.

Juge Honoré Rakotomanana

cc :

- Directeur Exécutif
- Chef du Protocole
- Chef de la Sécurité

Gi S Jone 11/8/95
6.)

En faire une copie
pour le SRSG

- Mr BUO
- Mr Dinko
- Ms Rafii
- Radio Unit

--- (0013 071100)

Laity KAMA
(Senegal)

Born on 22 November 1939 in Dakar.

Magistrate, currently Senior Advocate-General in the Court of Cassation (Dakar).

Primary education

School of Medina in Dakar.

Secondary education

Lycée de la fosse; later Lyceé Van Vollenhoven in Dakar obtaining the baccalaureate (secondary-school-leaving certificate) in 1962.

Higher education

Faculty of Dakar then at the Faculty of Law in Paris, Panthéon.

Licence en droit (bachelor's degree in law), 1967.

Diplôme d'études supérieures de droit privé (post-graduate degree in law) in 1969.

Simultaneously enrolled in the National Centre of Judicial Studies in Paris, obtaining the Diplôme d'aptitude à la profession de magistrat (qualified as magistrate).

Professional career

1969-1973: Deputy Public Prosecutor (July-December 1969), then Examining Magistrate (December 1969-March 1973) in Diourbel.

March 1973-

March 1974: Deputy Public Prosecutor at the Special County Court in Dakar.

March 1974-

1979: Public Prosecutor in Thiès, Senegal.

National activities

A member of the Union of Senegalese Magistrates since it was established in 1968, and President of the Senegalese Association of Penal Law, a national chapter of the International Association of Penal Law.

International activities

A member of the delegation of Senegal during the negotiations in New York on the Convention on the Law of the Sea.

/...

Member of the Senegalese delegation to the Commission on Human Rights in Geneva from 1983 to 1990. As such, participated in the final negotiations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Presented the first periodic report of Senegal to the Committee against Torture in 1991.

On behalf of the Centre for Human Rights of the United Nations Secretariat, in Geneva, organized in Cairo (in 1991), then in Bujumbura (in April 1993), together with other resource persons, a seminar on human rights and the administration of justice.

In 1991, conducted a seminar on the same topic in Kigali, on behalf of the Agency for Cultural and Technical Cooperation, and also in Tunis for the Arab Association of Human Rights.

Consultant expert for the Centre for Human Rights at Geneva since September 1992.

As such, went on a mission to assess technical assistance needs in the field of human rights, in Benin (19 to 26 October 1992) then in Burundi (16 to 22 April 1993). Follow-up and consultation mission with the Burundi Government (12 to 18 September 1994), concerning the training of magistrates.

Expert representing Africa in the Working Group on Arbitrary Detention, which was established by the Commission on Human Rights for a three-year period (1991-1994). At its fiftieth session (January-March 1994), the Commission extended the Working Group's mandate for a further three-year period.

Publications and communications

1. In Senegal

"La condition des étrangers au Sénégal" (The status of foreigners in Senegal) in Revue internationale de droit et de coopération.

"De la procédure en matière de répression des détournements des deniers publics au Sénégal" (Procedure regarding the repression of misappropriation of public funds in Senegal), in Revue Sénégalaise de droits.

2. For the Centre for Human Rights in Geneva

"Les garanties procédurales durant l'instruction et le procès" (Procedural safeguards during the investigation and trial), seminar on human rights in the administration of justice (Cairo, July 1991).

"La prévention de la torture" (Prevention of torture), same seminar.

3. Other communications

"Réflexions sur un système africain de prévention de la torture"
(Reflections on an African system for the prevention of torture), seminar
on prison administration and human rights (Tunis, November 1991).

"L'indépendance du pouvoir judiciaire et les normes internationales en la
matière" (Independence of the judiciary and relevant international norms),
training seminar for magistrates in the field of human rights (Kigali,
April 1992).

/...

UNITED NATIONS



NATIONS UNIES

INTERNATIONAL CRIMINAL TRIBUNAL FOR
RWANDATRIBUNAL PENAL INTERNATIONAL POUR
LE RWANDA

Aegon Building, Churchillplein 1, 2501 EW The Hague, The Netherlands Telephone: +(3170) 344-5347 Fax: 31-70 344-5325
Kigali, Telephone (255) 84266 ext 11013 Fax (212) 963-4001

*Bureau du Procureur
Kigali*

ED

Communiqué de presse

Le Procureur Général Richard Goldstone s'est rendu, le 8 août 1995, pour une journée de travail à Kigali malgré les derniers développements en ex-Yougoslavie qui, à présent, retiennent également toute son attention.

Le budget du Tribunal Pénal International pour le Rwanda ayant récemment été voté par l'Assemblée Générale, le Procureur Général a voulu lui-même informer le Bureau de Kigali de l'arrivée prochaine de nouveaux collaborateurs afin d'accélérer - sous l'autorité du Juge Rakotomanana et sous la direction de M. Colin Port - les enquêtes en cours avec la plus grande efficacité. Les gouvernements des Pays-Bas, d'Allemagne, de la Suisse, du Royaume-Uni, du Danemark et des Etats-Unis ont détaché des spécialistes qui travailleront ensemble avec du personnel recruté par les Nations Unies.

Lors des entretiens avec des responsables rwandais, le Procureur Général Richard Goldstone a fait connaître son désir de rencontrer les hautes autorités du Rwanda vers la fin du mois d'août.

Le Procureur Général et son bureau sont conscients de l'immense et légitime attente que le peuple rwandais porte à l'égard du Tribunal. Toute l'équipe en place à Kigali se tiendra à l'échéance qu'elle s'est fixée. Le Procureur Général et son Bureau saisissent cette occasion pour remercier les gouvernements qui coopèrent et coopéreront pleinement avec le Tribunal Pénal International pour le Rwanda en exécution des résolutions 955 et 978 du Conseil de Sécurité, condition sine qua non lui permettant d'accomplir sa difficile et délicate mission.



NOTE FOR THE FILE

On 8 August 1995, the Force Commander held a meeting with the Prosecutor for the International Tribunal for Rwanda, Justice Richard Goldstone, at UNAMIR headquarters. Also attending the meeting were the Deputy Prosecutor, Mr. Honoré Rakotomanana and the Tribunal's spokesman in Kigali, Mr. Alain Sigue, as well as the Political/Legal Officer for UNAMIR.

Judge Goldstone confided to the Force Commander the following reasons for his visit:

(a) the need for the Tribunal's investigators to interview witnesses currently held in Rwandese prisons;

(b) the Secretary-General's recently expressed desire to indict suspects now imprisoned in Rwanda as soon as possible (despite the fact that Judge Goldstone did not believe that suspects presently detained in Rwanda merited the attention of the Tribunal); and

(c) the proposed visit of the Tribunal's President to Rwanda at the end of this month (which he did not want publicised until he had obtained the approval of the Rwandese Government).

Judge Goldstone stated that he still hoped the first indictments would be issued before the end of the year, and that he shared the Secretary-General's feeling that this should take place in Africa, rather than Europe. He added that despite the Secretary-General's expressed desire to hold the trials in Kigali pending the rehabilitation of the Tribunal's premises in Arusha, he himself was reluctant to accede to this request as he did not think it would be possible to hold fair trials in Kigali, even if this were operationally feasible.

The Force Commander expressed his personal view that it would not be realistic to hold trials in Kigali pending the completion of the premises in Arusha, although he admitted that this would serve the purpose of seeing justice done. He stated that there was no law and order in Rwanda outside the military's presence, and that those acquitted of the charges pending against them may not be allowed to leave the country. He was also concerned about the starting date of the Tribunal's operations since, to his knowledge, nothing was being done in Arusha despite his understanding that extensive work was required there.

In response, Judge Goldstone proposed that, as an alternative solution, a temporary court could be erected until a permanent structure was established in Arusha.

With regard to security considerations, the Force Commander emphasised the need for a witness protection programme (he mentioned that he has already sent a cable on this matter to New York in September 1994). He underlined the need to obtain written guarantees from the Rwandese Minister of Defence should witnesses need to be flown out of the country. Judge Goldstone also considered it indispensable to have such written guarantees, and stated that the full cooperation of the Rwandese Government was needed with regard to the provision of witnesses for the Tribunal's proceedings.

The Force Commander agreed that none of the main instigators of the genocide were now in Rwanda. He also cautioned that in the eyes of the Rwandese Government, the Tribunal lacked credibility in bringing these people to justice due to the prolonged delays which had resulted in a certain loss of faith on the part of the local population. He further advised Judge Goldstone that UNAMIR formed troops may no longer be in Rwanda by the end of this year to provide the necessary protection for the Tribunal's operations, to which Judge Goldstone replied that it would not be possible for the Tribunal to operate in Rwanda without proper protection for its staff and premises. He added that most Governments would be unwilling to allow their nationals to work for the Tribunal in the absence of adequate security arrangements. Both agreed that this issue should be raised with the Secretary-General in New York.

Judge Goldstone also mentioned the futility of making large commitments of resources in Rwanda if its staff were forced to leave by December. He reiterated that he could not put his staff at risk under any circumstances. He further stated that if people are acquitted by the Tribunal, this could result in an increased security risk to his staff, especially the Deputy Prosecutor. He added that he would discuss the matter on his return visit to Kigali at the end of August, but that, in his opinion, the absence of an office in Kigali would not prevent the Tribunal from performing its functions (as evidenced by the location of the International Tribunal for the former Yugoslavia outside the territory covered). He stated that the decision to have an office in Kigali was a political, not operational decision, and that it could be established elsewhere in Africa.

The Force Commander agreed that the Tribunal's offices should be in Africa. He advised that, in his personal opinion, the Tribunal should bring the absolute minimum amount of infrastructure to Kigali, and that it should operate on the assumption that it would receive the least amount of cooperation from the Government of Rwanda. He added that the infrastructure in Kigali was inadequate to support the Tribunal's operations, and that there was no political will to facilitate matters. He concluded by stating that based upon UNAMIR's experience during the past six months, it has become increasingly difficult to obtain the Rwandese Government's cooperation (e.g. with regard to access to sites and infrastructural support), thereby rendering the United Nations effort in the country less effective.



Ladan M. Rafii
Political/Legal Officer
9 August 1995

cc: SRSG
FC
ED
International Tribunal for Rwanda



Handwritten note: 11.10.95

Bureau du Commandant
de la Force
QG de la MINUAR
Kigali, Rwanda

FC/GL/03/ADM

/ Août, 1995

M. Honoré Rakotomanana
Procureur Adjoint près
le Tribunal International
pour le Rwanda

Handwritten: Vu
WS

Monsieur Rakotomanana,

Visite du Juge Richard Goldstone

Il est porté à votre connaissance que la requête concernant l'utilisation du vol des Nations Unies par le Juge Richard Goldstone à destination de Nairobi a été approuvée.

Etant donné l'heure de départ du Juge Goldstone avec BD 66 à partir de Nairobi mercredi matin le 9 Août 1995, il devra quitter Kigali le 8 Août tard dans l'après-midi.

Toutes les dispositions nécessaires concernant ce vol ont été prises.

Veuillez agréer l'expression de nos sentiments les meilleurs.

Handwritten signature of Guy C. Tousignant

Guy C. Tousignant
Chef de Mission a.i.
et Commandant de la
Force

Handwritten notes:
1
- 1 copy for SRSG
- Mr BDO
- WS fait
- 02/8/95



Au Général Tousignant
Représentant Spécial a.i. du Secrétaire Général.

Kigali, le 1er août 1995

Mon Général,

Faisant suite à notre entretien téléphonique, j'ai l'honneur de porter à votre connaissance que le Juge Goldstone arrivera à Kigali lundi prochain, 7 août 1995 par le vol SABENA (SN 565), et repartira soit le mardi après-midi, soit le mercredi 9 août de bon matin, pour lui permettre de prendre le vol BD 66 qui part de Nairobi à 10h20.

En l'absence d'un vol régulier d'une compagnie aérienne ces jours-là, je vous serai reconnaissant de toutes accomodations qui permettront d'arranger pour le mieux son voyage.

En vous remerciant de votre coopération et prompt assistance, je vous prie d'agréer, mon Général, l'expression de mes sentiments très distingués.

Honoré Rakotomanana
Procureur adjoint près
Le Tribunal International pour le Rwanda

c.c.
Directeur exécutif
Chef du protocole
Chef de la sécurité

Copy to

Mr. Donat

1-8-95

ws

fait 02/8/95

ROUTING SLIP		FICHE DE TRANSMISSION	
TO: A: Mr. de Souza			
FROM: DE: hadan M. Rafii			
Room No. - No de bureau	Extension - Poste	Date 21/7/95	
FOR ACTION		POUR SUITE A DONNER	
FOR APPROVAL		POUR APPROBATION	
FOR SIGNATURE		POUR SIGNATURE	
FOR COMMENTS		POUR OBSERVATIONS	
MAY WE DISCUSS?		POURRIONS-NOUS EN PARLER ?	
YOUR ATTENTION		VOTRE ATTENTION	
AS DISCUSSED		COMME CONVENU	
AS REQUESTED	X	SUITE A VOTRE DEMANDE	
NOTE AND RETURN		NOTER ET RETOURNER	
FOR INFORMATION		POUR INFORMATION	

Mr BUO

21-7-95

ws

original to
Mr. BUO

21-7-95

P

VII. INTERNATIONAL TRIBUNAL FOR RWANDA

During the reporting period, the International Tribunal for Rwanda has continued its investigation of genocide and other serious violations of international humanitarian law under the direction of its Deputy Prosecutor based in Kigali. I am pleased to report certain favourable developments in the implementation of Security Council resolution 955 (1994) establishing the International Tribunal. In Kigali, premises for both accommodation and office needs of Tribunal staff have been located, and it is expected that the office in Kigali will now rapidly expand in size with a combination of recruited and contributed personnel.

The six Judges of the two trial Chambers of the International Rwanda who were elected by the General Assembly in May 1995 were sworn in and they held their first plenary session in The Hague from 26 to 30 June. During this session, the judges elected Judge Laity Kama (Senegal) as President and Mr. Yakov A. Ostovsky (Russian Federation) as Vice-President of the Tribunal. With the adoption of the rules of procedure and evidence for the Tribunal at this session, it is now envisaged that the Tribunal's first indictments will be made before the end of this year.

Due to the continuing problems being experienced with regard to the International Tribunal's premises in Arusha, it is still uncertain where the initial trial proceedings will take place. Following the visit of a United Nations mission to the United Republic of Tanzania in May, it emerged that an estimated six to twelve months would be required to complete the necessary refurbishment of the premises designated for the Tribunal. Additionally, several outstanding issues remain to be resolved in the negotiation of the Tribunal's headquarters agreement with the Government of Tanzania, as well as the lease agreement for the premises.

Greater concerted efforts are required to enable the International Tribunal to start functioning in Arusha and to maintain a fully operational office in Kigali. In this regard, it is hoped that the setting up of the necessary financing and administrative arrangements will be made as soon as possible. The General Assembly's approval of a budget for the Tribunal will greatly facilitate the operational development of the Tribunal and will permit recruitment of key personnel to take place on an accelerated basis. These financing measures will enable the Tribunal to enter into contractual commitments, particularly with regard to lease arrangements, and the planning of a work programme for investigation, the preparation of indictments and the holding of trials.

- * Please note that the draft resolution on the Tribunal's budget will be presented to the General Assembly on Friday, 21 July 1995.

NOTE TO EXECUTIVE DIRECTOR

SUBJECT: The Secretary-General's report of 30 June 1995
on the International Tribunal for Rwanda

As you have requested, the following are my comments with regard to the above-mentioned report on the International Tribunal for Rwanda:

1. I do not believe that certain aspects of the report are based upon unsubstantiated information. With regard to paragraph 4, it is true that the Tribunal staff encountered various difficulties in their efforts to establish an office in Kigali with the result that, until quite recently, they had no permanent presence here. Their budgetary problems also prevented them from making any concrete plans and recruiting qualified personnel on a long-term basis. They also encountered difficulties in obtaining secure premises for their office and accommodation for their staff. However, as mentioned in paragraph 6 of the report, these obstacles have to a great extent now been overcome (the general situation in Kigali has improved; certain key personnel can now be recruited; premises for both accommodation and office needs have been located and the space requirements of their office can be met).

Consequently, it is expected that their office in Kigali will now rapidly expand in size with a combination of recruited and contributed personnel.

2. It appears that the most major impediment towards achieving greater and more effective progress in establishing the Tribunal is due to the fact that the General Assembly has not yet approved the Tribunal's budget. Budgetary approval for the Tribunal would greatly facilitate the operational development of the Tribunal; permit recruitment of personnel to take place on an accelerated basis; allow the necessary lease and other contractual commitments to be undertaken; and enable the planning of a work programme for investigation, the preparation of indictments and the holding of trials.

Ms Rafii

Please discuss

17-7-95

WS

done!

Pauline

18-7-95

Ladan M. Rafii

Ladan M. Rafii
16 July 1995



NOTE A MS. RAFII

Objet : Rapport du Secrétaire général sur le Tribunal international pour le Rwanda

Le Représentant spécial vient de vous adresser copie d'un nouveau rapport du Secrétaire général sur le Tribunal international pour le Rwanda.

Sa remarque sur le rapport, comme vous pouvez le constater, est qu'il est décourageant. A ce sujet, je vous serais obligé de bien vouloir étudier ce rapport de manière à mettre en lumière les passages qui ne correspondent pas à la réalité. Par exemple, le rapport, en son paragraphe 4, indique un certain nombre de faits qui, à mon avis, ne sont pas vérifiés. Je vous serais également obligé en présentant votre analyse du rapport, de bien vouloir faire des propositions sur ce qu'il y aurait lieu de faire pour faire avancer les choses, afin que le Tribunal commence effectivement ses travaux dans la seconde moitié de 1995, comme l'a annoncé le Juge Goldstone.

WS

Wilfrid de SOUZA
12 juillet 1995



Bureau du Porte-parole

COMMUNIQUE DE PRESSE

UNAMIR NR 95-35

5 juillet 1995

**LE TRIBUNAL PENAL INTERNATIONAL POUR LE RWANDA
PRET A ACCOMPLIR SA MISSION**

Les Juges du Tribunal pénal international pour le Rwanda sont prêts à accomplir leur importante mission dévolue par la communauté internationale. Ils ont clôturé le 30 juin à la Haye les travaux de leur première session en adoptant le nouveau Règlement de procédure et de preuve sous la présidence du Juge Laïty Kama (Sénégal).

Les Juges ont également entendu le Procureur, Monsieur Richard Goldstone, et le Procureur adjoint, Monsieur Honoré Rakotomanana.

Les deux Chambres de première instance du Tribunal pénal international pour le Rwanda sont composées comme suit:

Chambre de première instance no.1:

Juge Laïty Kama, Président de la Chambre
Juge Lennart Aspegren
Juge Navanethem Pillay

Chambre de première instance no.2:

Juge William H. Sekule, Président de la Chambre
Juge Tafazzai H. Khan
Juge Yakov A. Ostrovsky

Avant de clôturer leurs travaux, les Juges ont arrêté le calendrier de leurs prochaines rencontres et décidé d'établir une permanence pour les mois d'octobre, novembre et décembre à la Haye pour examiner les actes d'accusation, en attendant la mise en place du Tribunal à Arusha.

Le Tribunal pénal international pour le Rwanda lance un appel à la communauté internationale afin que tout soit mis en oeuvre pour surmonter au plus vite les graves problèmes financiers auxquels est confronté le Tribunal.

Le Tribunal pénal international pour le Rwanda espère ainsi pouvoir répondre aux attentes du peuple rwandais de voir jugés équitablement les responsables des crimes commis au cours de l'année 1994.

Pour de plus amples informations, contacter le bureau du Porte-parole: tél. 84266 poste 11075 ou 11124 ou 11066.

6 juillet 1995

NOTE AU SRSG

RE: Tribunal International

A 17h30 j'ai reçu une communication téléphonique de M. Baysden du Tribunal International, Bureau de Kigali.

M. Baysden, après m'avoir dit qu'il a eu un entretien avec S.E.M. l'Ambassadeur Rawson, voudrait savoir où restera le Substitut du Procureur Général à son retour à Kigali.

Je lui ai répondu que les arrangements faits par le Représentant Spécial en attendant que la résidence soit retouchée restent valables. C'est-à-dire qu'une chambre sera mise à sa disposition à l'Hôtel Méridien à son retour.

J'indique également que le Juge Rakotomanana m'a appelé au milieu de l'après-midi au téléphone pour dire qu'il venait d'informer le SRSG d'une réunion qui devait se tenir cet après-midi même et dont l'un des points à l'ordre du jour portait sur le logement du Substitut du Procureur Général à Kigali. Le Juge a déclaré qu'il va intervenir pour dire tout le soutien que la MINUAR lui a apporté jusqu'alors dans ce domaine.

Le Juge arrivant samedi matin à six heures du matin à Kigali, je dois m'assurer si l'Administration - Service d'hébergement a pris l'action déjà requise au moment du départ du Juge à La Haye.


B.P. Dessandé
Chef de Protocole

cc: ED
CAO

V
or

1384
UNITED NATIONS

NATIONS UNIES

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

TRIBUNAL INTERNATIONAL CHARGE DE POUR-
SUIVRE LES PERSONNES PRESUMES RESPONSABLES
DE VIOLATIONS GRAVES DU DROIT INTERNATIONAL
HUMANITAIRE COMMISES SUR LE TERRITOIRE DE
L'EX-YOUGOSLAVIE DEPUIS 1991

OFFICE OF THE PROSECUTOR

Aegon Building, P.O. Box 15888, 2501 EW The Hague, The Netherlands. Telephone: + (31-70) 416-5350 Fax: + (31-70) 416-4358

Copy ED
Protocol

2-3-95

Office of the Prosecutor
Bureau de Procureur

FAX MESSAGE

To: Mr. Shahryar Khan, Special Representative of the
Secretary-General for Rwanda

Fax nr.: 00-1-212-963-3090

From: Judge Rakotomanana
ICTY, The Hague

Tel nr: (31-70) 416-5378
Fax nr. (31-70) 416-5358

Number of Pages: 2 (including this coversheet)

Date: 7 July 1995

Message: Please see following letter. Regards.

Vu
wg

SRSG

UNITED NATIONS



NATIONS UNIES

ICTR

INTERNATIONAL CRIMINAL TRIBUNAL FOR
RWANDATRIBUNAL PENAL INTERNATIONAL POUR
LE RWANDA

Aagon Building, Churchillplein 1, 2501 HW The Hague, The Netherlands Telephone: +(3170) 344-5347 Fax: 31-70 344-5358

6 July 1995

Dear Mr. Aimé,

I wish to inform you that following consultations in The Hague I will be returning to Kigali and arrive on 8 July. I will therefore be at the disposal of the Secretary-General during his visit there. I will be very pleased to participate in briefings or meetings regarding the activities of the Rwanda Tribunal.

I can be contacted at my office in Kigali at (212) 963-9906, ext. 11013, fax: (212) 963-4001, or through the Special Representative of the Secretary-General and his Chief of Protocol at UNAMIR.

I look forward to hearing from your office.

Sincerely,

Honoré Rakotomanana
Deputy Prosecutor

Mr. Jean-Claude Aimé
Chief of Staff
Executive Office of the
Secretary-General
The United Nations
Room S-3800
New York, N.Y. 10017

cc: Mr. Shahryar Khan
Special Representative of the Secretary-General for Rwanda

(1)

ED

6 juillet 1995

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Vu
p9

B.P. Dessandé
Chef de Protocole

cc: ED
CAO

Une chambre d'Hotel Méridien (N° 305) est
réservée pour le Juge. cp

(2)

Une chambre d'Hotel Méridien (N° 305) est
réservée pour le Juge. cp

6 juillet 1995

NOTE AU SRSG

RE: Tribunal International

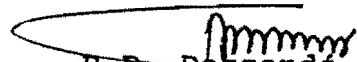
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Je lui ai répondu que les arrangements faits par le Représentant Spécial en attendant que la résidence soit retouchée restent valables. C'est-à-dire qu'une chambre sera mise à sa disposition à l'Hôtel Méridien à son retour.

J'indique également que le Juge Rakotomanana m'a appelé au milieu de l'après-midi au téléphone pour dire qu'il venait d'informer le SRSG d'une réunion qui devait se tenir cet après-midi même et dont l'un des points à l'ordre du jour portait sur le logement du Substitut du Procureur Général à Kigali. Le Juge a déclaré qu'il va intervenir pour dire tout le soutien que la MINUAR lui a apporté jusqu'alors dans ce domaine.

Le Juge arrivant samedi matin à six heures du matin à Kigali, je dois m'assurer si l'Administration - Service d'hébergement a pris l'action déjà requise au moment du départ du Juge à La Haye.


B.P. Dessandé
Chef de Protocole

cc: ED
CAO

file



UNAMIR-MINUAR

Office of the Spokesman

PRESS RELEASE

UNAMIR NR 95-35

5 July 1995

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
READY TO CARRY OUT ITS MISSION**

The Judges of the International Criminal Tribunal for Rwanda are ready to carry out the important mission they have been entrusted with by the international community. On 30 June 1995 in the Hague, they concluded the deliberations of their first session by adopting the new Rules of Procedure and Evidence under the chairmanship of Judge Laïty Kama (Senegal).

The Judges also heard the Prosecutor, Mr. Richard Goldstone, and the Deputy Prosecutor, Mr. Honoré Rakotomanana.

The two trial Chambers of the International Criminal Tribunal for Rwanda are composed as follows:

Trial Chamber No.1:

Judge Laïty Kama, Presiding Judge
Judge Navanethem Pillay
Judge Lennart Aspegren

Trial Chamber No.2:

Judge William H. Sekule, Presiding Judge
Judge Tafazzal H. Khan
Judge Yakov A. Ostrovsky

Before adjourning the session, the Judges laid down a timetable for their next meetings and decided that one of them should always be in the Hague in October, November and December to review indictments, pending the establishment of the Tribunal in Arusha.

The International Criminal Tribunal for Rwanda is making an appeal to the international community to do everything in all due haste to overcome the serious financial problems the Tribunal is facing.

The International Criminal Tribunal for Rwanda thereby hopes to meet the expectations of the Rwandan people and of the international community to see that those responsible for the crimes committed during 1994 are judged after a fair trial.

For more information, please contact the Office of the Spokesman in Kigali: phone: 84266 ext.: # 11075 or 11124 or 11066.



Bureau du Porte-parole

COMMUNIQUE DE PRESSE

UNAMIR NR 95-35

5 juillet 1995

**LE TRIBUNAL PENAL INTERNATIONAL POUR LE RWANDA
PRET A ACCOMPLIR SA MISSION**

Les Juges du Tribunal pénal international pour le Rwanda sont prêts à accomplir leur importante mission dévolue par la communauté internationale. Ils ont clôturé le 30 juin à la Haye les travaux de leur première session en adoptant le nouveau Règlement de procédure et de preuve sous la présidence du Juge Laïty Kama (Sénégal).

Les Juges ont également entendu le Procureur, Monsieur Richard Goldstone, et le Procureur adjoint, Monsieur Honoré Rakotomanana.

Les deux Chambres de première instance du Tribunal pénal international pour le Rwanda sont composées comme suit:

Chambre de première instance no.1:

Juge Laïty Kama, Président de la Chambre
Juge Lennart Aspegren
Juge Navanethem Pillay

Chambre de première instance no.2:

Juge William H. Sekule, Président de la Chambre
Juge Tafazzal H. Khan
Juge Yakov A. Ostrovsky

Avant de clôturer leurs travaux, les Juges ont arrêté le calendrier de leurs prochaines rencontres et décidé d'établir une permanence pour les mois d'octobre, novembre et décembre à la Haye pour examiner les actes d'accusation, en attendant la mise en place du Tribunal à Arusha.

Le Tribunal pénal international pour le Rwanda lance un appel à la communauté internationale afin que tout soit mis en oeuvre pour surmonter au plus vite les graves problèmes financiers auxquels est confronté le Tribunal.

Le Tribunal pénal international pour le Rwanda espère ainsi pouvoir répondre aux attentes du peuple rwandais de voir jugés équitablement les responsables des crimes commis au cours de l'année 1994.

Pour de plus amples informations, contacter le bureau du Porte-parole: tél. 84266 poste 11075 ou 11124 ou 11066.

NOTE TO AMBASSADOR KHAN

INTERNATIONAL TRIBUNAL ON RWANDA

1. As you are aware, the International Tribunal on Rwanda announced some time ago that it would become operational during the second half of 1995.
2. However, I note from the report of the Meeting of the Rwanda Operational Support Group held in New York on 12 June 1995 (paragraph 13) that it would take six to twelve months to make the building in Arusha (Headquarters of the Tribunal) usable. Furthermore, the same report indicates that it would take two to three months to process the budget of the Tribunal provided that it is sent to the Fifth Committee by 15 July.
3. All seem to indicate, therefore, that the beginning of the Tribunal's work in Arusha might be delayed which, in my view, would be most damageable. In view of the foregoing, I should like to suggest that we remind New York of the absolute need for the Tribunal to adhere to the calendar it has announced. You may also wish to request our Administrative Services (UNAMIR's) to look into the matter with a view to identifying what the problems regarding the building might be, while we would request the Financial Services at Headquarters to expedite the budget procedure.

WS

Wilfrid De Souza
30 June 1995

I agree with E.D. Please call a telegram to N.Y.
Let us also enquire how best we can help get Arusha facilities
moving.

Shalvey
30.6

NOTE TO AMBASSADOR KHAN

INTERNATIONAL TRIBUNAL ON RWANDA

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2. However, I note from the report of the Meeting of the Rwanda Operational Support Group held in New York on 12 June 1995 (paragraph 13) that it would take six to twelve months to make the building in Arusha (Headquarters of the Tribunal) usable. Furthermore, the same report indicates that it would take two to three months to process the budget of the Tribunal provided that it is sent to the Fifth Committee by 15 July.
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Pauline done!

WS

*Routing slip to Mr Mintz
with the request that he discuss
the attached (original remains
here)
3-7-95 *ws* 4/7/95*

Wilfrid De Souza
30 June 1995

26



UNAMIR-MINUAR

Office of the Spokesman

PRESS RELEASE

UNAMIR NR 95-34

28 June 1995

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
BEGAN ITS WORK**

The 11 Judges of the International Criminal Tribunal for Rwanda unanimously elected Laity Kama of Senegal as President of the Tribunal, and Yakov Ostrovsky of the Russian Federation as Vice-President.

The Tribunal began its work on Monday 26 June with the opening of its first plenary session in the Hague. The Tribunal for Rwanda was established by the Security Council to prosecute persons who committed genocide and other serious violations of humanitarian law last year. It is currently meeting at the headquarters of the International Tribunal for the former Yugoslavia, but will be based in Arusha, Tanzania, with an office in Kigali.

For more information, please contact the Office of the Spokesman in Kigali: phone: 84266 ext.: # 11075 or 11124 or 11066.

**URGENT**

UNOSOM.RE

1995 JAN 11 P.

UNOSOM

UNITED NATIONS OPERATION IN SOMALIA 17 24

IN 0179

OUTGOING FAX No: 287	DATE: 11 January 1995
TO: HOCINE MEDILI DIRECTOR FALD/DPKO/UNNY	FROM: STEINAR B. BJORNSSON DIRECTOR OF ADMINISTRATION UNOSOM II, MOGADISHU
ATT: GOLO/HORNSBY	
INFO: OK	
FAX No: 212-963-2116/3009-7	FAX No: 212-963-3082/83
TOTAL No OF PAGES: 9 (NINE)	REFERENCE: CTS-34-1
SUBJECT: REQUIREMENTS FOR INTERNATIONAL TRIBUNAL FOR RWANDA.	
CALL PHONE No (212) 963 3084 FOR ANY QUERIES	

Misc-298

AAA REFERENCE TO YOUR FAX OF 4 JANUARY 1995 ON THE ABOVE SUBJECT.

BBB PURSUANT TO YOUR REQUEST TO SEND OFFICE FURNITURE/EQUIPMENT FOR THE ITR ITEMS AS PER THE ATTACHED WILL BE SHIPPED TO KIGALI VIA UNOSOM IL 76 ON 12 JANUARY 1995.

CCC THE EQUIPMENT WILL BE ACCOMPANIED BY MR PATSEY MULLINGS (BMS/UNAMIR) WHO WILL LIAISE DIRECTLY WITH ITR OFFICE.

DDD THE ADDITIONAL QUANTITIES REQUIRED WILL BE TRANSFERRED WITHIN THE NEXT TWO WEEKS.

REGARDS.

DRAFTED BY: W.V. CLIVE	RELEASED BY: S.B. BJORNSSON
CLEARED BY: W.V. CLIVE	

GKID

CSC

CES

P/9

(2)

EQUIPMENT TRANSFERED TO UNAMIR FOR ITR

DESCRIPTION	QTY	
DESKS	30	
CHAIRS		
EXECUTIVE	16	
SECRETARIAL	42	
VISITOR	40	
CABINETS	10 (NO KEYS. WILL BE MODIFIED IN KIGALI)	
FILING CABINETS	34	
WAITING ROOM TABLES		
FIXED LEG	6	
FOLDING	10	
OFFICE START UP KIT	1 (SEE ATTACHED LIST)	
BOOKCASES	7	
COPIER	1	
SHREDDER	1	

ISSUE VOUCHERS ATTACHED

Misc-298

p2/a

UNOSOM
UNITED NATIONS OPERATION IN SOMALIA

SUPPLY

0126/95 (3)

DATE: 11-01-95

SERIAL NUMBER:
(OFFICE USE ONLY)

SECTION CHIEF APPROVAL:

Page 1 of 3

NOTE: 1. COMPLETING BOLD AREAS WILL SPEED SERVICE TO YOU
2. IF REQUESTS APPEAR EXCESSIVE, JUSTIFICATION WILL BE REQUIRED

SERIAL	DESCRIPTION AS DETAILED AS POSSIBLE	QUANTITY REQUIRED	QUANTITY ISSUED	REMARKS
1-	pen Various Colour	300	300✓	
2-	pencils	200	200✓	
3-	marker	640	640✓	
4-	Envelope Brown 12x16	500	500✓	
5-	Envelope brown 12x15	500	500✓	
6-	Envelope brown B5	5000	5000✓	
7-	Envelope white B5	1000	1000✓	
8-	Envelope brown	500	500✓	
9-	File suspension	500	500✓	
10-	File MANILA	1000	1000✓	
11-	Post it Large	700	700✓	
12-	Post it Small	860	860✓	
13-	Paper A4 (photo copy paper)	1000 Rm	1000 Rm.	
14-	Diskette 3.5 for comp	200	200	

PERSON REQUESTING (PRINT NAME):

UNAMIR

OFFICE/SECTION/BRANCH/ZONE:

DELIVERY LOCATION/PICKUP:

CALL SIGN, TEL EXT OR CONTACT DETAIL:

AUTHORIZING OFFICER (SUPPLY OFFICER):

GOODS RECEIVED BY (SIGNATURE):

GOODS RECEIVED BY (PRINT NAME):

START

misc-298 p8/9

UNOSOM
UNITED NATIONS OPERATION IN SOMALIA

SUPPLY

(4)

DATE: _____

SERIAL NUMBER: _____
(OFFICE USE ONLY)

SECTION CHIEF APPROVAL: _____

2/3

NOTE: 1. COMPLETING BOLD AREAS WILL SPEED SERVICE TO YOU

2. IF REQUESTS APPEAR EXCESSIVE, JUSTIFICATION WILL BE REQUIRED

SERIAL	DESCRIPTION AS DETAILED AS POSSIBLE	QUANTITY REQUIRED	QUANTITY ISSUED	REMARKS
15-	Correction pen	100	100 ✓	
16-	Rubber band	500 pks	500 pks ✓	
17-	Eraser two H&M	50	50 ✓	
18-	Staples 26/c	100 boxes	100 boxes ✓	
19-	Paper clip Various	360 Bx	360 Bx ✓	
20-	Stapler ~~Remover~~	50	50 ✓	
21-	Ruler 30cm	40	40 ✓	
22-	Cartridge for H&M ~~Printer~~ Printer	20	20 ✓	
23-	Staple Remover	50	50 ✓	
24-	High Lighter	400	400 ✓	
25-	Eraser for pencil	450	450 ✓	
26-	Stamp PAD	100	100 ✓	
27-	Stamp PAD INK	100	100 ✓	

PERSON REQUESTING (PRINT NAME): _____

OFFICE/SECTION/BRANCH/ZONE: _____

DELIVERY LOCATION/PICKUP: _____

CALL SIGN, TEL EXT OR CONTACT DETAIL: _____

AUTHORIZING OFFICER (SUPPLY OFFICER): _____

GOODS RECEIVED BY (SIGNATURE): _____

GOODS RECEIVED BY (PRINT NAME): _____

MIR-298 P4/9

UNOSOM
UNITED NATIONS OPERATION IN SOMALIA

SUPPLY

5

DATE: _____

SERIAL NUMBER:
(OFFICE USE ONLY)

Page 3/3

SECTION CHIEF APPROVAL: _____

NOTE: 1. COMPLETING BOLD AREAS WILL SPEED SERVICE TO YOU
2. IF REQUESTS APPEAR EXCESSIVE, JUSTIFICATION WILL BE REQUIRED

SERIAL	DESCRIPTION AS DETAILED AS POSSIBLE	QUANTITY REQUIRED	QUANTITY ISSUED	REMARKS
28-	Glue stick	200	200 ✓	
29-	Cell tape thin	50	50 ✓	
30	Asht tray	50	50 ✓	
31-	File Fastener	20 p/s	20 p/s	
32-	Book ANALYSIS	20	20 ✓	
33	letter opener	50	50 ✓	

PERSON REQUESTING (PRINT NAME): _____

OFFICE/SECTION/BRANCH/ZONE: _____

DELIVERY LOCATION/PICKUP: _____

CALL SIGN, TEL EXT OR CONTACT DETAIL: _____

AUTHORIZING OFFICER (SUPPLY OFFICER): _____

GOODS RECEIVED BY (SIGNATURE): _____

GOODS RECEIVED BY (PRINT NAME): _____

MISC-298

P5/4



UNOSOM

UNITED NATIONS OPERATION IN SOMALIA

6

SUPPLY ISSUE VOUCHER

DATE 09/01/1995

ISSUE VOUCHER NO : GSS|SUP|PWH|95|

CONTAINER NO : SSIU-248507-5

UNOSOM DECAL NO: BH-UNC- 3534

SER	DECAL/ STOCK NO	ITEM DESCRIPTION	UNIT	QTY ISSUED
1.	AO-510 120	BOOK CASE	EA	1
2.	116	BOOK CASE, WOOD	EA	1
3.	121	BOOK CASE, WOOD	EA	1
4.	228	BOOK CASE, WOOD	EA	1
5.	103	BOOK CASE, WOOD	EA	1
6.	117	BOOK CASE, WOOD	EA	1
7.	114	BOOK CASE, WOOD	EA	1
8.	No Decal	WOODEN OFFICE DESK (BROWN)	EA	12
9.	26028	WOODEN OFFICE DESK, (BROWN)	EA	1
10.	AO-230 163	WOODEN OFFICE DESK	EA	1
11.	125	WOODEN OFFICE DESK	EA	1
12.	100	WOODEN OFFICE DESK	EA	1
13.	108	WOODEN OFFICE DESK GREY	EA	1
14.		FILING CABINET W/ 4 DOORS, METAL UN USED NEW	EA	25
15.		FILING CABINET W/ 4, USED, METAL	EA	2
16.		VISITOR CHAIRS, METAL	EA	14
17.		OFFICE CHAIRS W/ ARMS	EA	9
18.		OFFICE ROTARY CHAIRS W/ O ARMS	EA	9 (Secretarial)
19.		EXECUTIVE CHAIRS	EA	5
20.		CHAIRS MANAGERAL	EA	11

ISSUING OFFICER/NAME/UNIT:

R-L. Mwanu

SECTION/OFFICE/TEL NO

GSS Supply Unit, Peace Factory

SIGNATURE

RECEIVING OFFICER/NAME/UNIT

SECTION/OFFICE/TEL NO

SIGNATURE

Misc-898

P6/a

**UNOSOM**
UNITED NATIONS OPERATION IN SOMALIA

SUPPLY ISSUE VOUCHER

DATE 09/01/1995

ISSUE VOUCHER NO : GSS/SUP/PWH/95/111

CONTAINER NO : TMCA-350120-4

UNOSOM DECAL NO: BH-UNC-3536

SER	DECAL/ STOCK NO	ITEM DESCRIPTION	UNIT	QTY ISSUED
1.		FILING CABINET METAL	EA	7
2.		OFFICE DESK WOOD GREY	EA	2
3.	AO-2360/116	OFFICE DESK, BROWN	EA	1
4.	104	OFFICE DESK BROWN	EA	1
5.	NO decal #	OFFICE DESK BROWN	EA	1
6.	AO-2360/119	OFFICE DESK BROWN	EA	1
7.	NO Decal #	OFFICE DESK BROWN (WOOD)	EA	1
8.	AO-2500/109	OFFICE DESK GREY	EA	1
9.		OFFICE DESK METAL	EA	4
10.		ROTARY OFFICE CHAIRS, BLUE	EA	21
12.		OFFICE CHAIRS METAL W/ARMS	EA	17
13.		OFFICE CHAIRS ROTARY W/ARMS	EA	5
14.		OFFICE DESK ROTARY W/ARMS	EA	13
15.		OFFICE CHAIRS ROTARY W/O ARMS	EA	1
16.		OFFICE CHAIRS W/arms rotary	EA	2
17.		METAL LEG TABLE	EA	6
18.		VISITOR CHAIRS W/O ARMS (BLUE)	EA	4
19.		VISITOR CHAIRS W/O ARMS (GREY)	EA	5

ISSUING OFFICER/NAME/UNID: R L. Dhevan

SECTION/OFFICE/TEL NO

GSS Supply Unit, Peach Factory

SIGNATURE

RECEIVING OFFICER/NAME/UNID:

SECTION/OFFICE/TEL NO

SIGNATURE

NUSC-298 PM/9

Danwell

8

**SPECIAL EQUIPMENT UNIT
EQUIPMENT FOR
INTERNATIONAL TRIBUNAL FOR RWANDA**

TYPE	Make	Model No.	Serial No.	Decal No.	Cost	P.O.
PHOTOCOPIER	NASHUATEC	3133	2712100008	BR-900/293	\$4,690.00	3-20-02708
DOC.FEEDER	NASHUATEC	RF3	2363260147	ACC	\$0.00	3-20-02708
SORTER	NASHUATEC	A411	233020151	ACC	\$0.00	3-20-02708
ADAPTOR	NASHUATEC	SA313	4021754	ACC	\$0.00	3-20-02708
SHREDDER	RLXL	3500	686852	BO-UNC/2235	\$3,443.00	3-20-12-50-0189

SUMMARY

1 UNIT NASHUATEC 3133 @ \$4690.00
1 UNIT REXEL 3500 @ \$3443.00

\$4,690.00

\$3,443.00

TOTAL

\$8,133.00

Misc-298

DS/g

IN 5323

ICT

TAMER

United Nations International Criminal Tribunal for the former Yugoslavia and Rwanda
Nations Unies Tribunal Pénal International pour l'Ex-Yougoslavie et pour le Rwanda

DEC 14 1994

**Office of the Prosecutor
Bureau du Procureur**

P.O. Box 13888
2501 EW The Hague
The Netherlands

B.P. 13888
2501 EW La Haye
Pays-Bas

EXTERNAL RELATIONS OFFICE

BUREAU DES RELATIONS EXTERIEURES

Tel: (31) (70) 344-5353

Fax: (31) (70) 344-5358

To/A: H. E. Ambassador Shaharyar Khan
Special Representative Secretary-General for Rwanda

Attn/: Chief of Protocol

From/De: Donato Kiniger Passigli
External Relations Officer



Number of Pages/

Nombre de Pages: 3

(Including Covering Page/Inclusive Page de Couverture)

Date: 14 December, 1994

Fax Number/

Numero de Télécopie: 00-1-212-9633090

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Si cette télécopie est incomplète ou illisible, prière de téléphoner (31) (70) 344-5353*

Message:

Sir,

For your information, please find herewith a press release, in English and French, that will be released on Friday by our Press Office in The Hague

With our best regards,

Sincerely yours

JRG



UNITED NATIONS



NATIONS UNIES

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN 1, P.O. Box 13888
2501 BW THE HAGUE, NETHERLANDS
TELEPHONE: 31 70 344-5343
FAX: 31 70 344-5355TRIBUNAL PÉNAL INTERNATIONAL
POUR L' EX-YOUGOSLAVIECHURCHILLPLEIN 1, B.P. 13888
2501 BW LA HAYE, PAYS-BAS
TÉLÉPHONE: 31 70 344-5343
FAX: 31 70 344-5355

PRESS AND INFORMATION OFFICE

BUREAU DE PRESSE ET D'INFORMATION

PC/PIO-R/001

The Hague, 17 December 1994

*PRESS COMMUNIQUÉ***JUSTICE GOLDSTONE TO VISIT KIGALI**

Justice Richard Goldstone, Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY) and of the International Criminal Tribunal for Rwanda (ICTR), will visit Kigali on 19 and 20 December 1994.

Accompanied by three senior members of his staff, he will hold meetings at the highest levels of the Rwanda government. He will also meet with the Special Representative of the Secretary-General of the United Nations in Rwanda, with officials of the United Nations Assistance Mission in Rwanda (UNAMIR), with the Special Investigation Unit of the High Commissioner for Human Rights and with relevant non-governmental organisations.

The purpose of the visit is to hold appropriate consultations in relation to the setting up of the Office of the Prosecutor of the International Criminal Tribunal for Rwanda.

*****

UNITED NATIONS



NATIONS UNIES

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN 1, P.O. Box 13888
2501 BW THE HAGUE, NETHERLANDS
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2501 EW LA HAYE, PAYS-BAS
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FAX: 31 70 344-5355

PRESSE AND INFORMATION OFFICE

BUREAU DE PRESSE ET D'INFORMATION

PC/PIO-R/001

La Haye, 17 décembre 1994

*COMMUNIQUE DE PRESSE***LE PROCUREUR GOLDSTONE
VA SE RENDRE A KIGALI**

M. Richard Goldstone, Procureur du Tribunal Pénal International pour l'ex-Yougoslavie (TPY) et du Tribunal Pénal International pour le Rwanda (TPR), se rendra à Kigali les 19 et 20 décembre 1994.

Accompagné de trois membres de son Bureau, il aura des entretiens au plus haut niveau du gouvernement rwandais. Il rencontrera également le Représentant Spécial au Rwanda du Secrétaire-Général des Nations-Unies, les responsables de la Mission d'Assistance des Nations-Unies au Rwanda (MINUAR), l'Unité Spéciale d'Enquête du Haut Commissariat pour les Droits de l'Homme et les organisations non-gouvernementales intéressées.

Le but de cette visite est de tenir les consultations appropriées préalables à l'installation du Bureau du Procureur du Tribunal Pénal International pour le Rwanda.

*****

IN 5323

ICT

11/11/18 23

United Nations International Criminal Tribunal for the former Yugoslavia and Rwanda
Nations Unies Tribunal Pénal International pour l'Ex-Yougoslavie et pour le Rwanda

**Office of the Prosecutor
Bureau du Procureur**

P.O. Box 13888
2501 EW The Hague
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EXTERNAL RELATIONS OFFICE

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Tel: (31) (70) 344-5353

Fax: (31) (70) 344-5358

To/A: H. E. Ambassador Shaharyar Khan
Special Representative Secretary-General for Rwanda

Attn: Chief of Protocol

From/De: Donato Kiniger Passigli
External Relations Officer



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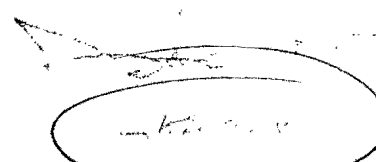
Message:

Sir,

For your information, please find herewith a press release, in English and French, that will be released on Friday by our Press Office in The Hague.

With our best regards,

Sincerely yours



SARF

UNITED NATIONS



NATIONS UNIES

INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIACHURCHILLPLEIN 1, P.O. Box 13888
2301 BW THE HAGUE, NETHERLANDS
TELEPHONE: 31 70 344-3343
FAX: 31 70 344-3355TRIBUNAL PÉNAL INTERNATIONAL
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2301 BW LA HAYE, PAYS-BAS
TÉLÉPHONE: 31 70 344-3343
FAX: 31 70 344-3355

PRESS AND INFORMATION OFFICE

BUREAU DE PRESSE ET D'INFORMATION

PC/PIO-R/001

The Hague, 17 December 1994

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The purpose of the visit is to hold appropriate consultations in relation to the setting up of the Office of the Prosecutor of the International Criminal Tribunal for Rwanda.

*****

UNITED NATIONS



NATIONS UNIES

INTERNATIONAL CRIMINAL TRIBUNAL
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2501 BW THE HAGUE, NETHERLANDS
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TELEPHONE: 31 70 344-3343
FAX: 31 70 344-3355

PRESS AND INFORMATION OFFICE

BUREAU DE PRESSE ET D'INFORMATION

PC/PIO-R/001

La Haye, 17 décembre 1994

*COMMUNIQUE DE PRESSE***LE PROCUREUR GOLDSTONE
VA SE RENDRE A KIGALI**

M. Richard Goldstone, Procureur du Tribunal Pénal International pour l'ex-Yougoslavie (TPY) et du Tribunal Pénal International pour le Rwanda (TPR), se rendra à Kigali les 19 et 20 décembre 1994.

Accompagné de trois membres de son Bureau, il aura des entretiens au plus haut niveau du gouvernement rwandais. Il rencontrera également le Représentant Spécial au Rwanda du Secrétaire-Général des Nations-Unies, les responsables de la Mission d'Assistance des Nations-Unies au Rwanda (MINUAR), l'Unité Spéciale d'Enquête du Haut Commissariat pour les Droits de l'Homme et les organisations non-gouvernementales intéressées.

Le but de cette visite est de tenir les consultations appropriées préalables à l'installation du Bureau du Procureur du Tribunal Pénal International pour le Rwanda.

*****

ICTY

United Nations International Criminal Tribunal for the former Yugoslavia
Nations Unies Tribunal Pénal International pour l'Ex-Yugoslavie

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To/A: H.E. Ambassador Shaharyar Khan
Special Representative Secretary-General for Rwanda

Attn of/
A l'attention de:

From/de: Justice Richard Goldstone
Prosecutor

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Message: As attached

UNITED NATIONS



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OFFICE OF THE PROSECUTOR

BUREAU DU PROCUREUR

The Hague, 12 December 1994

Dear Ambassador,

At the outset may I thank you for the draft report of your legal Adviser, Mr. Mintz. The information and lucid analysis are of great value to me.

I also want to thank you for the welcoming expressions conveyed to Mr. Kiniger-Passigli last Thursday and for organizing my visit to Kigali.

I will be in Nairobi as of Saturday evening and, along with the members of my team, I am looking forward to meeting you in Kigali on Monday.

For your information my itinerary is as follows:

19/12 Arrival Nairobi at 21.45 flight BA 67
21/12 Departure Nairobi at 11.00 flight BA 68

Mr. Milroy, Mr. Kiniger Passigli and Ms. Cissé will arrive in Nairobi the 19/12 at 23.10 with flight KL 595.

Sincerely Yours

Justice Richard Goldstone
Prosecutor

H.E. Ambassador Shaharyar Khan
Special Representative Secretary-General for Rwanda
Fax 00-1-212-963 3090



OUTGOING FAX NO. 3786

PAGE 1 OF 10

MIR NO. —

MISC NO. 2523

TO:	Justice Richard Goldstone Office of the Prosecutor U.N. International Tribunal	FROM:	Shaharyar M. Khan Special Representative of the U.N. Secretary-General for Rwanda
ATTN:	Mr. Donato K. Passigli	DATE:	9 December 1994
INFO:	External Relations Officer		
PHONE:	(31) (70) 344-5353	PHONE:	(212) 963-3582
FAX NO:	(31) (70) 344-5358	FAX NO:	(212) 963-3090
ORIGINATOR:		SECTION:	
SUBJECT: BRIEFING NOTE ON THE INTERNATIONAL TRIBUNAL FOR RWANDA			

1. I am providing you with a copy of a draft report prepared by our in-house Legal Adviser on the nature, extent and consequences of the concurrent jurisdiction between the International Criminal Tribunal for Rwanda and the courts of Rwanda. I hope you will find the information to be of interest to you.

2. Best regards.

E/DIR

May 11, 10 10 2012
to J. M. G. G. G. G.
eff. 10 10 12
L. 10 12

P2/10

Draft/Comments invited

Briefing Note: Nature, Extent and Consequences of the Concurrent Jurisdiction Between the International Criminal Tribunal for Rwanda and the Courts of Rwanda

Jurisdiction, being an attribute of sovereignty, derives from customary international law and belongs primarily to States and their institutions. In the judicial sphere, such jurisdiction is normally exercised by national courts in accordance with national laws, usually in respect of acts occurring within the national territory or outside the national territory but having effects on the State concerned.

In contrast, the jurisdiction or competence of international organizations and their subsidiary bodies, or of organs created by them, derives from conventional international law such as Treaties and Conventions, and from legally-binding decisions or resolutions taken under such Treaties or Conventions. Security Council resolution 955 (1994) establishing the International Criminal Tribunal for Rwanda is one such example.

The following questions arise as regards the relationships between the Tribunal and the Courts of Rwanda:

1. In what respects does the jurisdiction of the courts of Rwanda overlap or conflict with that of the International Tribunal for Rwanda, and which jurisdiction prevails in case of conflict?
2. How does either judicial body gain access to culprits in exile or outside their jurisdiction?
3. In what respects or areas would the two systems need to cooperate in their mutual interests?
4. Above all, what is the likely political impact of the trials for genocide and war crimes on the process of reconciliation in Rwanda, and how best should that be managed with a view to establishing a durable political order that effectively ends the cycle of violence in Rwanda?

1. Resolving conflicts of jurisdiction

Most of the international crimes placed under the jurisdiction of the International Tribunal for Rwanda - namely, genocide and other war crimes - would also normally be defined as ordinary crimes, such as murder, under the laws of Rwanda. Thus, the International Tribunal and the Courts of Rwanda both have jurisdiction over the acts in question and over the persons committing those acts in the defined period, namely 1 January to 31 December 1994, although the crimes arising from those acts may be defined differently. It follows that the courts of Rwanda have **exclusive** jurisdiction over such crimes committed outside the defined period, and over all ordinary crimes so defined under the laws of Rwanda.

A conflict of jurisdiction would therefore arise if both the courts of Rwanda and the International Tribunal seek to assert jurisdiction over the same person for the same crime. In such case, Article 8 (2) of the Statute of the International Tribunal provides:

"The International Tribunal for Rwanda shall have primacy over the national courts of all States. At any stage of the procedure, the International Tribunal for Rwanda may formally request national courts to defer to its competence in accordance with the present Statute and the Rules of Procedure and Evidence of the International Tribunal for Rwanda".

Arguably, such a conflict of jurisdiction would not arise if Rwanda seeks to try an offender for an ordinary crime, even if the same act also constitutes an international crime under the jurisdiction of the Tribunal. This is because, in such case, the ordinary national crime is a different legal entity from the international crime, even if derived from the same facts, and the International Tribunal, by definition as well as by its Statute, has no jurisdiction over ordinary crimes.

However, a precedent seems to have been established under Rule 9 of the Rules of Procedure of the International Tribunal for the former Yugoslavia (which will most likely be adopted for Rwanda as well because the Statute of the Rwanda Tribunal was based on that for Yugoslavia), that eliminates the significance of the distinction between ordinary crimes and international crimes in this regard. That provision reads:

"Rule 9 : Prosecutor's Request for Deferral

Where it appears to the Prosecutor that in any such investigations or criminal proceedings instituted in the national courts of any State:

- (i) *the act being investigated or which is the subject of those proceedings is characterized as an ordinary crime;*
- (ii) *there is a lack of impartiality or independence, or the investigation or proceedings are designed to shield the accused from international criminal responsibility, or the case is not diligently prosecuted; or*
- (iii) *what is in issue is closely related to, or otherwise involves, significant factual or legal questions which may have implications for investigations or prosecutions before the Tribunal,*

the Prosecutor may propose to the Trial Chamber designated by the President that a formal request be made that the national court defer to the competence of the Tribunal."

A request to the national court to refrain from trying an accused for an ordinary crime, despite the fact that the International Tribunal has no jurisdiction over that ordinary crime, seems to be a departure from the Statute of the Tribunal. This point could still be argued in court if the country involved was inclined to assert the distinction pointed out above. However, Rule 9 seems to have been adopted for desirable reasons - even if not for legally well-founded reasons - namely, to close a major loophole in the primacy of the jurisdiction of the International Tribunal over national courts.

In the absence of Rule 9, the primacy of the International Tribunal could easily be by-passed by the Rwandese courts trying accused persons for any of the acts of genocide or war crimes covered by the jurisdiction of the International Tribunal, simply by characterizing the act as an ordinary crime under national law. Indeed, the possibility of such trials being permissible, and of their not precluding another trial on the same facts - though for a different crime - by the International Tribunal is recognized under Article 9 (2) of the Statute of the Tribunal, which reads:

"(2) A person who has been tried by a national court for acts constituting serious violations of international humanitarian law may be subsequently tried by the International Tribunal for Rwanda only if:

- (a) The act for which he or she was tried was characterized as an ordinary crime."*

Ordinarily, such a double trial would not be legally permissible, and is actually prohibited by Article 9 (1) of the same Statute, if the crime is the same. The fact that

it is even contemplated in Article 9 (2) reflects the legal difference between ordinary crimes and international crimes, as noted above.

2. Access to Culprits

Access to culprits by the International Tribunal seems to be a fairly straightforward process. This process is based on the authority of Chapter VII of the UN Charter, under which Security Council resolution 955 (1994) and the Statute of the Tribunal were adopted.

In opting for the Chapter VII mode of establishing the Tribunal, as opposed to the traditional but longer process of establishing it by Treaty, the Secretary-General had argued as follows in his report to the Security Council (S/25704, 3 May 1993) in the case of the former Yugoslavia Tribunal - a precedent followed in the case of Rwanda:

"In the light of the disadvantages of the treaty approach in this particular case and of the need indicated in resolution 808 [on Yugoslavia] for an effective and expeditious implementation of the decision to establish an international tribunal, the Secretary-General believes that the International tribunal should be established by a decision of the Security Council on the basis of Chapter VII of the Charter of the United Nations...."

"This approach would have the advantage of being expeditious and of being immediately effective as all States would be under a binding obligation to take whatever action is required to carry out a decision taken as an enforcement measure under Chapter VII."

Consequently, Article 28 of the Statute of the International Tribunal for Rwanda provides:

"Article 28

Cooperation and judicial assistance

1. States shall cooperate with the International Tribunal for Rwanda in the investigation and prosecution of persons accused of committing serious violations of international humanitarian law.

2. States shall comply without undue delay with any request for assistance or an order issued by a Trial Chamber, including, but not limited to:

(a) The identification and location of persons;

- (b) *The taking of testimony and the production of evidence;*
- (c) *The service of documents;*
- (d) *The arrest or detention of persons;*
- (e) *The surrender or the transfer of the accused to the International Tribunal for Rwanda."*

Although this process is not the same as extradition, it is to be expected that accused persons will exploit all avenues open to them under the laws of their countries of refuge to resist their surrender or transfer to the International Tribunal. Apart from any reluctance or tardiness in the response of any State to a request for the arrest, surrender or transfer of an accused person, the adjudication of any legal challenges to such process would seem to be the only potential obstacle to the Tribunal's gaining of access to suspects through this facility.

In contrast, access to culprits in exile by the Courts of Rwanda would depend on extradition procedures. Such procedures will not be available where the country of refuge has no extradition treaty with Rwanda (this consideration would obviously influence the choice of countries of refuge by such suspects). Where there is an extradition treaty, there will still be the possibility of delays caused by legal challenges to the process. Where there is no such extradition treaty, the only possibility of access to culprits by the Courts of Rwanda would be for the country of refuge to voluntarily surrender them, subject to questions as to whether they are entitled to international refugee protections.

Where neither extradition nor voluntary surrender is possible, the Article 28 process remains the only possibility of access. However, that process is not available to the Courts of Rwanda.

3. Cooperation between the International Tribunal and the Courts of Rwanda

It should be noted that the process of nominating and electing the judges of the International Tribunal, of appointing prosecution and investigative staff and of Registry and other administrative staff, and generally of getting the International Tribunal fully established and operational, will take at least six months (by the most optimistic estimate) from the adoption of Security Council resolution 955 (1994).

In the case of the Yugoslavia Tribunal, four months elapsed (from the adoption of its resolution and Statute in May 1993) before the judges were elected; six months elapsed before they took office; eight months elapsed before an Acting Registrar was appointed, and 14 months before the Prosecutor was appointed; 15 months elapsed before professional field investigations could begin (different from the work of a Commission of Experts established in October 1992); as at the time of its first annual report in August 1994, budgetary constraints still impeded its work, and no trials had started.

The scenario is not likely to be the same with the International Tribunal for Rwanda, primarily because in the Yugoslavian situation many of the potential accused persons were still major or potential players in the efforts to negotiate an end to the war. But the Rwandese scenario is also not likely to be a great improvement on Yugoslavia. Consequently, the frustrations of the Government of Rwanda are likely to build up while awaiting the International Tribunal to be established and functioning, and the Government is likely to want to take unilateral steps towards trying some people in its own courts, while not having the requisite or adequate resources to do so.

This scenario is fraught with dangers of dislocation and discord, but also with opportunities to lay the grounds for mutually-beneficial cooperation between the International Tribunal (and the international community at large), and the Courts of Rwanda or the Rwandese judicial system in general.

The Government of Rwanda is currently struggling against heavy odds to resuscitate its law-enforcement machinery and rebuild its judicial system and other Government institutions. A functioning judiciary is obviously necessary not only as an important institution of governance but particularly to handle some of the processes of post-war normalization. The Courts of Rwanda will also have to undertake a sizable proportion of the trials for the atrocities committed during the war. Above all, the international Tribunal itself will need the cooperation of the Rwandese law-enforcement machinery in order to successfully discharge some of its own tasks - such as field investigations, interviewing witnesses, gathering evidence, and preparing case dossiers.

It is thus in the interest of the international community to provide all the assistance necessary to the Government of Rwanda in its efforts to rebuild its judicial system. Such assistance could be geared toward carrying out some of the investigative work of the International Tribunal, and could actually minimize the predictable disaffection of the Government over expected delays in the establishment and

functioning of the International Tribunal. The most mutually-beneficial areas of cooperation between the International Tribunal and the Rwandese law-enforcement and judicial system could thus be that of the investigation and processing of cases for trial.

(a) Investigations and preparation of case dossiers

Although a considerable amount of information and evidence on the atrocities committed during the civil war in Rwanda has been gathered by various bodies - including the Special Rapporteur of the Commission on Human Rights, the Commission of Experts appointed by the Secretary-General, and such non-governmental organizations as Amnesty International and Human Rights Watch/Africa, to mention only a few - the investigative task is far from completed.

For purposes of putting cases before the International Tribunal, the investigative task actually belongs to the Prosecutor of the Tribunal (the same as for Yugoslavia), under Articles 15 and 17 of the Statute of the Tribunal. This task is yet to be started, for irrespective of the authenticity and reliability of the evidence already gathered, or the completeness of such evidence for purposes of trial (on which one is inclined to be less certain), the Prosecutor is not likely to put any of that before the Tribunal without an independent review and assessment.

It is still necessary to match the evidence already gathered with individual suspects responsible for particular acts. In the process, witnesses will have to be identified, located, interviewed and prepared for court appearances. A witness-protection scheme will also have to be put in place. Indictments will have to be prepared, backed up by professional briefs fully argued and documented, on each alleged crime and each accused person. Relevant physical evidence - Exhibits - will also have to be gathered, preserved, and prepared for court. And accused persons will have to be traced, apprehended and presented in court (see discussion above).

There are then those cases that are yet to be investigated at all, or that require substantial additional investigations. All of these considerations apply both with respect to cases to be tried by the International Tribunal, and those to be tried by the courts of Rwanda. Rwanda's prisons are currently overflowing with suspects awaiting trial, but with virtually no investigative machinery to start processing their cases. Once cases are processed, decisions will have to be made on which cases should go to the International Tribunal and which to the Rwandese courts. There must therefore be close cooperation between the Tribunal, through the Office of the Prosecutor, and the

Rwandese authorities in this regard. This calls for an early visit to Rwanda by the Prosecutor of the International Tribunal to discuss the modalities of such cooperation.

(b) Other assistance to the Rwandese judicial system

In adopting resolution 955 (1994) on the Tribunal, the Security Council stressed "the need for international cooperation to strengthen the courts and judicial system of Rwanda, having regard in particular to the necessity for those courts to deal with large numbers of suspects".

Thus, apart from the assistance that the Rwandese authorities will need in order to be able to cooperate effectively with the Tribunal in discharging its own responsibilities, other forms of technical assistance will be needed to strengthen the Rwandese judiciary in its traditional functions. The need for such assistance has been recognized in many other official pronouncements, including Security Council resolution 965 (1994) extending the mandate of UNAMIR to 9 June 1995, as well as in the accompanying statement by the President of the Security Council. However, the international community has been slow in responding with concrete programmes or resources. Unfortunately, the planning of such programmes and the mobilization of resources tend to become a protracted process, although recent developments suggest that such assistance will soon be forthcoming (see, e.g., Report of the Joint Mission to Evaluate Needs of Justice System: UNDP/UNCHR/UNHCHR/USAID/Swiss Cooperation/ACCT/ICJ/IPA/Lisbon Forum/ICHRDD; Kigali, 5 December 1994).

4. Political Impact

The roots of the civil war in Rwanda lie deep in the country's history. Having won the war, the new regime now faces the probably more difficult task of winning the hearts and minds of the people of Rwanda. Despite all efforts in that direction, some may see the current political dispensation as only another period of relative calm before the next storm. The trials of the perpetrators of genocide, both by the International Tribunal and the Courts of Rwanda, must thus be seen not only in legal terms but also in the overall context of finding a permanent solution to the cycle of violence that has plagued Rwanda virtually throughout its history.

The trials must therefore not be seen as an instrument of vengeance or of getting rid of political opponents. They must not sow the seeds of resentment or revenge in the future. Great care must thus be taken to ensure that the perceptions created by the

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- 9 -

trials do not feed into pre-existing perceptions, or experiences, regarding the persecution of the majority by the minority - this time, with the apparent participation or support of the International community.

It would be useful, therefore, not only to clearly identify the culprits responsible for the massacres and to bring them to justice, but, also equally important, to avoid a general condemnation of their political associates, their political parties, or their ethnic groups. Despite the group hysteria that played a large part in the massacres, group or ethnic condemnation must be avoided at all costs, as that will be one sure way of perpetuating ethnic animosities and a sense of grievance and revenge.

It may also be advisable for the International Tribunal to handle the most controversial cases, and perhaps, also the majority of cases, to remove the burden from the hard-pressed Rwandese judiciary.

The Government of Rwanda could also earn much political capital by declaring a general amnesty to all persons not under indictment either before the International Tribunal or the courts of Rwanda. Visible steps need to be taken to combat the fears of people in exile about possible persecution on their return home, by publishing a definite list of suspects and thereby clearing the air for all other exiles.

Above all, all political groups should be allowed to exercise their rights of participation in the new political dispensation, without any effort to exclude former opponents - except those on indictment for genocide or war crimes.


Ike Minta
Legal Adviser

5 Dec 94

ED Approval

Please send to FX# 250-75738 KIGALI
a FX# (0031)(70)3445358 THE HAGUE



ATTENTION : Mre KINIGER-PASSIGLI
Mre TODD HOWLAND

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

NOTE VERBALE

SRSR/NV/71/94

La Mission des Nations Unies pour l'Assistance au Rwanda (MINUAR) présente ses compliments au Ministère des Affaires Etrangères et de la Coopération Internationale de la République rwandaise et a l'honneur de l'informer de la prochaine visite au Rwanda du Juge Richard Goldstone, Procureur, près le Tribunal Pénal International pour l'Ex-Yougoslavie et le Rwanda à La Haye, Pays-Bas. Le Procureur Goldstone arrivera à Kigali dans la matinée du 19 décembre 1994 sur le vol de la MINUAR en provenance de Nairobi, Kenya et en repartira le 20 décembre 1994. Il sera accompagné de:

- M. Allstair Milroy, Chef, Section Investigation à la Court Internationale de Justice, La Haye, Pays-Bas
- M. Donato Kiniger-Passigli, Section des Relations Extérieures, La Haye, Pays-Bas
- Mme. Cathérine Cissé, Juge au Cabinet du Procureur.

La visite du Procureur au Rwanda fait suite à la récente entrevue qu'il a eue à Genève avec le Secrétaire Général des Nations Unies sur la situation au Rwanda. Le but de son voyage est de rencontrer les Autorités Gouvernementales, le Coordonnateur des Droits de l'Homme au Rwanda et quelques Organisations Non-gouvernementales opérant dans le pays.

Ministère des Affaires Etrangères
et de la Coopération Internationale
de la République Rwandaise
KIGALI

Les Personnalités gouvernementales que le Procureur Goldstone souhaite visiter sont:

- Président de la République,
- Vice-Président de la République et Ministre de la Défense,
- Premier Ministre,
- Ministre de la Justice,
- Ministre de l'Intérieur et du Développement Communal,
- Ministre de la Réhabilitation et de l'Intégration Sociale,
- Ministre des Affaires Etrangères.

La Mission des Nations Unies pour l'assistance au Rwanda saurait gré au Ministère des Affaires Etrangères et de la Coopération Internationale de bien vouloir lui faire savoir en temps opportun les possibilités offertes au Procureur Goldstone pour rencontrer les personnalités citées plus haut.

Par ailleurs le Procureur aimerait rencontrer le Procureur Général de la République, M. François Nanzwera ainsi que le Dr. Rutaremara Tito, Député à l'Assemblée Nationale.

Elle saisit cette occasion pour renouveler au Ministère des Affaires Etrangères de la Coopération de la République Rwandaise les assurances de sa très haute considération.



Fait à Kigali, le 13 décembre 1994

NOTE FOR THE FILE: INTERNATIONAL TRIBUNAL

I got a phone call from Mr. Kiniger-Passigli of the External Affairs Office of Judge Goldstone, The Hague, on 5 December 1994 regarding the proposed visit of Judge Goldstone to Kigali.

Mr. Kiniger-Passigli wanted to check whether UNAMIR and the Government of Rwanda would be agreeable to such a visit. I conveyed to him information I had on the position of the SRSG as well as of the Rwandese Minister of Justice on that issue.

Mr. Kiniger-Passigli called me again today, 7 December, to confirm that they had sent us a fax regarding the visit, scheduled to commence on 19 December 1994, and requesting UNAMIR's assistance with the necessary arrangements.

Follow-up will have to be undertaken on the above, as I will be away 8-18 December. Mr. Kiniger-Passigli's numbers are:

Phone (31-70) 344 5353
Fax (31-70) 344 5558

URGENT

Dr. KABIA

Mr. KINIGER

Called me at 10:30 (8/12) and would like to have an answer -

Ike Minta
Legal Adviser

7 Dec 94

- SRSG
- Dr. Kabia
- Mr. Dessande

NOTE POUR LE DOSSIER

Entrevue de 11h00 à 12h00 avec MM. Andreas SCHIESS (Suisse) et Todd HOWLAND respectivement Chargé de la Section d'Investigation Spéciale et de la Section Coopération Technique, UNHCHR (Section Spéciale du Haut-Commissariat aux Droits de l'homme)

Tel: 729 39

Contact Radio: HRI - Canal 8

Ambassade de Suisse: Tel: 757 38

Fax: 724 61

Ref: Visite à Kigali; 19-20 décembre 1994 du Procureur Goldstone, Tribunal Pénal International pour l'Ex-Yougoslavie et pour le Rwanda, La Haye, Pays-Bas.

But: S'enquérir de façon détaillée des préparatifs de la visite sus-mentionnée dont ils sont chargés de coordonner avec la MINUAR.

A l'issue des échanges d'information, il est retenu ce qui suit:

- Envoyer une Note Verbale au Minaffet pour demandes d'audiences aux autorités locales (voir Note Verbale No 61-71/94 pour la liste des personnalités à rencontrer.
- Copier cette Note à MM. SCHIESS et HOWLAND à Kigali et aussi à M. KINIGER, Relations Extérieures, CIJ, La Haye, Pays-Bas, Tel: 0031-70-344 5353 Fax: 0031-70-344 5358
- MM. SCHIESS et HOWLAND prendront langue avec M. Charles PETRIE, UNREO en ce qui concerne la rencontre avec les ONGs et en informeront M. Dessandé.
- Afin de briefer le Procureur, MM. HOWLAND et SCHIESS se rendront à Nairobi le 17 décembre-1994.
- Dr. KABIA les a reçus brièvement et a approuvé leur voyage sur le vol MINUAR du 17 décembre 1994 Kigali-Nairobi et du 19 décembre 1994 Nairobi-Kigali. Le dossier approuvé est remis en mains propres à M. Kel Gleeson, Chef des Opérations Aériennes.
- Hébergement: Réserver au Village belge 2 Suites pour la délégation. Le nécessaire est fait mais M. HOWLAND doit contacter M. KINIGER à ce sujet.

- Ce jour 14 décembre M. Abderrazak ESSAIED, Adjoint au Coordonnateur des Droits de l'Homme m'a rendu visite et s'est enquis du statut du programme de visite du Procureur. Une copie de la Note Verbale No 71/94 lui est remise.

Il suggère que le CDH et UNREO prennent langue pour proposer l'organisation d'une seule réunion pour les deux groupes.

Il indique aussi que si le Premier Ministre reçoit le Procureur avec les autres Ministres, il est important q'un moment soit prévu pour que le Procureur discute avec le Ministre de la justice seul.


14 décembre 1994
B. P. Dessandé

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FAX MESSAGE

TO:
A:

Mr. Ahmed Rhazaoui, OIC, UNDP Kigali
 Ms. Jocelline Bazile-Finley, RR, UNDP Bujumbura
 Mr. Jose V. Angelo, RR, UNDP Dar-es-Salaam
 Mr. David Whaley, RR, UNDP Nairobi
 Mr. Babatunde Thomas, RR, UNDP Kampala
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FROM:
DE

Emmanuel Dierckx de Castelle
 Chief, Division I, RBA

DATE:

4 November 1994

NUMBER OF PAGES:
 NOMBRE DE PAGES:

SUBJECT/OBJET: Coordination with UN Special Envoy Dillon

We have had recently a series of discussions with Ambassador Dillon at UNDP Headquarters, and I am forwarding herewith notes on his conversation with the Administrator and with RBA.

I will keep you posted on the exact dates (mid-November) of his visit to Kigali, if and when we receive the final itinerary.

Best regards.

cc: EJS/AF (+ encl.)
 Dragic/Gutierrez/Sultanoglu

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NOTE TO THE FILE

RWANDA CRISIS

The UNDP Administrator met with Ambassador Dillon on Friday 22 October, to discuss Rwanda in its sub-regional context. In attendance: S. Tell (DHA), E. Gutierrez, Em. D. de Casterlé and C. Sultanoglu.

UN Secretary-General Special Envoy Dillon shared with the UNDP Administrator the intentions for his forthcoming second trip to Central Africa, draft terms of reference attached. Ambassador Dillon indicated that the Secretary-General would want to be personally involved but venue and timing needed to be explored further. He also said that he was in favour of strengthening DHA role in humanitarian matters as distinct from UNDP's responsibilities. While he did not favour UNDP's role in emergency coordination, he did overwhelmingly endorse the Round Table initiative as promoted by UNDP and would help in this regard.

Mr. Speth responded that ad hoc structures should not be favoured instead existing UN structures for operational field activities and it was his contention that UNDP should be able to discharge both roles as UN Resident Coordinator, with two deputies: one for humanitarian and one for rehabilitation/development. In order to ensure that the continuum be construed as a holistic endeavour, it would be an asset if the Resident Coordinator be the most senior official in order for humanitarian activities to be compatible with rehabilitation and development programmes, leaving exclusively to the Special Representative of the Secretary-General the political matters.

Ambassador Dillon expressed his understanding that the ad hoc UN structure in Rwanda would only last for a finite period and thereafter revert to normal arrangements under UNDP leadership like it happened in other places.

Now that DHA has appointed its own emergency coordinator, the Administrator, while reaffirming UNDP's full collaboration, did not see the point any longer for a second UNDP Deputy for emergency.

Ambassador Dillon offered his good services to assist in exploring a broad-based national representation at the Rwanda Round Table and would be happy to recommend that the Secretary-General attend if circumstances so warrant it (venue not yet decided between Geneva and New York). It was also agreed that UNDP should facilitate Ambassador Dillon's mission through informing the COs in the sub-region. He would also examine locally the feasibility for the UN to sponsor a sub-regional meeting at the highest governmental level, of the adjacent countries affected by the Rwanda crisis.

The UNDP Administrator concluded in offering full support to Ambassador Dillon who should freely determine a) what is in the best interest of Rwanda, b) what UN institutions can best deliver.

Em. Ddc/RBA
2.XI.94

Note for the File

Meeting with Ambassador DILLON

Further to his conversation with Mr. S. TELL assistant to Ambassador DILLON, Mr. DIERCKX De CASTERLE had a meeting on Wednesday 26 October 1994 with Ambassador DILLON on the forthcoming Round Table for Rwanda, its context and coordination needs within the UN system. Mr. Tell and I also attended the meeting.

This meeting offered the opportunity to be informed about the actual status of the regional initiative proposed by the Ambassador to the UNSG, to exchange views about the Round-Table for Rwanda and the respective roles of UNDP and DHA from relief to rehabilitation, and to concur on mutual support for the success of our respective missions.

1. The UNSG is being proposed a "regional initiative" by Ambassador DILLON. The UNSG will have to decide what opportunity would be more appropriate to announce his initiative. In this perspective, the Round-Table could provide him with the momentum for announcing it and energetizing the participation of all partners concerned in its preparation; otherwise, the meeting under consideration by President Mobutu could also offer an opportunity.

2. The Ambassador confirmed his full support to the Round-Table initiative, and offered his support for:

- convincing the Government of Rwanda to agree on a broad based participation of rwandese representatives in the Round-Table;
- obtaining the support of various donors in funding the costs related to some of these participants that UNDP could not afford;
- facilitating an agreement with DHA for coordinating the "UNDP Round-Table" with the "DHA Appeal" which both are planned to take place during the same period of time.

3. The exchange of views about the respective roles and merits of both UNDP and DHA gave Mr. DIERCKX De CASTERLE the opportunity to remind his visitors of the UNDP mandate in development issues, including rehabilitation matters, and its unique capabilities: a network of experimented country teams working directly with national governments with a view to support in a sustainable way the governments' own commitments in rehabilitation and other development issues.

During the discussion, Ambassador DILLON expressed his support for any strengthening of DHA capabilities. In this context, DHA involvement in rehabilitation related issues offered Mr. De CASTERLE the opportunity to recall that "rehabilitation" must be a government policy and any "rehabilitation programme and/or appeal" should reflect this policy, which is not the case in the context of a DHA appeal.

Ambassador DILLON suggested that the next six months could be considered as a transition period from relief to rehabilitation. As such, this transition could facilitate the coordination among DHA and UNDP, and the transfer of the coordination leadership to UNDP.

4. At the end of the meeting, Ambassador DILLON confirmed his willingness to offer UNDP some kind of a "goodwill mission for the Round-Table" during his mission to Africa, and in this perspective

- suggested that UNDP could provide him with names of rwandese to be invited to the Round-Table;
- confirmed his proposal to discuss with the Government the issue relating to a broad-based participation of rwandese.

He also asked for the support of UNDP country offices during his future mission. Mr. De CASTERLE confirmed he will inform the Resident Representatives concerned when the Ambassador will make him available the timing of his mission.

Yvon Le Moal
27 October 1994

DRAFT

Terms of Reference for Dillon Mission to East Africa

26 October 1994

To: Special Envoy Dillon
From: Secretary-General Boutros Boutros-Ghali

You are to visit Rwanda, Burundi, Zaire, Tanzania and Uganda as my Special Envoy. In consultation with the Governments and with senior UN officials in the area, and particularly with the Special Representative of the Secretary-General, you are to formulate a strategy, including the possibility of my personal participation, for a regional approach to the crisis now centred on Rwanda. Its elements should include agreements among the Governments in the region to cooperate in the humane treatment of refugees, in their resettlement, and in the settlement of displaced persons within Rwanda. It should also include assurances to facilitate the work of international relief officials and human rights observers, and a renewed undertaking from all Governments to refrain from interference in the affairs of their neighbours.

In seeking agreement to a broad regional strategy, you may discuss the possibility of increased international assistance to the Government of Rwanda and limited assistance to those countries that have sustained damages from the receipt of large refugee populations. You may also discuss with regional Governments the possibility of

on a meeting in New York or 2
my participation in a public forum ~~(in the area)~~ e.g. a regional meeting, and what kind of initiative I would take.

I would also like you to discuss this plan with major donor nations. If you believe you have reasonable assurances of increased donor support pursuant to a personal initiative by me, you may discuss that possibility with Governments in the region. You are to avoid, however, concrete assurances that acceptance of an initiative by the Secretary-General of the United Nations will automatically bring increased assistance.

I recognize that a successful UN effort in Rwanda is central to UN credibility. Therefore, I ask you to continue making recommendations for strengthening that effort. In Rwanda, our objectives, as outlined in the terms of reference for the Special Representative of the Secretary-General, Mr. Kahn, should include security for all people, protection of human rights, swift pursuit of justice for past violators of human rights, rehabilitation of the infrastructure of Rwanda, reintegration of former soldiers into the new Rwanda army, and the return of sizeable numbers of refugees. These objectives cannot be achieved over night. Rwanda must be seen, however, as evolving in these directions, if the United Nations and its Secretary-General are to be seen as credible partners in pursuing a broader regional strategy.

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ETHIOPIA: P. SIMKIN FAX: (251-1) 514599

KENYA: J. D. WHALEY FAX: (254-2) 331897

TANZANIA: J. V. ANGELO FAX: (255-51) 46718

UGANDA: T. TESHOMI FAX: (256-41) 244801

RWANDA: A. LY FAX: (250) 76263

~~BURUNDI: J. BAZILE-FINLEY FAX: (257) 225850~~

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FROM P. HANSEN, UNDER-SECRETARY-GENERAL, DHA/NY.

RE SPECIAL ENVOY DILLON'S MISSION TO AFRICA

1. AS YOU KNOW AMBASSADOR ROBERT DILLON IS THE

SECRETARY-GENERAL'S SPECIAL ENVOY FOR RWANDA &

BURUNDI. DILLON ACCOMPANIED BY SERGE TELLE, OF DHA-

GENEVA, VISITED RWANDA AND BURUNDI AND THE

SURROUNDING REFUGEE CAMP AREA IN SEPTEMBER. THEY

ARE RETURNING TO THE AREA AS OUTLINED IN THE

ATTACHED ITINERARY TO DISCUSS WITH YOU AND WITH THE

GOVERNMENTS AND WITH THE RESIDENT AMBASSADORS OF

DONOR NATIONS, POSSIBLE APPROACHES AIMED AT

RESOLVING THE RWANDA CENTERED

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Peter Hansen, Under-Secretary-General, DHA

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2. I HOPE TO CONVEY TO YOU FURTHER DETAILS ON
AMBASSADOR DILLON'S MISSION FOLLOWING THE MEETING
CONVENED BY THE SECRETARY-GENERAL IN GENEVA ON 8
NOVEMBER.

3. IN THE MEANTIME, I WOULD LIKE TO REQUEST YOU TO
ALERT YOUR GOVERNMENT TO THE IMPENDING ARRIVAL (AS
PER ITINERARY ATTACHED) OF AMBASSADOR DILLON AND TO
SOLICIT APPOINTMENTS FOR HIM AT THE VERY HIGHEST
LEVEL.

REGARDS.

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Page 3 of 4

Itinerary for Mr. Dillon's Mission

9 November 1994
From Geneva

10 November 1994
Arrive Addis Ababa 10:10 A.M. via Ethiopia Airlines Flt. 731

11 November 1994

From Addis Ababa at 10:30 A.M. via Kenya Airways Flt. 403
Arrive Nairobi at 12:30 P.M.

From Nairobi 1:30 P.M. via private UN plane
Arrive Kigali 3:30 P.M.

13 November 1994
From Kigali via UN plane
Arrive Kinshasa

16 November 1994
From Kinshasa via UN plane
Arrive Bujumbura

17 November 1994
From Bujumbura via UN plane
Arrive Dar es Salaam

19 November 1994
From Dar es Salaam via UN plane
Arrive Entenebba

20 November 1994
From Entenebba via UN plane
Arrive Kigali

21 November 1994

From Kigali via UN plane
Arrive Nairobi 10:00 a.m.

22 November 1994

From Nairobi Dep 11:05 p.m. via Brithish Airways
London

The UN plane's detailed "plan de vol" will be communicated to you as soon as possible.

ED
SASG ✓

POUR MEMOIRE

Visit of European Union Representatives Lord Plumb,
Mrs. Glenys Kinnock and ACP Members, 25 January 1995

1. This was the second visit of Lord Plumb and Mrs. Kinnock to Rwanda. The first visit had taken place during the war and while Operation Turquoise was still deployed. They had recently been to Burundi and wished to express their concern that there should be no repetition there of the Rwandese tragic experience. Thanks to UNAMIR support they had been able to visit IDP camps. They had also visited refugee camps in Goma, Zaire, and Tanzania. They had been able to ascertain that refugees lived in fear of return and that the fear was mostly provoked by well organized elements in the camps. They were concerned also that UNAMIR should mount counter-propaganda campaign to reach refugees and asked information on the radio project. They also referred to a number of forthcoming conferences on the plight of Rwandese and Burundese refugees and specially wished to know if a process of reconciliation was feasible within the framework of a conference or similar mechanism.
2. The Force Commander provided an update on the situation in Rwanda since the departure of the French Forces and the closing of Operation Turquoise. These developments had been reflected in the Secretary General reports to the Security Council. However, he explained in more detail the different signs of normalisation in Rwanda and actions by the present government to contribute towards stabilizing the situation. He remarked that UNAMIR's role was primarily one of providing security and creating a climate propitious to confidence building. He mentioned the inauguration of the National Assembly as a clear sign that the RPA was moving towards inclusion of all sectors irregardless of ethnic or political origin, of course, as long as these had not instigated or were involved in the massacres.
3. The International Community had been slow in acting on the constitution of the International Tribunal. However, Judge Goldstone had visited Rwanda and had met with Government authorities. Inmimently the Deputy Prosecutor would be arriving in Kigali for consultations with the authorities along with an advance party of Judges.
4. The Force Commander also provided a bird's eye view on Operation Retour and the positive and significant evolution of the same. The Government, he remarked, had heeded UNAMIR's suggestion not to forcibly close the camps.

5. Lord Plumb thanked the Force Commander for his brief and indicated his support for UNAMIR's efforts and tangent results. Mrs. Kinnock also referred to the visible improvement in living conditions since her last visit. Both representatives offered to continue supporting UNAMIR's efforts in Rwanda.

Isel Rivero
SASRSG/SPAO

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INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS
VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED
IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

Office of the Prosecutor
Investigation Section
P.O. Box 13888
2501 EW The Hague
Netherlands

Tel. (31 70) 344 5360

FAX TRANSMISSION

TO : Carolyn Edgerton
Legal Adviser
International Criminal Tribunal for Rwanda
C/- J. Lombard
UNAMIR Office, Kigali

Country : Rwanda

Fax Number : 00 1 212 9 633 090

From : Sally Pearson

Fax Number : (31 70) 344 5278 or 344 5358

Date : Thursday, 26 January 1995

No. of Pages : 7 (including this cover page)

Subject : ICTR - FILING SYSTEM

Sorry for the delay. Network has been down since Sunday. We've been able to type but not print. It's now back to 'normal' but some people have lost work from their u: drive. Following is a bit long winded but hope you can make sense of it. I think what you're proposing could turn into a can of worms - have made a suggestion.

5259

LA

CAS

Further to your phone call, below are my thoughts about a filing system. The 'set-up' papers cover everything from staffing to computers and budget, etc. Can keep all this on a single 'Set-Up' file if you want. Would suggest a copy goes to a relevant subject file.

Re your idea of one file each for IN, OUT and INTERNAL.

Logging In. This is possible but will mean one person has to log in everything - letters, faxes, etc. before anyone can do anything with the paper. With the system you propose, if a memo comes in on Language Training, is logged in as eg, H/123/95, the original goes to the addressee for action (and I presume a copy is put on the IN file). Do you want this to happen to all IN papers? You will end up with say, IN memos about staffing, budget, recruitment, etc all on the one IN file. Do you then make a distinction between In Letters, In Memos, In Faxes, each with its consecutive number? When you have a wodge of papers (from various organisations) as came from the Round Table in Geneva, is the whole lot given one IN number or each paper given its own IN number? In this way, if allowed to run its course, you'll end up at some point with:

a letter (IN)	H/123/95	a letter (OUT)	K/123/95
a fax (IN)	H/123/95	a fax (OUT)	K/123/95
a memo (IN)	H/123/95	a memo (OUT)	K/123/95

Not forgetting: a memo (INTERNAL) K/123/95

Your log would look something like this:

IN

<u>Date</u>	<u>Consec.</u>	<u>Subject</u>	<u>To/Action</u>
1/4/95	123/95	Budget	Port
2/4/95	124/95	Computers	Edgerton
3/4/95	125/95	Lang. Trng	<u>Smith</u>
4/4/95	126/95	<u>UN Hols.</u>	Brown

INTERNAL

1/4/95	099/95	Budget	Port
2/4/95	100/95	Computers	Edgerton
3/4/95	101/95	Lang. Trng	Smith
4/4/95	102/95	<u>UN Hols.</u>	Brown

OUT

1/4/95	347/95	Budget	Port
2/4/95	348/95	Computers	Edgerton
3/4/95	349/95	Lang. Trng	Smith
4/4/95	350/95	UN Hols.	Brown

Three months later, say the Deputy Prosecutor wants to see all correspondence on the Budget. Someone has to go through the IN, OUT and INTERNAL files copying the relevant material. You'd really need a central filing/register room for the whole Prosecution Office (including Investigation Section) with a person working full time at it keeping track of consecutive numbers.

Logging Out. At the moment (within Investigation Section alone) you've got 9 teams and everyone writes letters/memos to all sorts of people (internal and out). If you propose to give this material a consecutive number, one person needs to issue letter/memo numbers. You will end up with say, 10 persons (or more) each doing INTERNAL and OUT letters/memos. Each has to get a log number from the person holding the consecutive numbers. Everyone sending OUT and INTERNAL correspondence would have to give a copy to the person with the consecutive numbers so it could go on the relevant OUT or INTERNAL file.

SUGGESTION

A filing system as follows: Letter (or memo) arrives from Angelina about Language Training. It's recorded in an IN Log and given file number 5/7. Colin does an internal memo to all staff about Language Training. Internal memo has file number 5/7. Colin sends (OUT) letter to Angelina with file number 5/7. A copy of the OUT letter goes on subject file together with the original IN and INTERNAL paper.

Suggested Log would be:

INWARD CORRESPONDENCE

<u>Date Recd</u>	<u>From</u>	<u>Subject</u>	<u>To/Action</u>	<u>File</u>
1/4/95	Angelina	Language Training	Port for reply	5/7
2/4/95	Poliser	Computer Bug	Edgerton	3/5
3/4/95	Gilli	Budget	Port	3/1

All staff would have a copy of file list. When staff are typing correspondence (out or internal) they put the relevant file number to it. All papers (in, out and internal) end up on the relevant subject file.

STATEMENTS/EVIDENCE LOG

<u>Date Recd</u>	<u>From</u>	<u>To/Action</u>	<u>No.</u>
1/4/95	Abu Ali		s.1
2/4/95	Ali Baba		s.2
3/4/95	Abu Ali		s.1a
4/4/95	BBC (news footage)		e.1

A small matter, how do you get correspondence from Kigali to The Hague (vice versa). Is there a DHL office or the possibility of a 'diplomatic bag' arrangement with UNAMIR?

Suggested File List

- 1/ Rules of Procedure & Evidence (when finalised)
Rules of Detention (when finalised)
Resolution 955
Statute
MOU (Rwanda/ICTR/UN)
Agreement (Rwanda/ICTY/UN)
- 2/ Office Procedures
  - 2/1 Set-up
  - 2/2 Organisation Chart/Structure
  - 2/3 Evacuation Plan
- 3/ Administration
  - 3/1 Budget) Both subjects on one file, separated by tag.
  - 3/2 Accommodation) If you need a sub-file, eg, Accom (Staff)
    - 3/2/1 Staff) you create 3/2/1.
  - 3/3 Equipment/Comms) One file, subjects separated by tag.
  - 3/4 Vehicles)
  - 3/5 Computer Support/Training (one file)
  - 3/6 Stationery/Supplies
  - 3/7 Courier/Mail
- 4/ Security
  - 4/1 UNAMIR/Office
  - 4/2 Risk Assessments

5/ Personnel

- 5/1 Staffing Table
- 5/2 Recruitment/Transfers
- 5/3 Job Descriptions (copy of all job descriptions - could be one file)
- 5/4 Terms & Conditions
- 5/5 UN Staff Rules

- 5/6 Translators/Interpreters
- 5/7 Language Training
- 5/8 Timekeeping
- 5/9 Annual Leave
- 5/10 Sick Leave (Medical)

6/ Library7/ Official Travel

- 7/1 Correspondence (memos, etc)
- 7/2 Requests
- 7/3 Visas
- 7/4 Expenses

8/ Investigative

- 8/1 Operating Procedures
- 8/2 Commission of Experts
- 8/3 Intelligence Community/Seconded Experts
- 8/4 Refugee Status/Nationality
- 8/5 Identification of Other Investigations

- 8/6 Forensic/Exhumation
- 8/7 Exhibits : Rwanda
- 8/8 Exhibits : Elsewhere
- 8/9 Media Evidence

- 8/10 Cultural Information
- 8/11 Population Material
- 8/12 Maps

- 8/13 Covert Ops
- 8/14 Victim/Witness Protection
- 8/15 Child Witnesses/Accused

9/ Investigation Status Reports10/ SIU/LACU11/ Political

- 11/1 Liaison with UNHQ Geneva/New York
- 11/2 Liaison with Embassies

12/ Rwanda Govt

- 12/1 Agreement with ICTY/UN
- 12/2 Contacts
- 12/3 Alleged Crimes by
- 12/4 Document Access

13/ Media

- 13/1 Correspondence
- 13/2 ICTR Press Releases
- 13/3 News Clippings

14/ Legal Files

- 14/1 Trial Observers
(others?)

15/ United Nations

- UNHCR/HCFOR
- UNICEF
- UN Economic & Social Council
- UN Security Council
- UN Volunteers
- UNDP (Round Table)

Country Files

Zaire
Burundi
Tanzania
Uganda

NGOs

OAU
Physicians for Human Rights
Africa Watch
ROSG
International Red Cross
Medi sans Frontieres
African Commission of Human Rights

27 October 1994
OSRSG/LA/008/94

Note for the File: International Tribunal for Rwanda

The SRSRSG held a meeting with the Minister of Justice of Rwanda, Mr. Alphonse Nkubito, at his Ministry on 26 October 1994. Also in attendance were Ms. Marthe Mukamurenzi, Directeur de Cabinet of the Ministry, Mr. Ike Minta, Legal Adviser (OSRSG) and Mr. Stanley Oliver, UNAMIR Interpreter. The following were discussed in relation to the International Tribunal for Rwanda.

1. Chapter VII (UN Charter)

The Minister expressed the view that the establishment of the Tribunal under Chapter VII of the UN Charter would give the Tribunal sweeping powers that might override the sovereignty of Rwanda. This view had been conveyed in their response to the preliminary report of the Commission of Experts on Rwanda [S/1994/1125 of 4 October 1994].

The SRSRSG expressed his understanding and sympathy with the problem posed by Chapter VII.

2. The Seat of the Tribunal

The Minister expressed his preference for Kigali as the Seat of the Tribunal, even if elements of the Tribunal for the former Yugoslavia based in the Hague were to be utilized. The main reason for choosing Kigali is to show to the people of Rwanda that justice is done with regard to the atrocities committed against them.

The SRSRSG responded that, on the other hand, justice must not only be done but must also be seen to be done. Therefore, to avoid a possible perception that the highly-charged atmosphere in Rwanda would influence the trials, it may be advisable to consider a suitable neighbouring country as the Seat of the Tribunal.

3. Concurrent jurisdiction/cooperation

The Minister underlined the advantages of the International Tribunal as a mechanism to ensure that all accused persons, many of whom have fled abroad, are not only brought to justice but that such justice is administered in an impartial manner. Nevertheless, he was concerned at the prospect of the International Tribunal having overriding powers in relation to the courts of Rwanda. Their own courts should be able to try some cases without having to submit to a superior jurisdiction to be exercised by the International Tribunal. Moreover, it should be possible to have at least one Rwandese judge among the judges of the International Tribunal.

The SRSB noted that while the draft Statute of the International Tribunal did not exclude national trials, there must be a way of ensuring that any national trials do not conflict with trials by the International Tribunal, but that the two systems inter-lock in a cooperative manner. How does Rwanda view this question of cooperation? Perhaps the Commission of Experts in their second visit prior to the preparation of their final report, could also point out a way towards resolving this problem.

The Minister responded by stating that the type of cooperation and the inter-locking nature of the two systems of jurisdiction must be made very clear. One important element is that the commencement date with regard to the acts of genocide must include the period during which such acts were planned; thus, the date must be earlier than that suggested in the draft Statute. These issues should be explored further.

4. Penalties/equal treatment

The Minister stated that, while he was personally not in favour of the death penalty, many members of the Government were in favour of it; thus, the exclusion of the death penalty in the Statute of the International Tribunal would pose a problem. Furthermore, he was against the prospect of unequal treatment for different categories of culprits; it was quite likely that the most culpable people who gave orders and are now abroad may, at worst, end up in comfortable jails in Europe or other foreign countries, while those who carried out their orders may face the death penalty or other harsher punishment in Rwanda. This should be avoided.

The SRSB agreed on the need for equality or lack of discrimination in the punishment meted out to the culprits. Even more importantly, the issue of cooperation between the two trial system needs to be addressed [see item 3 above].



I. Minta
Legal Adviser

CC: Dr. Kabia, Executive Director