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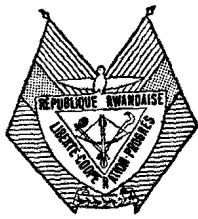
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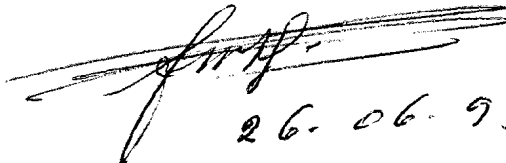
MINISTRE DE L'INTERIEUR  
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TO: M<sup>rs</sup> ISHEL RIVERO  
FROM: MUSARE FAUSTIN

Je vous transmetts les copies s'pries.

Vous voudrez bien nous faire une  
vingtaine de photocopies pour les  
différents départements intéressés, les  
participants et pour le classement.

Francis Collaboration

  
26.06.95.

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Date 27/6

From I. Rivero

## MINUTES

### MEETING OF THE JOINT PRESIDENTIAL COMMISSION ON UNAMIR'S MANDATE

1. The first meeting of the Presidential Commission to review UNAMIR's mandate was held on Tuesday, 25 April 1995 at twelve noon at the Rwandese Foreign Ministry. Representing the Rwandese Government were Mr. Emanuel Gasana, Head of Delegation and Director of Cabinet, President's Office; Mr. Faustin Musare, Director of Cabinet, Ministry of Interior; Mr. Felix Bagambiki, Chief of Division, Multilateral Cooperation, Ministry of Foreign Affairs; Telesphore Kagabga, Information, Documentation and Archives, Ministry of Foreign Affairs; Mr. Tharcisse Nyandwi, Prime Minister's Adviser; Mr. Jean Damascene Ntakirutimana, Director of Cabinet, Prime Minister's Office; Col. Frank Mugambage, Deputy to National Assembly, Army Spokesman, Ministry of Defence; Lt. Joseph Ndahiro, Liaison Officer with UNAMIR, Ministry of Defence.

2. UNAMIR was represented by Ambassador Mr. Shaharyar Khan, Special Representative of the Secretary General of the United Nations for Rwanda; Major General Guy Tousignant, Force Commander; Mr. Hedi Annabi, Director, Africa Division, Department of Peace Keeping Operations, United Nations; Mr.

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J. Rivera

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From

Samuel Buo, Acting Executive Director, Office of the Special Representative;  
Ms. Isel Rivero, Special Assistant to the Special Representative; Mr. I.  
Minta, Legal Adviser of the Special Representative.

3. After an exchange of greetings both sides expressed their desire to address the issue of a new mandate for UNAMIR in a spirit of cooperation and friendship. Ambassador Khan and Mr. Annabi underlined the importance of completing the consultations before mid May. They also requested the Rwandese side to state their views on the new mandate underlining the fact that UNAMIR was in Rwanda at the request of the sovereign government.

4. Mr. Gasana expressed the hope that discussions on the future role of UNAMIR would not be conditioned on what the Security Council considered palatable; rather the government and people of Rwanda would seek to enlist the assistance of the Security Council to redefine UNAMIR's role after June 9th. Mr. Gasana suggested that in view of the timetable the meetings should be more intensive. He also proposed that technical sub-groups could meet separately to speed up the negotiating process.

5. Ambassador Khan suggested that apart from the mandate the two sides could also discuss issues between UNAMIR and the Government that quantitatively were leading to unnecessary friction and that could be resolved expeditiously. Mr. Gasana agreed to this suggestion.

The Mandate

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6. The following points were agreed on:

(a) the Joint Commission agreed to meet three times a week, at 10 a.m. on Mondays, Thursdays and Saturdays, and took note that the recommendations pertaining to the new mandate for UNAMIR would have to be ready by the middle of May bearing in mind the United Nations time table for the submission of reports to the Security Council. They also agreed to technical sub-group meetings when necessary.

(b) Mr. Gasana indicated that he would convey the Rwandese Government's position at the next meeting of the Commission.

#### Bilateral Issues

7. Ambassador Khan stated that the most important problem that was vitiating relations between the two sides was the implementation of the Status of Mission Agreement by the Government. Other problems such as accommodation, alleged payment of property rental to criminal elements, communications and negative propaganda by local media were raised in outline by Ambassador Khan.


8. Mr. Gasana, stated that the Government recognized the SOMA. He wished to indicate, however, that sometimes the Government did not have the capacity to implement in detail the privileges and immunities of over five thousand UNAMIR officials. Contraventions to the SOMA should not therefore be seen as deliberate.

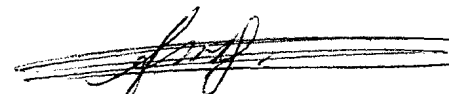
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9. He indicated that the problem of accommodation was well known and that the Government would seek a solution once the future number of UNAMIR forces and its mandate were known. Regarding payment of property rental, a law was being discussed by the Cabinet which would provide the legal framework to UNAMIR and other agencies to effect payments. Finally in response to the negative propaganda directed to UNAMIR by some local media sources, Mr. Gasana remarked that the root causes had to be investigated especially its social dimensions. On the communications issue he said that he would be consulting his colleagues and would revert to the issue at a later meeting.

The meeting rose at 13:30.

  
Isidoro Rivero, SA/SRSG, UNAMIR

  
Faustin Musare, CC/MI/RW

## MINUTES

### MEETING OF THE JOINT PRESIDENTIAL COMMISSION ON UNAMIR'S MANDATE

1. The **second** meeting of the Joint Commission to review UNAMIR's mandate was held on Tuesday, 2 May 1995 at 10 am at the Rwandese Foreign Ministry. Representing the Rwandese Government were Col. Frank Mugambage, Deputy of the National Assembly, Army Spokesman, Ministry of Defence (Leader); Mr. Jean Damascene Ntakirutimana, Director of Cabinet, Prime Minister's Office; Mr. Faustin Musare, Director of Cabinet, Ministry of the Interior; Mr. Tharcisse Nyandwi, Services of Prime Minister; Mr. Sam Nkusi, Director General of RWANDATEL; Mr. Felix Bagambiki, Chef de Division, Ministry of Foreign Affairs; Lt. Joseph Ndahiro, Liaison Officer to UNAMIR, Ministry of Defence and Mr. Telesphore Kagaba, Information Officer, Ministry of Foreign Affairs.
  2. UNAMIR was represented by Ambassador Shaharyar M. Khan, Special Representative of the Secretary General of the United Nations for Rwanda (Leader); Col. T. S. Sivakumar, Chief of Staff; Mr. Samuel Buo, Acting Executive Director; Ms. Isel Rivero, Special Assistant to the Special Representative; Mr. Ike Minta, Legal Adviser.
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3. Col. Mugambage stated that he would be leading the Rwandese Delegation in the absence of Mr. Gasana, who was out of the country for a week. He also indicated that he had invited Mr. Sam Nkusi Director General of RWANDATEL to explain problems related to communications issues. Following Mr. Nkusi's presentation, Col. Mugambage indicated that he would introduce the government's views on UNAMIR's mandate.

#### **Communications and Telecommunications**

4. Mr. Nkusi stated that after the war ended, the Government had developed regulations and guidelines governing the use of communications and telecommunications equipment in Rwanda. These were now approved and it was expected that international and national organizations operating in Rwanda should comply with them. The Government did not intend to restrict the use of equipment or of frequencies but wanted to organize them in a proper framework. This was in keeping with international practice.

5. UNAMIR alone was using over 100 frequencies. Agencies and NGOs also had their own frequencies. Last week the Government had completed its survey and called a meeting of all frequency users in order to explain the Government's position. Unfortunately when this subject was brought up, it was taken as "UNAMIR bashing". A similar situation arose when the Government asked UNAMIR to vacate certain areas or to allow access by the Government officials to inspect sites where UNAMIR had installations.

6. On a positive note, he wished to inform the meeting that the Government

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had released the communications equipment which had been held up at the airport. The delay in the release had been due to the fact that the Government had not completed its survey.

7. Mr. Nkusi added that in its VHF and national communications, UNAMIR intended to introduce a system which by-passed Rwanda's national facilities. It was also five times more expensive. He asked if this policy was justified. The assistance mission could use some money to rehabilitate the national telecommunications system which could serve it efficiently.

8. The Special Representative took note of Mr. Nkusi's observations and made the following comments:

(a) UNAMIR understood Rwanda's efforts to bring order in a chaotic situation after the war. It was Rwanda's sovereign right to regulate the frequencies in accordance with its priorities. UNAMIR would conform to these general principles.

(b) However, in the absence of any regulations, UNAMIR had been working on frequencies that it was now required to change. While UNAMIR would make the necessary technical adjustment, the Special Representative expressed the hope that Rwandatel would help UNAMIR in making minimum changes to avoid dislocation and sufficient time to make the adjustments.

(c) UNAMIR had certain rights under the Status of Mission Agreement which needed to be respected. For instance, access to its telecommunications sites would not be denied but prior notice was required to be given. The remaining

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issues raised by Mr. Nkusi would be discussed further and it was agreed that a technical subcommittee on communications should be appointed to resolve the issues.

9. As regards difficulties with United Nations Agencies, the Special Representative stated that he would advise to cooperate with Rwandatel.

#### **Mandate**

11. Col. Mugambage stated that on June 9th, UNAMIR's mandate would be completed. The Rwandese Government considered that in view of the changed context from the time the mandate was initially conceived, the Joint Commission should address itself to two issues:

- (a) The practical steps to facilitate the withdrawal of UNAMIR
- (b) The identification of elements of the mission which would require extension.

12. Elaborating, Col. Mugambage stated that in the political context of Rwanda today, UNAMIR's role was irrelevant. UNAMIR I had been deployed to supervise the implementation of the Arusha Accords which were, at best, dormant. UNAMIR II was mandated to provide security but this role was solely the responsibility of the Rwandese Government. Today the Rwandese Government has control over its territory, an administrative structure and its own security organs. These institutions could take over the responsibilities that UNAMIR II was tasked to implement. He added that it was impossible to

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justify the need for a large UNAMIR force carrying out duties parallel with national security forces. The continuation of the presence of these forces would cause conflict, and while the country is facing an arms embargo a large UNAMIR force would compromise national sovereignty.

13. Secondly, the size of UNAMIR's military component provided false confidence to those who resisted the mainstream of change. Kibeho was a blatant example of how people had collected arms and were intent on perpetuating the elements of Operation Turquoise.

14. A large UNAMIR contingent also created socio-economic problems. For instance, all UNAMIR personnel claimed diplomatic immunity, occupied prime housing and competed with the population for facilities. This created friction.

15. Col. Mugambage referred to the assistance element of UNAMIR's mission. He asked how precisely UNAMIR assisted Rwanda. According to his information UNAMIR was spending US\$1.2 million per day. Did Rwanda gain anything from this expenditure? It was true that UNAMIR had repaired one or two bridges and performed some demining but considering the totality of United Nations expenditure, there was scarcely any tangible results to show. Col. Mugambage concluded that at the next meeting he would give the Government's views in a written paper.

16. The Special Representative thanked Col. Mugambage for his remarks and welcomed the fact that the discussion on the mandate had started. His

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comments would be conveyed to New York for a response. The Special Representative looked forward to Rwanda's written paper.

17. The Special Representative stated that he wished to clarify a matter that had been raised by the President and Vice President with the Special Envoy of the Secretary General, Mr. Aldo Ajello during his recent visit. The Permanent Representative of Rwanda at the United Nations, New York, had reported a purported conversation with officials at New York Headquarters in which it had been stated that the United Nations would impose UNAMIR's presence in Rwanda regardless of the government's wishes. The Special Representative wished to place on record that this information was incorrect. As stated by Messrs. Ajello and Annabi, UNAMIR was in Rwanda under Chapter VI of the United Nations Charter, which meant that UNAMIR was present at the request of the Government. This also meant that the United Nations would respect the views of the government bearing in mind Security Council considerations. There was no desire to impose any formula on the Rwandese Government.

18. A second point which the Special Representative wished to make was that the United Nations had no political agenda in Rwanda. UNAMIR was present only to assist the Government and people of Rwanda.

19. Commenting on the assistance provided by UNAMIR to Rwanda, the Special Representative stated that the evaluation of UNAMIR's contribution to the country could not be measured in tangible terms of dollars and cents. The provision of security or the creation of conditions leading up to a stability and reconciliation were not quantifiable in terms of money. The Special

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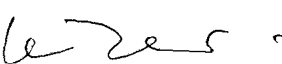
Representative also remarked that while it was true that sometimes the large presence of international personnel might lead to social and economic friction, it was also true that benefits accrued from their presence.

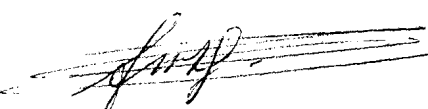
#### **Bilateral Matters**

20. The Special Representative then referred to the arrest of Rwandese nationals who work for United Nations agencies. He provided a list to Col. Mugambage with the suggestion that these 17 cases be looked into on the basis of priority. He also requested that in the future, the United Nations agencies be given prior notice before arrest of local employees.

21. Col. Mugambage indicated that the Special Representative's request would be examined carefully bearing in mind the normal screening process of the Judiciary.

The meeting rose at 11:45.

  
Isel Rivero, SA/SRSG, UNAMIR

  
Faustin Musare, CC/MI/RW

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## MINUTES

### MEETING OF THE JOINT PRESIDENTIAL COMMISSION ON UNAMIR'S MANDATE

1. The third meeting of the Joint Commission to review UNAMIR's mandate was held on Thursday, 4 May 1995 at 10 am at the Rwandese Foreign Affairs Ministry. Representing the Rwandese Government were Col. Frank Mugambage, Deputy to the National Assembly, Army Spokesman, Ministry of Defence (Leader); Mr. Nyandwi Tharcisse, Counsellor, Prime Minister's Office; Mr. Telesphore Kagaba, Information Officer, Ministry of Foreign Affairs and Cooperation; Mr. Felix Bagambiki, Division Chief, Ministry of Foreign Affairs and Cooperation.

2. UNAMIR was represented by Ambassador Shaharyar M. Khan, Special Representative of the Secretary General for Rwanda (Leader); Col. T. S. Sivakumar, Chief of Staff; Mr. Samuel Buo, Acting Executive Director; Ms. Isel Rivero, Special Assistant to the Special Representative; Mr. Ike Minta, Legal Adviser.

3. Col. Mugambage opened the session by stating that the meeting should now be guided by UNAMIR's suggestions on the role it could play in view of present realities in Rwanda.

4. The Special Representative acknowledged that the present realities in

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Rwanda were different from when UNAMIR was initially deployed and that its mandate would have to be defined according to the existing realities. He then referred to Security Council Resolution 965 and read out the present mandate of UNAMIR. He also referred to recent trilateral agreements which had been concluded by Rwanda with UNHCR and Zaire, in which the protection of security corridors and transit camps for the returning refugees could be considered relevant. The Special Representative said that it was for the Government to indicate the adjustments to be made on the mandate.

5. Continuing, the Special Representative, expressed a personal opinion. Cross border military oriented activities from Zaire had been increasing and were more organized. Both the President and the Vice President had indicated their concerns about this development. Was it contemplated that UNAMIR should play a border monitoring role?

6. Col. Mugambage stated that at the last meeting he had given the conceptual framework for a future UNAMIR operation in Rwanda. He was now expecting UNAMIR to make proposals relating to the mandate. For example, the concept of social rehabilitation could be included in the mandate. He expected a constructive discussion guided by the Special Representative's suggestions.

7. The Special Representative reminded Col. Mugambage that all issues related to the mandate had to be forwarded to United Nations Headquarters in New York. It was for the Security Council to decide on UNAMIR's mandate. However, the Joint Commission could develop recommendations, which if initially agreed on,

were likely to find greater acceptance by the Security Council.

8. The socio-economic and developmental tasks mentioned by Col. Mugambage were issues which belonged in the sphere of United Nations Specialized Agencies and the United Nations Development Programme and were not related to a peace keeping mission.

9. Col. Mugambage reasserted the views he had expressed at the last meeting. Namely, that on June 9th, UNAMIR's mandate would end. Rwanda was a sovereign country and decisions taken elsewhere were unacceptable. UNAMIR I had mishandled the situation and had not prevented the genocide. It had further provided people with false expectations of security. The former SRSG had been biased. UNAMIR II was not providing any security in Rwanda, on the contrary it was creating a dangerous situation with a parallel system of security. Therefore, the military component of UNAMIR was superfluous and should phase out. A limited UNAMIR presence could be agreed to, but a substantial presence, even in any other role, was not acceptable.

10. The Special Representative replied that UNAMIR did not wish to perpetuate its presence in Rwanda. Yet, it was important for the Joint Commission to determine the specific roles that UNAMIR was to play as for example, the question of the training of the gendarmerie. Such issues needed to be spelt out in order to appraise United Nations Headquarters of the Government's thinking.

11. Col. Mugambage requested that UNAMIR should list the tasks that it

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considered it should assume. The Government would do the same. At the next meeting ideas could be exchanged. He proposed the next meeting on Monday, 8th May.

#### **Bilateral Matters**

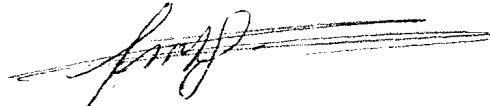
12. The Special Representative then brought to the meeting's attention a paper UNAMIR had prepared concerning problems which had arisen regarding implementation of the Status of Mission Agreement (copy attached). These points were not being presented as a complaint, but as a list to be discussed in order to avoid friction between UNAMIR and the Government. It was clear that many of these issues could be resolved.

13. Col. Mugambage thanked the Special Representative for bringing these matters to his attention, and promised to examine them in order to find solutions.

The meeting rose at 11:45 am.



Isel Rivero, SA/SRSG/UNAMIR



Faustin Musare, CC/MI/RW

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## MINUTES

### MEETING OF THE JOINT PRESIDENTIAL COMMISSION ON UNAMIR'S MANDATE

1. The **fourth** meeting of the Joint Commission to review UNAMIR's mandate was held on Monday, 8 May 1995 at 10 am at the Rwandese Foreign Affairs Ministry. Representing the Rwandese Government were Col. Frank Mugambage, Deputy to the National Assembly, Army Spokesman, Ministry of Defence (Leader); Mr. Nyandwi Tharcisse, Counsellor, Prime Minister's Office; Mr. Telesphore Kagaba, Information Officer, Ministry of Foreign Affairs and Cooperation; Mr. Felix Bagambiki, Division Chief, Ministry of Foreign Affairs and Cooperation; Mr. Faustin Musare, Director of Cabinet, Ministry of Interior; Lt. Joseph Ndahiro, Liaison Officer to UNAMIR, Ministry of Defence.

2. UNAMIR was represented by Ambassador Shaharyar M. Khan, Special Representative of the Secretary General for Rwanda (Leader); Col. T. S. Sivakumar, Chief of Staff; Mr. Samuel Buo, Acting Executive Director; Ms. Isel Rivero, Special Assistant to the Special Representative; Mr. Ike Minta, Legal Adviser.

3. The Special Representative summarised the discussions of last meetings by stating that Rwanda contentions were as follows:

(a) The mandate ends on June 9th. If no further mandate was agreed on the only issue was to finalise the withdrawal. A fresh mandate would need to

reflect the qualitative change in the ground situation.

(b) The UNAMIR force strength was excessive as it (i) derogated from Rwanda's sovereignty, (ii) acted as a parallel force in the country and (iii) was redundant.

4. Responding, the Special Representative had stated there was indeed a changed context and that UNAMIR did not wish to perpetuate or impose itself in Rwanda. UNAMIR had no political agenda in Rwanda. The objective in these consultations was to find common ground and if that were possible the Security Council would be able to decide on a new mandate with greater ease. If not, Rwanda was free to negotiate directly with the Security Council.

5. Col. Mugambage had raised a number of criticisms against UNAMIR. However, UNAMIR's presence in Rwanda had surely not been completely negative. Much of UNAMIR's contribution was intangible and could not be measured in dollars and cents. Some of the following elements were part of UNAMIR contribution to bringin stability and security to Rwanda:

- (a) The peaceful, incident free take-over from Operation Turquoise when everyone expected another Goma like crisis;
  - (b) The normalisation achieved in towns and villages;
  - (c) The support for Rwanda at the Geneva Round Table;
  - (d) The successful cooperation in Operation Hope and Operation Retour;
  - (e) The Gersony report contradiction;
  - (f) The sense of confidence that UNAMIR's presence provided to returning refugees and IDPs.
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6. The Special Representative added that even if common ground was found the current campaign of vilification against UNAMIR was causing serious concern in the United Nations. It was not the demonstrations that bothered the Special Representative, it was the officially approved harassment that UNAMIR was experiencing in its daily activities. For instance, UNAMIR diesel supplies had been confiscated, helicopters were being circumscribed, telecommunication links were being restricted and a general atmosphere of non-cooperation and harassment was preponderant. Over the past weekend three cars had been hijacked by people in uniform carrying AK-47 rifles. If this attitude continued it would be better to close down completely. A new mandate would require this "UNAMIR bashing" to stop and be reversed.

7. The Special Representative stated that apart from the general aura of confidence that UNAMIR created in Rwanda which helped in bringing about stability and normalisation in the country, the future mandate was expected to envisage the following tasks:

(a) UNAMIR was obliged to protect the International Tribunal and its staff, Human Rights Monitors, United Nations Agencies, their offices and personnel and UNAMIR personnel and property;

(b) UNAMIR was also obliged to contribute to the security of humanitarian convoys;

(c) If the Government of Rwanda requested, UNAMIR could undertake to monitor the borders with neighboring countries especially those borders where armed incursions had been detected. This could be achieved by deploying military observers;

(d) UNAMIR could provide assistance in establishing security corridors and

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transit camps to returning refugees. This task was foreseen in the Trilateral Agreements signed by Rwanda at Bujumbura and at the Nairobi summit;

(e) demining;

(f) training of gendarmes and communal police.

9. Finally the Special Representative referred to the supporting role UNAMIR could continue to play in the social and economic rehabilitation of the country as a follow-up to the UNDP Round Table.

10. Col. Mugambage, thanked the Special Representative for his summary. He wished to place on record that the Government of Rwanda appreciated the positive contribution that UNAMIR had made to the country. He also explained that it was the opinion of the Government that UNAMIR's formed contingents did not have a role to play, in fact , they were redundant.

11. Regarding acts of hostility against UNAMIR and more specifically armed robberies, Col. Mugambage denied that the RPA had any part in it. As regards negative propaganda, the context had to be looked at especially the role that the international community played during the genocide. It was a fact that UNAMIR provided a false sense of security to those attempting to escape the genocide.

12. Col. Mugambage then referred to UNAMIR's new mandate. He understood that it was up to the national security organs to provide protection to United Nations officials and agencies. However he also agreed that the United Nations also had a responsibility to provide security. Perhaps a limited

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number of guards could accomplish that task. As to providing security for convoys by way of escorts it would depend on the numbers that would be required to perform that function. He also believed that it was the role of the Government to provide such type of security.

13. Col. Mugambage then referred to the border monitoring tasks outlined by the Special Representative. In his opinion such monitoring should be carried out where the trouble originated, such as in Zaire and Tanzania. It was a known fact that criminal activities were transpiring not in Rwandese soil, but in the Goma and Bukavu camps. These criminal activities had regional repercussions.

14. As to security corridors, it was his understanding that these corridors would be established in Zaire where refugees were not safe. One should avoid any mention of security which relates to Rwanda since there were no such problems in the country.

15. Regarding the training of gendarmes and comunal police, the Government of Rwanda saw this as a technical compliment to the Rwandese efforts in establishing its own programmes. It was the responsibility of the Rwandese to determine its own needs and in this context the design of the curriculum could be done jointly with the Government.

16. Col. Mugambage welcomed the offer by the Special Representative to provide support in the rehabilitation of Rwanda. He had understood that this work would be carried out primarily by the United Nations Agencies.

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In conclusion, Col. Mugambage indicated that these were his preliminary views on the subjects the Special Representative had outlined, and that he would be consulting with his colleagues. It would be easier if by the next meeting certain working groups would be assigned to refine details of the proposal.

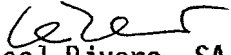
17. The Special Representative thanked Col. Mugambage for his preliminary remarks which would be conveyed to New York. He pointed out that while it was true that the United Nations agencies were the executing partners in the rehabilitation process of Rwanda, the Government of Rwanda had to optimize these resources and it was clear that Rwanda was still not ready to absorb such assistance. Where UNAMIR could help was in the intermediary phase which did not overlap with the Round Table but which facilitated the readiness to absorb the assistance.

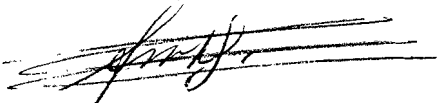
18. He also wished to clarify that UNAMIR was constitutionally required to provide protection to operations such as the Tribunal and human rights. Secondly, the provision of security for humanitarian convoys would be the responsibility of the government, however, should the government feel that it was unable, UNAMIR should have the reserve personnel required to carry out that task. The Special Representative took note of the important political point raised by Col. Mugambage regarding the monitoring of militarisation in refugee camps.

19. The Special Representative further explained that security corridors were seen as a preventive measure against intimidation. The same applied for transit centres.

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20. It was agreed that the next meeting would be held on Thursday, 11 May 1995 at 10 am.

  
Isef Rivero, SA/SRSG/UNAMIR

  
Faustin Musare, CC/MI/RW

## MINUTES

### MEETING OF THE JOINT PRESIDENTIAL COMMISSION ON UNAMIR'S MANDATE

1. The fifth meeting of the Joint Commission to review UNAMIR's mandate was held on Thursday 11 May 1995 at 10 am at the Rwandese Foreign Affairs Ministry. Representing the Rwandese Government were Mr. Emanuel Gasana, Head of Delegation and Chef du Cabinet, President's Office; Col. Frank Mugambage, Deputy to the National Assembly, Army Spokesman, Ministry of Defence; Mr. Faustin Musare, Director of Cabinet, Ministry of the Interior; Mr. Tharcisse Nyandwi, Counsellor, Prime Minister's Office; Telesphore Kagaba, Information Officer, Ministry of Foreign Affairs and Cooperation; Mr. Felix Bagambiki, Division Chief, Ministry of Foreign Affairs and Cooperation; Lt. Joseph Ndahiro, Liaison Officer with UNAMIR, Ministry of Defence.

2. UNAMIR was represented by Ambassador Shaharyar M. Khan, Special Representative of the Secretary General for Rwanda, Head of Delegation; Col. T. S. Sivakumar, Chief of Staff; Ms. Isel Rivero, Special Assistant to the Special Representative; Mr. Ike Minta, Legal Adviser.

3. Mr. Gasana resumed the Chair and invited the Special Representative to

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provide a summary of the discussions held in his absence. Ambassador Khan summarized the salient points of the previous meeting and added that there had been noticeable progress achieved in fine tuning the Rwandese Government's requirements after 9 June. He reiterated that the Joint Commission should attempt to find common ground.

4. The Special Representative added that two main points had been made by the Rwandese Government, one, that the size of UNAMIR's military contingent would have to be scaled down in view of the changed context in Rwanda, ~~two~~, that a military presence ran the risk of establishing a parallel military force within Rwanda. It had also been stated by the Representative of the Rwandese Government, that internal security was an issue of national sovereignty.

5. UNAMIR, on the other hand, had made it clear that it did not intend to continue without the approval of the Government. UNAMIR did not wish to perpetuate itself in Rwanda nor did UNAMIR have a political agenda. UNAMIR's presence was predicated on the mandate to assist the Government of Rwanda and the Rwandese people.

6. The Special Representative also mentioned the continued criticism on UNAMIR. He indicated that friction points between the two sides could be solved through joint channels which had been established for that purpose.

7. Referring to the specific mandate, the Special Representative stated that constitutionally, UNAMIR was required to perform certain tasks such as the protection of the International Tribunal, human rights monitors, and other

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United Nations personnel working in Rwanda. Secondly, there were tasks that were assigned in support of the Government such as protection of humanitarian relief convoys. Thirdly, within the framework of agreements reached by Rwanda with UNHCR and other regional governments, there was a provision of security in transit camps and corridors. Border monitoring had been mentioned as a potential task for UNAMIR, however, Col. Mugambage had pointed out that the monitoring should take place in the countries from where military incursions were originating. Finally, the Special Representative mentioned the tasks of demining and of civilian police training.

8. Col. Mugambage added that the principal elements to be examined by the Joint Commission were the details of the withdrawal of UNAMIR's troops and determining the size of the contingent that would remain. He restated his position that the Government of Rwanda could provide security to the Tribunal and United Nations personnel and that there was no need to monitor Rwanda's borders. In addition security corridors and transit camps were a matter to be considered in Zaire and Tanzania. Regarding demining, he had stated that the Government already had its own programmes and that assistance was required in supporting these programmes. Finally, Col. Mugambage recalled that the Special Representative had mentioned the issue of rehabilitation and how UNAMIR could facilitate the flow of assistance in support of Government's priorities.

9. Mr. Gasana then stated that he could assume that the Commission agreed to consider a new mandate for UNAMIR after June 9, and that it was evident that in view of prevailing circumstances and changes in the political situation of

Rwanda, UNAMIR's military component would be "drastically reduced". He then invited the Commission to consider establishing a working group to consider the following two main tasks:

(a) In close cooperation with national security forces, assist in the protection of the civilian components of the United Nations presence in Rwanda including United Nations International Tribunal personnel, Human Rights monitors and other international staff invited by the Rwandese Government;

(b) the Government of Rwanda would specify tasks which would be supported by United Nations in the social field where a reduced UNAMIR force could contribute to the rehabilitation of the country.

10. Mr. Gasana then indicated that the training of the Gendarmerie and Communal Police, which was a task that UNAMIR had been undertaking, would not be included in a new UNAMIR's mandate since the Government would be undertaking training through bilateral arrangements. He further stated that regarding security corridors and border monitoring, it was not in the interest of the country to create the impression that an international force was needed to instill confidence among the refugees nor that a border monitoring force should be stationed within Rwanda. Rwanda was not the aggressor, therefore these tasks could be implemented where the problem originated, namely, Tanzania and Zaire.

11. Regarding demining activities, Mr. Gasana pointed out that the Government had already a programme in place and that it would only require advisory

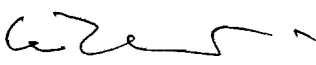
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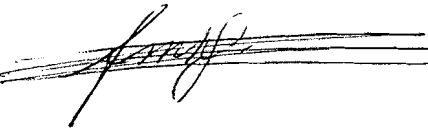
services.

12. Mr. Gasana concluded by saying that a working group should meet the next day to examine (a) and (b) above, as well as demining activities, and make suitable proposals to be reviewed next Saturday, 13 May at 900 am by the Joint Commission.

13. The Special Representative agreed.

The meeting rose at 11:10 am.

  
Isel Rivero, SA/SRSG/UNAMIR

  
Faustin Musare, CC/MI/RW



## MINUTES

### MEETING OF THE JOINT PRESIDENTIAL COMMISSION ON UNAMIR'S MANDATE

1. The sixth meeting of the Joint Commission was held on Saturday 13 May 1995 at 9 am at the Rwandese Foreign Affairs Ministry. Representing the Rwandese Government were Mr. Emanuel Gasana, Head of the Delegation and Cabinet Director, President's Office; Col. Frank Mugambage, Deputy to the National Assembly, Army Spokesman, Ministry of Defence; Lt. Joseph Ndahiro, Liaison Officer with UNAMIR, Ministry of Defence.
  2. UNAMIR was represented by Ambassador Shaharyar M. Khan, Special Representative of the Secretary General for Rwanda, Head of Delegation; Col. T. S. Sivakumar, Chief of Staff; Ms. Isel Rivero, Special Assistant to the Special Representative.
  3. Mr. Gasana invited Col. Sivakumar to introduce the report of the working group which had been scheduled to meet the day before. Col. Sivakumar explained that the meeting had not been able to begin its work due to the procedural difficulties involving the substantive discussion on the numbers of a future UNAMIR force.
  4. Col. Mugambage added that the working group should have been able to
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determine the number of forces needed on the basis of the new requirements.

5. The Special Representative indicated that he appreciated the difficulties confronted by the working group. United Nations Headquarters had stated their need to have a general guideline on the mandate before discussing figures. Once these guidelines were agreed, the working group discussions could begin. The working group work was relevant because it provided a framework for the future mandate.

6. The Special Representative also stated that he was not able to provide a figure when the Security Council had not even begun their own informal consultations on the subject. Since any continuation of UNAMIR would be under a Chapter VI mandate, it could be easier for the Government to state what the real needs were. The solution laid in finding a common ground.

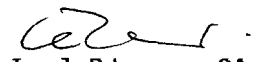
7. In this regard, the Special Representative drew the attention of the Joint Commission to the present UNAMIR mandate and proceeded to read out a consolidated summary of the deliberations of the Joint Commission. He indicated that the summary could be considered a non-paper (copy attached) .

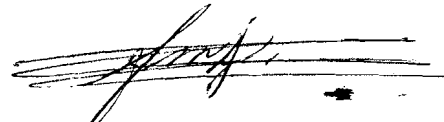
8. Mr. Gasana welcomed the Special Representative's initiative and requested the distribution of the non-paper. He added that the Joint Commission should be able to make substantive proposals, and these could only be elaborated through the mutual exchange of views and information. He indicated that at the next meeting of the Joint Commission he would be able to provide the Government's views in the same manner, as a non-paper, and that this could serve as a starting point for further discussion.

9. In addition, Mr. Gasana suggested that the definition of the military component of UNAMIR could also be presented, once discussions had been completed, as a non-paper.

10. It was agreed that the next meeting of the Joint Commission would be held on Monday, 15 May 1995 at 17 hours.

The meeting rose at 11 am.

  
Ise1 Rivero, SA/SRSG/UNAMIR

  
Faustin Musare, CC/MI/RW

Careful consideration and a detailed response given at the next meeting. It would, of course, be conveyed to United Nations Headquarters, New York. The Special Representative added that since Mr. Gasana was expected to brief the Cabinet later in the morning, he would give his immediate reaction to the broad issues raised in the non-paper, as follows:

- (a) there was agreement that since the previous mandate there was a changed situation in Rwanda which should be reflected in the mandate;
- (b) the mandate would be under Chapter 6, which meant that the mandate would require acceptance of the Rwandese Government;
- (c) there was agreement that there would be a reduction of UNAMIR military forces. The Rwandese side had called for a drastic reduction while the Special Representative used the term substantial.

5. The Special Representative added that the new mandate should reflect a partnership between UNAMIR and the Rwandese Government, with the view of promoting stability, harmony and reconciliation.

6. Responding, the Chairman stated that with regard to refugees returning to transit camps, the Government considered that an international military presence would not be necessary and that it was for the Rwandese Government to ensure such security. In addition the six month extension should be perceived as a winding down of UNAMIR's operation. In regard to the Government's attitude towards UNAMIR, he affirmed that the best way to avoid negative incidents in the future, was to agree on a mandate with which the Rwandese Government felt comfortable.

7. Mr. Gasana proposed that a restricted Joint Commission meet in closed

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session might be held to refine certain areas of the mandate before holding the full meeting. The Special Representative agreed and suggested that the closed meeting could take place just before the formal meeting since he believed the work of the Joint Commission should conclude at the end of the present week.

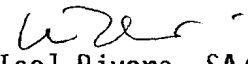
8. Col. Mugambage agreed that it was not necessary to have the working group meet since the same could be accomplished as the Chairperson had proposed.

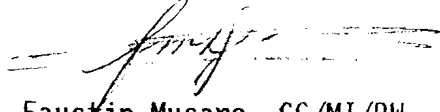
#### **BILATERAL MATTERS**

9. The Special Representative asked the Chairperson to transmit to the President UNAMIR's request for space to erect a prefabricated building facility in order to accommodate its personnel. He also provided copies of a recent compendium on UNAMIR Forces Humanitarian Activities for Rwanda which might be of interest to the Government.

10. Col. Mugambage referred to the unresolved situation of the Amahoro Stadium which UNAMIR was to repair. He explained that great damage had been done by UNAMIR troops while they had occupied the facility.

11. It was decided that the next meeting would be held on Thursday 18 May, at 10 am for the closed working session and at 10:30 for the Joint Commission.

  
Isel Rivero, SA/SRSG/UNAMIR

  
Faustin Musare, CC/MI/RW

## MINUTES

### MEETING OF THE JOINT PRESIDENTIAL COMMISSION ON UNAMIR'S MANDATE

1. The eighth meeting of the Joint Commission to review UNAMIR's mandate was held on Thursday, 18 May 1995 at 10:00 at the Rwandese Foreign Affairs Ministry. Representing the Rwandese Government were Mr. Emanuel Gasana, Head of the Delegation, Cabinet Director, President's Office; Col. Frank Mugambage, Deputy to the National Assembly, Army Spokesman, Ministry of Defence; Mr. Faustin Musare, Cabinet Director, Ministry of the Interior; Mr. Felix Bagambiki, Chief of Division, Ministry of Foreign Affairs and Multilateral Cooperation; Mr. Telesphore Kagaba, Division Chief, Ministry of Foreign Affairs; Mr. Tharcisse Nyandwi, Prime Minister's Counsellor; Lt. Joseph Ndahiro, Liaison Officer with UNAMIR, Ministry of Defence.

2. UNAMIR was represented by Ambassador Mr. Shaharyar Khan, Special Representative of the Secretary General of the United Nations for Rwanda; Major General Guy Tousignant, Force Commander; Mr. Samuel Buo, Acting Executive Director; Ms. Isel Rivero, Special Assistant to the Special Representative.

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3. As agreed by the Joint Commission at the previous meeting, a closed session was held prior to the regular meeting. The closed session was attended by the Heads of both Delegations as well as by Col. Mugambage and Major General Tousignant.

4. Mr. Gasana opened the regular meeting by thanking the Special Representative for the spirit of cooperation and frankness that had permeated the closed session. He then read out the five points on which final agreement had been reached concerning the future UNAMIR mandate (copy attached).

5. Mr. Gasana then indicated that the Rwandese Government representatives had submitted the figures on the number of troops which the Government considered commensurate with the mandate agreed to. He expected that after consultations with the Secretary General, the Special Representative would inform the Joint Commission of the results. Mr. Gasana indicated that the Joint Commission had now concluded its work but that lines of communication would remain open should any of the parties consider that another meeting was necessary.

6. The Special Representative expressed his full satisfaction with the manner in which the Joint Commission's work had proceeded in the spirit of openness and collaboration, as the Commission had sought to reach a common ground in order to facilitate the work of the Security Council. He referred to his previous statements that all along he had agreed that the changed circumstances prevailing in Rwanda should be reflected in UNAMIR's mandate. He had also pointed out that any future presence of UNAMIR in Rwanda would


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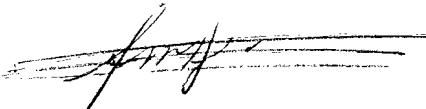
have to be under Chapter VI of the United Nations Charter.

7. The Special Representative indicated that he would be conveying the agreement reached to United Nations Headquarters. Ambassador Khan also indicated his appreciation for having received from the Government the figures on the number of troops; these would be studied and given careful consideration bearing in mind that a substantial reduction was warranted.

8. The Special Representative also took note of the Government's expressed views regarding the length of the future mandate which would end after six months. The future mandate ought to be seen as a United Nations effort to support the people of Rwanda and its Government, in partnership, to find solutions to the many problems facing the country and its citizens. He agreed that though the Joint Commission had finished its work, the lines of communication would remain open.

The meeting rose at 12:30.

  
Isel Rivero, SA/SRSG/UNAMIR

  
Faustin Musare CC/MI/RW



NOTE

31 May 1995

TO: Mr. Faustin Musare, *Mr. Faustin Musare*  
Ministry of Interior

FROM: Isel Rivero *[Signature]*  
Special Assistant to the  
Special Representative of the  
Secretary General

SUBJECT: Minutes of the Joint Presidential Commission on  
UNAMIR's mandate

Please refer to my note of 19 May 1995. I am still awaiting  
your inputs for finalization of the minutes.

Kindly reply as soon as possible in order to be able to  
complete our work.

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**DECLARATION DU GOUVERNEMENT RWANDAIS SUR LE RAPPORT DE  
LA COMMISSION INTERNATIONALE INDEPENDANTE D'ENQUETE SUR  
LES EVENEMENTS DE KIBEHO**

A la suite des événements tragiques qui ont conduit à la perte de vies humaines à Kibeho entre le 18 et 23 Avril 1995, le gouvernement rwandais a mis sur pied une Commission Internationale Indépendante d'Enquête chargée de déterminer :-

- I. Dans quel contexte a été prise la décision de fermer les camps en particulier celui de KIBEHO - et notamment:
  - De quelles informations disposait-on sur la situation des milices à l'intérieur des camps?
  - Le Gouvernement avait-il consulté au préalable les différents partenaires intéressés par cette question?
  - L'objectif de l'opération de fermeture: élimination physique des gens, sur base ethnique, en particulier?
- II. Comment s'est déroulée l'opération à partir du 18/04/1995 et qu'est-ce qui s'est exactement passé au cours de la nuit du 22 - 23 avril 1995.
- II. Quel a été le rôle ou les limitations et le comportement de l'armée rwandaise, de la MINUAR, des ONGs et quel a été le rôle de la milice? Qui est, en définitive, responsable des morts de Kibeho? Et combien sont-ils?

La Commission Internationale Indépendante d'Enquête a présenté son rapport au Gouvernement le 18 mai 1995.

Ladite Commission a travaillé en totale indépendance et a bénéficié de l'assistance des autorités Rwandaises, des Agences des Nations Unies, des Organisations Non Gouvernementales et des particuliers. La Commission a bénéficié de la part du Gouvernement Rwandais le libre accès à tout le territoire ainsi qu'à toute information dont elle avait besoin. Elle était constituée de membres provenant de l'Allemagne, de la Belgique, du Canada, des Etats-Unis d'Amérique, de la France, des Pays-Bas, du Royaume - Uni, de l'Organisation des Nations Unies, de l'Organisation de l'Unité Africaine et du Rwanda.

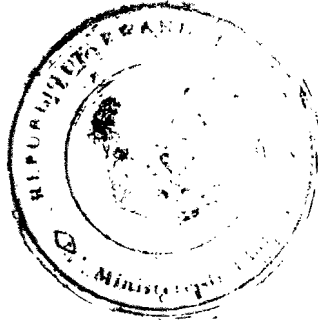
Après un examen complet du contenu du rapport, le Gouvernement rwandais voudrait exprimer sa gratitude à tous les pays et Organisations qui ont promptement répondu à l'invitation de participer à la Commission. Le Gouvernement apprécie le sérieux et l'objectivité de l'analyse qui transparaissent dans le rapport.

Le Gouvernement rwandais prend acte des conclusions et recommandations de la Commission et réitère son engagement à les mettre en pratique. En particulier, le gouvernement poursuivra sa décision, déjà connue, de conduire sa propre enquête sur les individus éventuellement responsables pour s'assurer que des erreurs soient évitées dans le futur et que, le cas échéant, des agissements criminels soient poursuivis et réprimés.

Par la même occasion, le Gouvernement rwandais voudrait aussi faire appel aux autres parties nommées dans le rapport, de reconnaître et d'accepter leur responsabilité dans ces tragiques événements.

Le Gouvernement rwandais demande, enfin, à la Communauté Internationale d'accorder une attention particulière aux résultats de la Commission Internationale Indépendante d'Enquête et d'appuyer ses efforts et sa politique visant à promouvoir la justice, la paix et la sécurité, ainsi que la réconciliation et reconstruction nationales.

Fait à Kigali, le 26 Mai 1995



UNITED NATIONS  
ASSISTANCE MISSION FOR RWANDA



NATIONS UNIES  
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

OUTFOX 3754

OUTGOING FAX

MIR NO: 1802  
MISC NO:

TO: MR. IQBAL RIZA UNATIONS, NEW YORK	FROM: ISEL RIVERO, SA/SRSG, UNAMIR KIGALI
FOR: AMBASSADOR S. KHAN SRSG, UNAMIR	
FAX NO: 963 6460	DATE: 29 MAY 1995
AUTHORIZED BY:	PHONE: 212-963-3582 FAX NO: 212-963-3090
SECTION: OSRSG, UNAMIR, RWANDA	
SUBJECT:	

PAGE 1 OF 3

Please find attached the official copy of the Rwandese Government Declaration on the report of the International Independent Commission of Inquiry.

Regards.

SA/OSRSG.

95 MAY 29 17 36  
UNAMIR

**DECLARATION DU GOUVERNEMENT RWANDAIS SUR LE RAPPORT DE  
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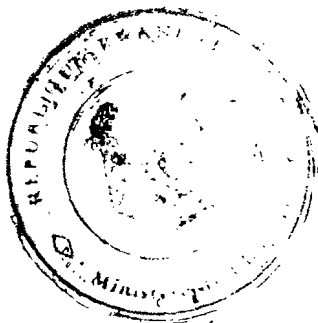
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Fait à Kigali, le 26 Mai 1995





*Agas*  
*not used*  
*but file with*  
*other material*  
*on incident*  
25 May 1995

**Your Excellency,**

The Special Representative of the Secretary-General presents his compliments to the Prime Minister of the Republic of Rwanda and has the honour to convey the following information regarding the alleged provision of assistance to two Rwandese nationals by UNAMIR against the laws of Rwanda.

On 14 May 1995, at about 06:00 hours, two Rwandese nationals sought protection at a UNAMIR location manned by Zambian troops in the Rwamiko area. They identified themselves as Faustin Nduwimana and Ngabo Yves Bizimungu, and claimed to be part of the mass flight of people from Kibeho camp during the incidents of 22 April 1995. Further questioning revealed that Nduwimana was a Second Lieutenant in the former Government Forces, and that Bizimungu was the son of a former Rwandese Minister of Health.

These individuals agreed to be interviewed by UNAMIR regarding the incident at Kibeho camp and to give information about FRGF/Interhamwe activity in the camps. UNAMIR asked the individuals if they wished to give evidence before the International Commission investigating the events of 22 April 1995 at Kibeho camp. They volunteered to give evidence before that Commission. Accordingly, they were brought to Kigali in a helicopter, kept in UNAMIR custody and interviewed by the Commission on 15 May 1995.

After appearing before the Commission they were questioned by UNAMIR personnel to establish if they had committed any crimes with a view to handing them to the Government if they were suspected in accordance with established procedures. After investigation it could not be established that they were implicated in the genocide.

At that stage, because no criminal guilt was suspected, they were not handed over to the civil authority. They were further informed that UNAMIR could not offer indefinite protection and were therefore offered the choice of being taken to the Rwandan civil authority or being allowed to go free. They initially requested to be taken to Zaire, via Burundi, however, this request was refused outright by UNAMIR. They then requested to be taken to the Ruhengeri area. It was assumed that this was the area of their home commune and therefore the request was approved. They were taken by helicopter to Mutura (TUNBATT HQ) and released.

**H.E. Mr. Faustin Twagiramungu**  
**Primer Minister of Rwanda**  
**Kigali**



UNAMIR MINUAR

- 2 -

It is thus not correct to conclude from the above that UNAMIR has close ties, or any ties at all, with the former Government forces or with **"Interhamwe"**. Nor did UNAMIR knowingly give any assistance to enemies of the Rwandese Government or lend them any UNAMIR uniforms. And, certainly, UNAMIR could not have assisted them to escape from prison in Butare. These allegations are totally unfounded.

The decision to transport them by helicopter from Gikongoro to Kigali and then from Kigali to Mutura was taken without consultation with me. Although the decision seems to have been taken in good faith for the purpose of assisting the work of the Kibeho Commission and of assisting the two men to return to their home communes after giving evidence before the Commission, I am conducting a detailed inquiry into that in order to take any appropriate measures.

But it should be quite clear from the foregoing that this incident does not demonstrate any hostile action or intention towards Rwanda on the part of UNAMIR. I would like to assure Your Excellency that there are absolutely no hostile intentions on our part towards your Government.

Please accept, Excellency, the assurances of my highest consideration.

**Shaharyar M. Khan**  
**Special Representative**  
**of the Secretary-General for Rwanda**

**cc: President of Republic of Rwanda**  
**Vice-President of Republic of Rwanda**





*As amended  
BCI*

25 May 1995

Your Excellency,

*from Radio Rwanda allegations have been made  
in recent radio broadcasts, allegations have been made*

The Special Representative of the Secretary-General presents his compliments to the Prime Minister of the Republic of Rwanda and has the honour to convey the following information regarding the alleged provision of assistance to two Rwandese nationals by UNAMIR against the laws of Rwanda. *I would like this opportunity of present informing you of the factual persons.*

On 14 May 1995, at about 06:00 hours, two Rwandese nationals sought protection at a UNAMIR location manned by Zambian troops in the Rwamiko area. They identified themselves as Faustin Nduwimana and Ngabo Yves Bizimungu, and claimed to be part of the mass flight of people from Kibeho camp during the incidents of 22 April 1995. Further questioning revealed that Nduwimana was a Second Lieutenant in the former Government Forces, and that Bizimungu was the son of a former Rwandese Minister of Health. *UNAMIR did not have in contact with these persons before*

These individuals agreed to be interviewed by UNAMIR regarding the incident at Kibeho camp and to give information about FRGF/Interhamwe activity in the camps. UNAMIR asked the individuals if they wished to give evidence before the International Commission investigating the events of 22 April 1995 at Kibeho camp. They volunteered to give evidence before that Commission. Accordingly, they were brought to Kigali in a helicopter, kept in UNAMIR custody and interviewed by the Commission on 15 May 1995.

After appearing before the Commission, they were questioned by UNAMIR personnel to establish if they had committed any crimes with a view to handing them to the Government if they were suspected in accordance with established procedures. After investigation, it could not be established that they were implicated in the genocide.

At that stage, because no criminal guilt was suspected, they were not handed over to the civil authority. They were further informed that UNAMIR could not offer indefinite protection and were therefore offered the choice of being taken to the Rwandan civil authority or being allowed to go free. They initially requested to be taken to Zaire, via Burundi, however, this request was refused outright by UNAMIR. They then requested to be taken to the Ruhengeri area. It was assumed that this was the area of their home commune and therefore the request was approved. They were taken by helicopter to Mutura (TUNBATT HQ) and released.

H.E. Mr. Faustin Twagiramungu  
Primer Minister of Rwanda  
Kigali



UNAMIR-MINUAR

- 2 -

*UNAMIR  
certainly had no hand in  
the escape from Butare Jail*

It is thus not correct to conclude from the above that UNAMIR has close ties, or any ties at all, with the former Government forces or with "Interhamwe". Nor did UNAMIR knowingly give any assistance to enemies of the Rwandese Government or lend them any UNAMIR uniforms. And, certainly, UNAMIR could not have assisted them to escape from prison in Butare. These allegations are totally unfounded.

*the two persons*  
The decision to transport them by helicopter from Gikongoro to Kigali and then from Kigali to Mutura was taken without consultation with me. Although the decision seems to have been taken in good faith for the purpose of assisting the work of the Kibeho Commission *of Butare* and of assisting the two men to return to their home communes after giving evidence before the Commission, I am conducting a detailed inquiry into *the incident* ~~(that in order to take any appropriate measures)~~.

*It would be*  
~~But it should be quite~~ clear from the foregoing that this incident does not demonstrate any hostile action or intention towards Rwanda on the part of UNAMIR. I would like to assure Your Excellency that there are ~~absolutely no hostile intentions on our part towards your Government.~~  
*if UNAMIR's continued cooperation with you is*

Please accept, Excellency, the assurances of my highest consideration.

**Shaharyar M. Khan**  
Special Representative  
of the Secretary-General for Rwanda

cc: **President of Republic of Rwanda**  
**Vice-President of Republic of Rwanda**

ROUTING SLIP

FICHE DE TRANSMISSION



UNITED NATIONS ASSISTANCE MISSION  
IN RWANDA  
(UNAMIR)

TO: Ms. Rivero

A:

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FOR APPROVAL	<input type="checkbox"/>	POUR APPROBATION
FOR SIGNATURE	<input type="checkbox"/>	POUR SIGNATURE
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Date:

22/6

FROM:  
DE:

K. Scott

**REPORT OF THE INDEPENDENT INTERNATIONAL COMMISSION  
OF INQUIRY ON THE EVENTS AT KIBEHO  
APRIL 1995**

An outbreak of violence at the camp for internally displaced persons (IDPs) in Kibeho (south-western Rwanda) on 22nd April 1995, which resulted in a considerable number of deaths, has aroused shock and horror both in Rwanda itself and the international public. Diverging accounts were given of what exactly had happened, of the numbers of casualties and of the responsibilities of different parties.

In a speech on 27th April 1995, the President of the Rwandese Republic, Mr. Pasteur Bizimungu, announced the establishment of an independent International Commission of Inquiry and invited Belgium, Canada, France, Germany, the Netherlands, the United Nations organization and the Organization of African Unity to participate, together with Rwanda, in the work of the Commission. President Bizimungu set out a number of questions (see below) concerning the Kibeho incident, to which the Commission was to answer and which were to serve as Terms of Reference (TR).

The Commission was formally established in Kigali on 3rd May 1995 and it held its first working session on 8th May 1995 with the following members present:

- Mr. Marc Brisset-Foucault, Prosecutor (France)
- Mr. Bernard Dussault, Diplomat (Canada)
- Mr. Koen de Feyter, Professor of International Law (Belgium)
- Mr. Karl Flittner, Diplomat (Germany)
- Mr. Ataul Karim, Diplomat (United Nations organizations)
- Dr. Ashraf Khan, Forensic Pathologist (United Kingdom)
- Mr. Maurice Nyberg, Lawyer (United States of America)
- Colonel-Major Abdelaziz Skik, military expert (Organization of African Unity)
- Ms. Christine Umutoni, lawyer (Rwanda)
- Mr. Ernst Wesselius, Prosecutor (the Netherlands)

In its first working meeting, the Commission appointed by consensus Colonel-Major Skik as its President, Mr. Dussault as its Vice-President and Mr. Wesselius as its Secretary/Rapporteur.

The Commission was assisted in its work by:

- Mr. Claude Cozar, Prosecutor (France)
- Mr. Ron Newman, Criminologist (Canada)
- Mr. Jan Wilken, Criminologist (the Netherlands)

as well as by representatives of different ministries of the Government of Rwanda in their capacity as expert advisers.

On the basis of numerous interviews with witnesses of the events, held in Kigali, Kibeho and Butare between 10th and 17 May 1995, several visits to the site and forensic investigation research in the Kibeho area, as well as briefings given by UN and Rwandan officials, the Commission hereby submits its report to the President of the Republic of Rwanda on May 18th 1995.

I.

- a. IN WHICH CONTEXT WAS TAKEN THE DECISION TO CLOSE THE CAMPS, AND WHAT ABOUT THIS VERY ONE (KIBEHO)?
- b. ESPECIALLY, WHAT INFORMATION ABOUT MILITIA IN THE CAMPS WAS AVAILABLE?
- c. BEFORE PROCEEDING WITH THE CLOSURE DID THE GOVERNMENT CONSULT VARIOUS PARTNERS INVOLVED IN THIS MATTER?
- d. WAS THE CLOSURE OPERATION AIMED TO ELIMINATE A CERTAIN CATEGORY OF PEOPLE, ESPECIALLY ONE ETHNIC GROUP?

Following the assassination of the Presidents of Burundi and Rwanda in the vicinity of Kigali Airport on 6th April 1994, a genocide began which would cost the lives of several hundred thousand Rwandans. A civil war started which would lead to the liberation of the country and the establishment of a national coalition government on 19 July 1994.

During those sad months, Rwanda saw both its material and social infrastructure practically destroyed. Kigali city had no more than some tens of thousand of inhabitants and a large part of the Rwandan people were refugees in Zaire, Tanzania and Burundi or were displaced within the country. In addition of hundreds of thousands were dead. Administrative buildings had been pillaged, damaged and sometimes destroyed and services (water, electricity, communications, social) were nonexistent. The Government found itself faced with an enormous and complex task, compounded by the problems of bringing the perpetrators of genocide to justice.

As soon as the Government was instituted it could see, as could the international community, that one of the priorities had to be the return of refugees and displaced persons to their home communes. The return of these people was necessary and urgent in order to re-start the Rwandan society and economy, to relieve the destabilizing pressure of the presence of these refugees throughout the region and also for reasons of national security. Indeed, it appeared obvious that as long as these refugees and displaced persons were not re-integrated into Rwandan society they would constitute a threat to security of the Rwanda and a permanent social burden.

At that time, the international community saw the importance of assisting Rwanda to instill a feeling of security in the country so as to facilitate the return of refugees and displaced persons. Upon the request of the Rwandan Government the United Nations Assistance Mission in Rwanda (UNAMIR), with a contingent of more than 5,500 troops, was deployed with this intention already in early September 1994. In the course of the same month, international cooperation was mobilized in order to rehabilitate certain infrastructures. Discussions were begun with neighboring countries, the OAU, the UN and particularly with UNHCR in order to organize a conference on refugees and displaced persons. Studies were also begun jointly by Rwandans and international experts with a view to preparing a national plan of action which could be supported by donors. The plan in question was submitted in January 1995 in Geneva and the international community responded by pledging some USD 600 million of the USD 780 million requested.

All these initiatives made possible a steady and significant return of refugees and displaced persons to their communes. Rwanda began normalizing and, over the months, the Capital re-established its population and its activities. Many peasants returned to their communes and a sizable population inhabits Rwanda today. It was still important, however, that all refugees and displaced persons should return home. Unfortunately, a significant number of refugees outside the country and internal by displaced persons (IDPs) in camps located in the former protected zone in southern Rwanda refused to return voluntarily for reasons of security, but also because many of these camps were infiltrated by genocidal criminal elements, groups of militia-men and re-grouped military. There was fear of eventual re-arming; military training was observed to take place. Another factor was that refugees and IDPs gradually became dependent on living conditions provided in the camps.

In December 1994, there still remained within the country 38 IDPs camps and Kibeho camp appeared to be a center of hostility and a threat to internal security.

UNAMIR, in consultation with the Government, decided to launch "Operation Hope" in order to disarm Kibeho. While UNAMIR searched for arms within the camp, the Rwandese Patriotic Army (RPA) maintained a security cordon on the outside. This operation, which had worried humanitarian organizations, proceeded well, without loss of life. It sent a clear message to those inside Kibeho camp that the Rwandan Government as well as the international community would not accept subversion at Kibeho camp.

There was still an urgent need to close the IDPs camps. The Rwandan Government announced the final closure of the camps by the end of December 1994. The discussions that followed between the Rwandan Government and UNAMIR led to the launching of Operation Return.

With a view to supporting Operation Return, a working group was established with the assistance of UNAMIR, including government authorities, United Nations' Agencies and the NGO's, for the purpose of defining and developing policies and strategies concerning IDPs with a view to putting forward as soon as possible a plan of action to make possible the return of these people to their home communes. In order to facilitate the task of the working group and to oversee the implementation of the action plan, the Integrated Operation's Center (IOC) was established and in March 1995, 21 persons were employed there full time and 38 persons part-time.

The first formal meeting of the IOC working-group was held on 6th February 1995. Operation Return was reviewed and it was agreed as of then to launch Phase II, the initial operation having had some success but beginning to run out of steam.

In the meantime, faced with the urgency of the situation and the deterioration of security within the camps, the international community, with the support of OAU, the UNHCR as well as many individual countries, agreed to the terms of reference of a conference on refugees and displaced persons in the Great Lakes area, to be held in Bujumbura, from 12th to 17th February 1995. A plan of action was adopted at the end of the Ministerial Conference. Those components concerning Rwanda were as follows:

**Measures to be taken by Rwanda:**

(para 23, Sub para b):

" To continue to broadcast solemn declarations by all competent authorities involved in welcoming in dignity and security, refugees and displaced persons within its national borders. "

(Sub. para d):

" To continue to fully cooperate in the context of a coordinated, humanitarian strategy and making good use of functions of the Integrated Operations Center, with the UN agencies and the NGO's in order to facilitate the voluntary return of persons displaced within its national borders. "

**Measures to be taken by the International Community:**

(para 30, Sub. para a):

" To support and encourage activities in Burundi and Rwanda which encourage the process of national reconciliation and the voluntary return of displaced persons and refugees to their home communes. "

On 20th February 1995, the IOC working group could but observe that very few IDPs had returned to their communes in the preceding week.



On 27th February 1995, the IOC working group noted that Operation Return was no longer yielding satisfactory results, that IDPs did not want to go home, that Kibeho camp was a source of insecurity and that the publicity campaign was not yielding the expected results. The conclusion was reached that Kibeho was becoming a criminals' sanctuary and that there was no final strategy to have the IDPs return home.

In the course of the month of March 1995, the question of security continued to dominate Operation Return. The operation was paralysed by questions of security in the communes, in the camps and in the country. This increased the urgent need that something had to be done.

On 6th March 1995, it was agreed officially that 37,000 persons had been transported to their home communes and that a similar number had gone home by foot. It was also agreed that of that number, 60% had stayed home. Finally, it was noted that there remained 250,000 IDPs, and of that number 120,000, were then in Kibeho.

In view of the new importance of Kibeho camp, of the insecurity, the continued dependency of the IDPs on relief and of the growing impatience of the Government vis-à-vis these camps and the international community, it had become urgent to review the situation. Many options were discussed on 6th March 1995; more specifically the five following possibilities were considered:

1. Closure, as soon as possible and by all possible means.
2. Voluntary return and the closure of some camps while keeping one or two.
3. Moving the displaced persons to smaller camps in the vicinity of their home communes.
4. Reorganization of existing camps by grouping people from the same home commune.
5. Photographic record of all displaced persons and regrouping in four permanently patrolled camps.

At the meeting of 9th March 1995, the IOC agreed on the need to close the camps and the five options were reviewed.

On 15th March 1995, a strategy was worked on to cover both national security concerns and the need for the return of displaced persons to their home communes. It was agreed to improve reintegration facilities and security in communes; in the camps, it was agreed to increase security and improve the publicity campaign, to arrest intimidators and those who had participated in the genocide. Finally, a proposal was made to register IDPs, to have them move by foot and by vehicle and to end the distribution of food. The

operation would end after 4 weeks with the systematic interrogation of persons remaining in the camps. This strategy, after acceptance by the Government, would be set in motion at most a week after its approval.

On 20th March 1995, the urgent need to close the camps was stressed.

On 27th March 1995, the Prefect of Gikongoro stated that, for reasons of public order, he could no longer accept the presence of camps in his prefecture.

In its information bulletin of 27th March 1995, the IOC stated that the Government had reiterated its desire to see IDPs back home as soon as possible. It is interesting to note that at that time the figure of 84,000 was used for the number of people in Kibeho.

At the time of that IOC meeting the representative of the IOC declared that it would be unfortunate to begin the operation as decided within a fortnight because it would coincide with the 6th April 1995, the day of the first anniversary of the start of the genocide, and that it would therefore be preferable to postpone it for a week.

The meeting of 2nd April 1995 served to clarify certain components, including transport of refugees and curfew in the camps.

In a document signed by the Chairman of the Task Force of the IOC, dated 15th April 1995, it was noted that at the 3rd April 1995 meeting, it was decided to identify cooperation mechanisms between the armed forces, UNAMIR and Human Rights observers with regard to the operation as well as to arrest and detention procedures. It was also agreed that all members of the working group were ready to launch the operation.

In support of the strategy to close the camps, at the request of the Minister of Rehabilitation and Social Integration and of the Minister of Interior, and after consulting with the President, the Vice President/Minister of Defence decided to deploy the armed forces to surround the remaining eight IDPs camps, including Kibeho.

There is no evidence to suggest that the operation was intended to eliminate a certain category of people, especially those belonging to one ethnic group.

II - HOW WAS THE OPERATION CARRIED OUT SINCE 18th APRIL AND  
WHAT ACTUALLY HAPPENED FROM THE 22nd TO THE 23d APRIL 1995?

During the night of the 17th to the 18th April 1995 the RPA surrounded the remaining IDPs camps, including the Kibeho camp. At Kibeho, the frightened IDPs moved into the area between Zambian Company Headquarters and the Zambian platoon compound ("Zambatt"). There is conflicting evidence as to whether they moved voluntarily or were coerced to move.

According to both the RPA and UNAMIR witnesses, there was sporadic gunfire. On the morning of the 18th, witness testimony agreed that a stampede resulted in the death of 8 to 11 children.

On the 19th April 1995, the RPA Chief of Staff and the UNAMIR Deputy Force Commander visited the camp to explain the situation. Many IDPs indicated that they were willing to go home. The slow progress of the registration procedure and the lack of transport added to the problems.

During the 19th-20th April 1995, approximately 5000 IDPs were searched and successfully registered by the RPA and other Government agencies and transported to their home communes by UNAMIR. During the process of registration, some of the IDPs were identified as having participated in the genocide by some witnesses.

Over this period, the sanitary and other living conditions in the camp deteriorated drastically.

Generally, there was no intimidation or violence directed at the IDPs by the RPA, nor hostility by the IDPs towards the RPA. There is some evidence of hostility among IDPs. In a few instances, IDPs threw stones at the RPA and, according to some reports, tried to snatch RPA weapons, which resulted in RPA opening fire and killing between 13 and 22 IDPs.

The limited delivery of food, water and general facilities were used as an incentive for IDPs to leave the camp.

In the late afternoon of the 20th April 1995, it started to rain. This affected road conditions and worsened the transportation problems.

Around midday of the 22nd April 1995, a large group of IDPs broke through the cordon in the vicinity of the Zambatt positions. According to RPA witnesses there was firing from among the IDPs and the RPA suffered casualties. IDPs continued to run down the side of the hill into the valley. The RPA responded by firing into the crowd. There is agreement that automatic rifles and machine guns were employed. Numerous IDP casualties resulted.

After the incident the cordon was re-established. In the late afternoon the cordon was breached for a second time, this time to the west of the camp. Large groups of people ran down the valley. RPA witnesses indicated that some IDPs carried rifles and others were armed with traditional weapons such as machetes and stones. RPA witnesses indicated that there was firing from the IDPs which caused casualties to some RPA soldiers. There is evidence that firearms were captured.

The RPA again responded by firing into the crowd causing numerous casualties. It is clear that automatic rifles and machine guns were used. Most witnesses from UNAMIR and from one NGO indicate that heavier weapons such as grenades and rocket propelled grenades were used. There is conflicting UNAMIR testimony on the use of a mortar. It is of interest to note that no physical evidence of mortar fire has been found.

There is evidence to indicate that many suffered injuries from machete, stampede and weapons fire, but the exact proportions cannot be determined. There is agreement that machetes were not used by uniformed personnel but rather by civilians.

UNAMIR witness testimony indicates that a number of summary executions of IDPs by RPA soldiers took place.

During the night of the 22nd April 1995, there was sporadic fire around the Kibeho camp area including, according to some UNAMIR and RPA sources, sniper fire from the IDP compound over the Zambatt Company Headquarters. UNAMIR soldiers were unable to respond because of an inability to distinguish between hostile and non-hostile targets. There were also machete attacks among the IDPs.

UNAMIR witnesses indicate that RPA soldiers were burying bodies in pit latrines and shallow graves. Approximately 15 latrines were examined by the Commission and in one of them the body of one child was found. RPA witnesses indicate that bodies washed up in rain after the incident and were subsequently reburied.

The scientific evidence corroborated other evidence that bodies related to the Kibeho incident had been buried outside the Kibeho camp. In the bodies identified, the cause of death ranged from machete, firearm injuries and findings consistent with trampling and hunger. Due to logistic and time constraints, it was not possible to determine the exact number of fatalities but it is apparent that the numbers are more than those formally counted in the Kibeho camp.

It is interesting to note the unusual discrepancy between the various initial counts and estimates of fatalities and the actual number of non-fatal casualties, suggesting over-estimation in the initial fatality counts and estimates.

III a. WHAT WAS THE ROLE, THE LIMITATIONS AND THE BEHAVIOUR OF THE RWANDESE ARMY, THE NGOs AND UNAMIR?

The Commission finds that the operation of the Government of Rwanda to close the IDP camps was well-planned but that failures occurred in the implementation and ensuing panic. The reactions of the RPA soldiers to the threat at that stage were disproportionate and, therefore, violative of international law. The RPA did not distinguish between hostile and non-hostile targets and indiscriminate fire by the RPA soldiers occurred. There are credible indications that individual RPA soldiers committed summary executions.

The following circumstances contributed to the behavior of the RPA :

1. Deficiencies in Communication Systems

Within the RPA, radios exist at best at the level of the Company Commander and above. The RPA relies on couriers and word-of-mouth to communicate information up the chain-of-command and orders back down. In a crisis situation that changes quickly, it can be very difficult for commanding officers to remain in control.

2. Deficiencies in Equipment

The RPA has limited means with which to apply force. The RPA uses presence as a form of deterrence and firing in the air as a means of non-lethal force. When these methods are exhausted, there exists an escalation to deadly force. Such methods as tear gas, water cannons, rubber bullets and batons and shields as used for crowd control are not available within the RPA.

3. Deficiencies in Training

The RPA is trained as a guerilla army and not in law enforcement and security techniques.

4. Deficiencies in Experience

The RPA has never engaged in a similar operation of this kind. Once the operation unfolded, soldiers relied on a background of little relevance to the problem of separating hostile from non-hostile forces.

5. Foreseeability

Given the background of genocide, the insecurity in the camp and surrounding area, the unwillingness of people to leave the camp, and examples of hostility towards the RPA from within the camp, it is suggested that the RPA command failed to appreciate the determination with which hard-core elements would refuse to leave the camp voluntarily.

NGOs

There are credible indications that some NGOs actively contradicted the policies of the Government of Rwanda by encouraging IDPs to remain in Kibeho camp and by pursuing discriminatory hiring practices. Moreover, the decision of a number of NGOs not to cooperate with the closure operation once it began exacerbated the humanitarian crisis.

UNAMIR

The mandate of UNAMIR requires it to :

Contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance where feasible of secure humanitarian areas.

UN Security Council Resolution 965 (1994).

This mandate requires UNAMIR to protect displaced persons against risks from whatever source, including from the IDPs themselves. There is strong evidence that hard-core criminal elements existed within UNAMIR protected zones where they engaged in intimidation and acts of violence. UNAMIR did not respond adequately to this situation.

### III b. WHAT WAS THE PART PLAYED BY THE MILITIA?

There was very strong evidence that over the months that preceded the camp closure operation, there was a heavy build-up of what is known in Rwanda as hard-core elements. By hard-core elements, the Commission means extremists who most likely were deeply involved in criminal activities. The Commission found numerous indications of the widespread use of machetes and other traditional weapons in acts of violence and of a number of firearms within the camp population.

The activities of these hard-core elements ranged from verbal intimidation to physical violence and were instrumental in creating an atmosphere of panic among the IDPs culminating on 22nd of April 1995. The Commission was not able to obtain specific information on the organization and structure of these hard-core elements.

### CONCLUSIONS

#### (III c. WHO IS ACTUALLY RESPONSIBLE FOR THE DEATHS IN KIBEHO?)

1. In the opinion of the Independent International Commission of inquiry, the tragedy of Kibeho neither resulted from a planned action by Rwandan authorities to kill a certain group of people, nor was it an accident that could not have been prevented.
2. The Commission recognizes the legitimate interests of the Rwandan Government and of the international community to have the displaced persons camps closed as quickly as possible, both for reasons of national security and in order to remove an important obstacle to the country's efforts to recover from the devastating effects of last year's genocide.
3. The Commission recognizes the efforts made by UN Special Representative, UNAMIR, the Government of Rwanda and other organizations to keep the situation at Kibeho under control.
4. The Commission regrets that UN Agencies and NGOs were not able to contribute more efficiently to the speedy evacuation of IDPs from the camp.

5. There is sufficient reliable evidence to establish that, during the events at Kibeho camp between the 18th and the 23rd April 1995, unarmed IDPs were subjected to arbitrary deprivation of life and serious bodily harm in violation of human rights and humanitarian law committed by RPA military personnel.
6. There is sufficient reliable evidence to establish that, during the events at Kibeho camp between the 18th and the 23rd April 1995, unarmed IDPs were subjected to serious human rights abuses, including arbitrary deprivation of life and serious bodily harm, committed by armed elements among the IDPs themselves.

#### **RECOMMENDATIONS**

1. The Commission welcomes the initiative taken by the Rwandan Government to carry out an investigation at the national level.

The Commission calls upon the Rwandan authorities to carry out an analysis of mistakes which occurred in the preparation and handling of the closure of the camps, as well as a thorough, prompt and impartial investigation of individual responsibilities within its armed forces and any other factors which may have contributed to the event.


2. In the future, high priority should be given to improving the capability of Rwandan State and local authorities to react adequately and within the internationally recognized framework of human rights and of humanitarian law to situations of social tension and emergency.
3. The Commission recommends to the international community to continue encouraging and assisting the Rwandan Republic in its efforts to achieve justice, national reconciliation and reconstruction.

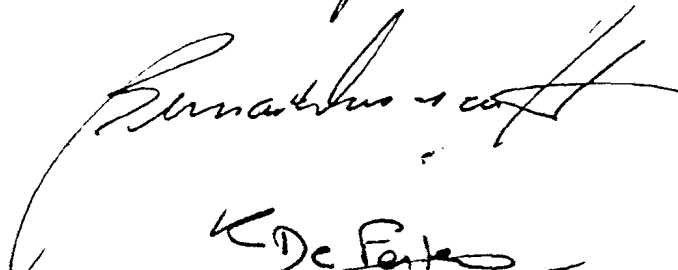


4. The Commission calls on the United Nations system to review its chain-of-command and its operation procedures to make sure that in the future an entire operation is not held hostage or bogged down by one or several agencies and organisations with limited mandates and responsibilities.

Done at Kigali,

on the 18th of May 1995

  
Angi  
Ami  
Audehan  
W. Zunt

GM  
  
K. De Foye  
Karl Fithner  
Mannichyberg

**UNITED NATIONS ASSISTANCE MISSION  
IN RWANDA  
(UNAMIR)**TO: *Ms. I Rivero*

A:

FOR ACTION	<input type="checkbox"/>	POUR SUITE A DONNER
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*French Copy of the  
Report of the Inquiry*

Date:

*23/5*

FROM:

DE:

*K. Scott*

**RAPPORT DE LA COMMISSION INTERNATIONALE  
D'ENQUETE INDEPENDANTE  
SUR LES EVENEMENTS DE KIBEHO**

**AVRIL 1995**

Un accès de violence au camp de personnes déplacées de l'intérieur de Kibeho (Sud ouest du Rwanda) le 22 avril 1995, qui a causé un nombre considérable de morts, a choqué et a soulevé l'horreur aussi bien au Rwanda lui-même et que dans le public international. Des récits divergeants ont été donnés sur ce qui s'était réellement passé, sur le nombre de victimes et sur les responsabilités des différentes parties en cause.

Dans son discours du 27 avril 1995, le Président de la République Rwandaise, Mr. Pasteur Bizimungu a annoncé l'établissement d'une Commission internationale d'enquête indépendante et a invité la Belgique, le Canada, la France, l'Allemagne, les Pays-Bas, le Royaume Uni, les Etats Unis d'Amérique, l'Organisation des Nations Unies et l'organisation de l'Unité Africaine ainsi que le Rwanda à prendre part aux travaux de la Commission. Le Président Bizimungu a établi plusieurs questions (voir ci-dessous) concernant l'incident de Kibeho, auxquelles la Commission devait répondre et qui ont servi de mandat.

La Commission a été formellement installée à Kigali le 3 mai 1995 et a tenu sa première session de travail le 8 mai 1995 en présence des membres suivants:

- M. Marc Brisset-Foucault, Procureur (France)
- M. Bernard Dussault, Diplomate, (Canada)
- M. Koen de Feyter, Professeur de Droit International (Belgique)
- Mr. Karl Flittner, Diplomate (Allemagne)
- M. Ataul Karim , Diplomate (Organisation des Nations Unies)
- Dr. Ashraf Khan, Médecin Légiste (Grande Bretagne)
- M. Maurice Nyberg, Juriste (Etats Unis d'Amérique)
- Colonel-Major Abdelaziz Skik, Expert militaire (Organisation de l'Unité Africaine)
- Mlle. Christine Umutoni, Juriste (Rwanda)
- M. Ernst Wesselius, Procureur ( Pays-Bas)

Au cours de sa première réunion de travail, la Commission a nommé par consensus le Colonel-Major Skik comme Président, Monsieur Dussault comme Vice-Président et Monsieur Wesselius comme Secrétaire-Rapporteur.

La Commission a été assistée dans ses travaux par

- M. Claude Cozar, Procureur (France)
- M. Ron Newman, Criminologue (Canada)
- M. Jan Wilken, Criminologue (Pays-Bas)

ainsi que par des représentants de différents ministères du gouvernement du Rwanda en qualité d'experts-conseils.

A partir de nombreuses auditions de témoins des événements, qui se sont tenues à Kigali, Kibeho et Butare entre les 10 et 17 mai 1995, plusieurs visites sur le site et des investigations et recherches medico-légales dans la zone de Kibeho, ainsi que des réunions de travail avec des responsables officiels des Nations Unies et Rwandais, la Commission a l'honneur de soumettre son rapport au Président de la République du Rwanda le 18 mai 1995.

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- I.
- a. DANS QUEL CONTEXTE A ETE PRISE LA DECISION DE FERMER LES CAMPS ET EN PARTICULIER CELUI-CI (KIBEHO)?
  - B. PLUS PARTICULIEREMENT DE QUELLES INFORMATIONS DISPOSAIT-ON SUR LA SITUATION DES MILICES A L'INTERIEUR DES CAMPS?
  - c. LE GOUVERNEMENT AVAIT-IL CONSULTE AU PREALABLE LES DIFFERENTS PARTENAIRES INTERESSES A CES QUESTIONS?
  - d. L'OBJECTIF DE L'OPERATION DE FERMETURE ETAIT-ELLE L'ELIMINATION D'UNE CERTAINE CATEGORIE DE GENS, SUR BASE ETHNIQUE EN PARTICULIER?

Suite à l'assassinat des présidents du Burundi et du Rwanda dans les environs de l'aéroport de Kigali le 6 avril 1994, un génocide s'est amorcé qui allait coûter la vie à plusieurs centaines de milliers de Rwandais. Une guerre civile s'est déclarée qui a abouti à la libération du pays et à la mise en place d'un gouvernement de coalition nationale le 19 juillet 1994.

Pendant ces tristes mois, le Rwanda a vu son infrastructure tant matérielle que sociale être pratiquement détruite. La ville de Kigali ne comptait plus que quelques dizaines de milliers d'habitants et une grande partie des rwandais s'étaient réfugiés au Zaïre, en Tanzanie et au Burundi ou encore déplacés à l'intérieur du pays. Il y eut en outre des centaines de milliers de morts. Les bâtiments administratifs avaient été pillés, endommagés, parfois détruits et les services publics (eau, électricité, communication et les services sociaux) étaient inexistantes. Le gouvernement se retrouvait devant une tâche énorme et complexe, compliquée par le problème de la traduction en justice des auteurs du génocide.

Dès la mise en place du gouvernement, il lui est apparu, tout comme à la Communauté internationale, qu'une des priorités devait être le retour des réfugiés et des personnes déplacés dans leur commune d'origine. Ces retours étaient nécessaires et urgents pour faire redémarrer la société et l'économie rwandaise, pour alléger la pression destabilisatrice que la présence des réfugiés créait dans toute la région, et également pour des raisons de sécurité nationale. En effet, il apparaissait que, tant et aussi longtemps que ces réfugiés et personnes déplacées ne se réintégraient pas dans la société rwandaise, ils constitueraient une menace pour la sécurité de l'Etat rwandais, et un fardeau social permanent.

D'ores et déjà pour la Communauté internationale, il devenait important d'assister l'Etat rwandais à sécuriser le pays afin de faciliter le retour des réfugiés et déplacés. A la demande du gouvernement du Rwanda, le dispositif d'assistance des Nations Unies au Rwanda a été déployé. La MINUAR avec un contingent de plus de 5 500 hommes fut déployée à cet effet dès le début septembre. Autours de ce même mois, une coopération internationale s'est mobilisée afin de restaurer certaines infrastructures. Des discussions avec les pays limitrophes, à l'OUA, à l'ONU et particulièrement au sein du HCR ont été engagées afin de mettre sur pied une conférence sur les réfugiés et déplacés. Des études ont également été entreprises entre Rwandais et experts internationaux afin d'aboutir à un plan d'action national qui serait susceptible d'être appuyé par les bailleurs de fonds. Ce plan fut présenté à Genève en janvier 1995 et la Communauté internationale a répondu en promettant quelques 600 millions de dollars américains, sur les 780 demandés.

Toutes ces initiatives ont permis un retour régulier et certain des réfugiés et déplacés dans leur commune. Le Rwanda s'est normalisé et au fil des mois la capitale s'est repeuplée et a repris son activité. De nombreux paysans sont revenus dans leur commune et aujourd'hui une population appréciable vit au Rwanda.

Il apparaissait par ailleurs toujours important que tous les réfugiés et déplacés retournent chez eux. Malheureusement, un nombre significatif de réfugiés à l'extérieur du pays et de personnes déplacées des camps situés dans l'ancienne zone protégée au sud du Rwanda, refusaient ce retour volontaire pour des raisons de sécurité mais aussi parce que plusieurs de ces camps étaient noyautés par des éléments criminels génocidaires, des groupes de milices et des regroupements militaires. On s'inquiétait d'un réarmement éventuel; on constatait de l'entraînement militaire. Un autre facteur a été que les réfugiés et les déplacés sont progressivement devenus dépendants des conditions qui leur étaient offertes dans les camps.

En décembre, à l'intérieur du pays, il restait toujours 38 camps de déplacés et le camp de Kibeho apparaissait comme un noyau hostile à la sécurité intérieure.

La MINUAR, de concert avec le gouvernement, décidait l'"Opération Espoir" afin de désarmer Kibeho. Pendant que la MINUAR saisissait des armes à l'intérieur du camp, l'Armée Patriotique Rwandaise (APR) maintenait un cordon de sécurité à l'extérieur. Cette opération, qui avait inquiété les organisations humanitaires s'est bien déroulée, sans que l'on ait eu à déplorer de pertes humaines. L'opération adressait un message clair à ceux qui se trouvaient à l'intérieur du camp de Kibeho, à savoir que le gouvernement rwandais ainsi que la Communauté internationale n'accepteraient pas la subversion dans le camp de Kibeho.

Il y avait néanmoins urgence à fermer les camps de déplacés. Le gouvernement rwandais annonça la fermeture définitive des camps pour la fin décembre 1994. Les discussions qui suivirent entre le gouvernement rwandais et la MINUAR aboutirent à la mise en place de l'"Opération Retour".

Pour appuyer l'Opération Retour et avec l'assistance de la MINUAR, un groupe de travail comprenant les autorités gouvernementales, les agences des Nations Unies, les ONG a été créé afin de définir et de développer des politiques et des stratégies traitant la question des personnes déplacées et d'aboutir dans les meilleurs délais à un plan d'action permettant à ces personnes de réintégrer leurs communes d'origine. Pour faciliter la tâche du groupe de travail et veiller à l'exécution du plan d'action, on créa concurremment l'IOC (Integrated Operation Center) qui, au mois de mars 1995 employait 21 personnes à plein temps et 38 à temps partiel.

La première rencontre formelle du groupe de travail eut lieu le 6 février 1995. On y fit le point sur l'Opération Retour et on y convint qu'il fallait dès maintenant aborder une Phase II, l'opération initiale ayant été un succès mais commençant à s'essouffler.

Entre temps, devant l'urgence de la situation et la dégradation de la sécurité dans les camps, la Communauté internationale avec l'appui de l'OUA, du HCR, des Nations Unies ainsi que de nombreux pays s'entendaient sur des termes de références pour une conférence sur les réfugiés et les déplacés dans la région des Grands Lacs qui se tiendrait à Bujumbura, du 12 au 17 février 1995. A l'issue de cette conférence ministérielle un plan d'action a été adopté. Les événements concernant le Rwanda furent les suivantes:

**Mesures à prendre par le Rwanda:**

para 23 alinéa b: "continuer à diffuser des déclarations solennelles de toutes les autorités compétentes accueillant dans la dignité et la sécurité les réfugiés et les personnes déplacées à l'intérieur du territoire national".

alinéa d: "continuer de coopérer pleinement dans le cadre d'une stratégie humanitaire coordonnée, et tout en mettant à profit le travail du "centre intégré des opérations" avec les institutions de l'ONU et des ONG, afin de faciliter le retour volontaire chez elles des personnes déplacées à l'intérieur du territoire national"

**Mesures à prendre par la Communauté internationale**

para 30. alinéa a: "soutenir et encourager les actions qui au Burundi et au Rwanda, favorisent le processus de réconciliation nationale et le retour volontaire des personnes déplacées et des réfugiés dans leur commune d'origine".

Le 20 Février 1995, le groupe de travail de l'IOC ne pouvait que constater que très peu de personnes déplacées avaient réintégré leur commune au cours de la semaine précédente.

Le 27 février 1995, le groupe de travail de l'IOC constatait que l'Opération Retour ne donnait plus de résultats satisfaisants, que les déplacés ne voulaient pas rentrer chez eux, que le camp de Kibeho était source d'insécurité et que la campagne d'information ne donnait pas les résultats escomptés. On en a conclu que Kibeho devenait un repaire de criminels et que l'on n'avait pas de stratégie définitive pour faire retourner les personnes déplacées dans leur commune.

Au cours du mois de mars 1995, la question de la sécurité continuait à dominer l'Opération Retour. L'Opération fut paralysée par les questions de la sécurité dans les communes, dans les camps et dans le pays, ce qui a renforcé l'urgence de faire quelque chose.

Le 6 mars 1995, on s'accordait pour dire que 37 000 personnes avaient été transportées officiellement dans leur commune et qu'un nombre similaire s'y était rendu à pied. On s'entendait également pour dire que de ceux là 60% étaient restés chez eux. Enfin, on constatait qu'il restait 250.000 déplacés et que sur ce nombre, Kibeho en détenait maintenant 120.000.

Compte tenu de la nouvelle importance du camp de Kibeho, de l'insécurité, de la dépendance des personnes déplacées qui se prolongeait, et de l'impatience grandissante du gouvernement face aux camps et à la Communauté internationale, il devenait urgent de revoir la situation. De nombreuses options furent rediscutées, et plus particulièrement les suivantes:

1. La fermeture dans les meilleurs délais par tous les moyens possibles,
2. Le retour volontaire et la fermeture de certains camps tout en conservant un ou deux,
3. Le déménagement des déplacés dans de plus petits camps en périphérie de leur commune d'origine.
4. La réorganisation des camps existants en regroupant dans chacun d'eux les personnes de même commune d'origine,
5. L'enregistrement photographique de tous les déplacés et le regroupement dans quatre camps constamment patrouillés.

Au cours de la réunion du 9 mars 1995, l'IOC est convenu de la nécessité de fermer les camps, et les cinq options ont été réexaminées.

Le 15 mars 1995, a été développée une stratégie pour répondre tant aux préoccupations de sécurité nationale qu'à la nécessité du retour des déplacés dans leur commune d'origine. Dans les communes, on s'entendait pour améliorer les facilités d'accueil et la sécurité dans les camps, il a été convenu d'accroître la sécurité et d'améliorer la campagne d'information, d'arrêter les intimidateurs et ceux qui avaient participé au génocide. Finalement, une proposition a été faite de recenser les déplacés,



de leur faire faire mouvement à pied ou en véhicule, et d'arrêter la distribution de nourriture. L'opération devait se terminer après 4 semaines par l'interrogatoire systématique des personnes restantes dans les camps. Cette stratégie après avoir été acceptée par le gouvernement, serait alors mise en place au plus tard une semaine après son approbation.

Le 20 mars 1995, l'urgence de fermer les camps fut soulignée.

Le 27 mars 1995 le préfet de Gikongoro déclare que pour des raisons d'ordre public, il ne pouvait plus accepter dans sa préfecture la présence des camps. Dans son bulletin d'information du 27 mars 1995, l'IOC déclare que le gouvernement a réitéré son désir de voir les personnes déplacées retourner chez elles le plus tôt possible. Il est intéressant de noter qu'à cette date le nombre de 84 000 à Kibeho a été avancé.

Lors de la réunion de l'IOC, son représentant a déclaré qu'il serait malheureux de débiter l'opération telle que décidée dans les deux semaines, car elle coïnciderait avec le 6 avril 1995, jour du premier anniversaire du début du génocide, et qu'il serait donc préférable de la retarder d'une semaine.

La réunion du 2 avril 1995 sert à préciser certains éléments dont le transport des réfugiés et le couvre-feu dans les camps.

Dans un document signé par le président du groupe de travail de l'IOC, en date du 15 avril 1995, il est noté qu'au cours de la réunion du 3 avril 1995, il a été décidé d'identifier les mécanismes de coopération entre forces armées, la MINUAR, et les observateurs des droits de l'homme aussi bien pour l'opération que pour les procédures d'arrestations et de détention. Il a également été conclu que tous les membres du groupe de travail étaient prêts pour le démarrage de l'opération.

Pour appuyer la stratégie de fermeture des camps, et à la demande du Ministre de la Réhabilitation et de l'Intégration Sociale et du Ministre de l'Intérieur, et après consultation auprès du Président, du Vice-Président, Ministre de la Défense, il a été décidé de déployer les forces armées pour encercler les huit camps de déplacés restant, y compris celui de Kibeho.

Il n'existe aucun élément permettant de supposer que l'opération a été envisagée afin d'éliminer une certaine catégorie de personnes, plus particulièrement en fonction de leur appartenance à un groupe ethnique.

II - COMMENT L'OPERATION A-T-ELLE ETE MENEES DEPUIS LE 18 AVRIL  
ET QUE S'EST-IL REELLEMENT PASSE ENTRE LE 22 ET  
LE 23 AVRIL 1995 ?

Pendant la nuit du 17 au 18 Avril 1995, l'APR a encerclé les derniers camps de déplacés y compris le camp de Kibeho. A Kibeho les personnes déplacées, effrayées, ont fait mouvement vers la zone située entre le quartier général de la compagnie Zambienne (Zambatt) et l'enclos occupé par le peloton Zambien. La question de savoir s'ils ont fait mouvement volontairement ou s'ils ont été contraints par la force n'a pas été résolue.

D'après plusieurs témoins de la MINUAR et de l'APR il y a eu des tirs sporadiques. Les témoins s'accordent pour dire que 8 à 11 enfants sont morts dans une bousculade durant la matinée du 18 Avril.

Le 19 Avril 1995, le Chef d'Etat Major de l'APR et le Commandant en Chef Adjoint de la force de la MINUAR ont visité le camp pour expliquer la situation. Beaucoup de personnes déplacées ont indiqué qu'elles voulaient bien rentrer chez elles. La lenteur du recensement et le manque de moyens de transport ont rendu le problème plus difficile à résoudre.

Au cours des journées des 19 et 20 Avril 1995, environ 5000 personnes déplacées ont été fouillées et recensées par l'APR et d'autres organismes gouvernementaux, puis transportés par la MINUAR dans leur commune d'origine. Au cours du recensement, certains déplacés ont été identifiés comme ayant participé au génocide par quelques témoins.

Au cours de cette période les conditions sanitaires et autres conditions de vie du camp se sont considérablement détériorées.

De manière générale, il n'y a pas eu de manoeuvres d'intimidation ou de violence dirigées contre les personnes déplacées par les membres de l'APR ni d'hostilité de la part des personnes déplacées à l'encontre des membres de l'APR. Il ressort de témoignage que des actes hostiles ont opposé des personnes déplacées entre elles. Il est parfois arrivé que des personnes déplacées aient jeté des pierres sur les membres de l'APR et d'après certains témoignages, essayé de prendre les armes des militaires, ce qui a entraîné l'ouverture du feu par l'APR et la mort de 13 à 22 personnes déplacées.

L'approvisionnement limité en nourriture, en eau et en installations sanitaires, a été utilisé comme moyen de pression sur les personnes déplacées pour les inciter à quitter le camps.

A la fin de l'après-midi du 20 Avril 1995, il a commencé à pleuvoir, ce qui a endommagé les routes et aggravé le problème du transport.

Vers midi le 22 avril 1995, un groupe important de personnes déplacées a rompu le cordon à proximité des positions Zambiennes. D'après des témoignages de membres de l'APR, il y a eu des coups de feu provenant des personnes déplacées et l'APR a subi des pertes. Les personnes déplacées ont poursuivi leur course vers le bas de la vallée. L'APR a répliqué en ouvrant le feu sur la foule. Il est établi que des armes automatiques individuelles et des mitrailleuses ont été utilisées. Il y a eu de nombreuses victimes parmi les personnes déplacées.

Après l'incident, le cordon a été réétabli. En fin d'après-midi, le cordon a été rompu pour la seconde fois, cette fois vers l'ouest du camp. Des groupes importants de personnes ont couru vers le bas de la vallée. D'après des membres de l'APR, quelques personnes déplacées portaient des fusils, et d'autres portaient des armes traditionnelles, telles que machettes et pierres. Des témoins de l'APR ont indiqué que des personnes déplacées leur avaient tiré dessus et que l'APR avait subi quelques pertes. Il est établi que des armes ont été saisies.

L'APR a de nouveau riposté en ouvrant le feu sur la foule, causant de nombreuses pertes. Il est certain que des armes automatiques individuelles et des mitrailleuses ont été utilisées. La plupart des témoins de la MINUAR et d'une ONG ont indiqué que des armes plus lourdes telles que grenades, lance-roquettes (RPG) avaient été utilisées. Sur l'usage d'un mortier, les témoignages des membres de la MINUAR ne concordent pas. Il doit être relevé qu'aucune preuve matérielle de l'usage d'un mortier n'a été rapportée.

Il apparaît clairement qu'un nombre important de personnes ont été piétinées, blessées par des coups de machettes ou par armes à feu, mais les proportions exactes ne peuvent être déterminées. Il est établi que des machettes ont été utilisées non pas par le personnel en uniforme, mais par des civils.

Des témoins de la MINUAR ont indiqué qu'un certain nombre d'exécutions sommaires de personnes déplacées par des membres de l'APR avaient eu lieu.

Pendant la nuit du 22 avril 1995, il y a eu des tirs sporadiques autour de la zone du camp de Kibeho, y compris, d'après quelques sources de la MINUAR et de l'APR, des tirs de tireurs isolés venant du camp des personnes déplacées par dessus le quartier général de la compagnie Zambienne.

Les militaires de la MINUAR n'ont pas été à même de riposter du fait de l'impossibilité de distinguer entre cibles hostiles ou non hostiles. Il y a eu également des agressions à la machette entre personnes déplacées.

Des témoins de la MINUAR ont indiqué que des soldats de l'APR enterraient des corps dans des latrines et des tombes à fleur de terre. La Commission a examiné environ 15 latrines. Dans l'une d'elles, le corps d'un enfant a été trouvé. Des témoins de l'APR ont indiqué que des corps ont été deterrés par la pluie après l'incident et ont été ensuite réenterrés.

Des éléments scientifiques en ont corroborés d'autres qui indiquent que des corps liés à l'incident de Kibeho avaient été enterrés en dehors du camp de Kibeho. Ont été relevées comme causes de la mort sur les corps identifiés des blessures dues soit à des machettes, soit à des coups de feu, et des observations ont été faites permettant d'affirmer que des victimes ont été piétinées ou qu'elles sont mortes de faim. Les contraintes logistiques et le manque de temps ont rendu impossible la détermination du nombre exact de morts, mais il apparaît plus élevé que celui retenu officiellement au camp de Kibeho.

Il est intéressant de noter l'écart inhabituel entre les différents décomptes et estimations initialement réalisés du nombre de morts, d'une part, et du nombre de blessés, d'autre part, ce qui pourrait indiquer que les décomptes initiaux ont été surestimés.

III a. QUEL A ETE LE ROLE OU LES LIMITATIONS ET LE COMPORTEMENT DE L'ARMEE RWANDAISE, DES ONG ET DE LA MINUAR?

La Commission estime que l'opération engagée par le gouvernement du Rwanda de fermer les camps de déplacés était bien planifiée, mais que des défaillances ont eu lieu pendant sa réalisation, entraînant la panique. A ce stade, les réactions des soldats de l'APR face au danger du moment furent disproportionnées et par conséquent, en violation du droit international. Les membres de l'APR tirèrent sans faire de distinction entre les éléments hostiles et ceux qui ne l'étaient pas, et les soldats de l'APR ont ouvert le feu sans discrimination.

Des informations crédibles révèlent que des soldats de l'APR commirent individuellement des exécutions sommaires. Les circonstances ci-dessous ont contribué au comportement de l'APR:

1. Systèmes de communication déficients

Au sein de l'APR, seuls le Commandant de compagnie et ses supérieurs disposaient au mieux d'une radio. L'APR dépend de courrier et du bouche-à-oreille pour transmettre des renseignements à la chaîne de commandement et les ordres sont transmis par les mêmes moyens. En situation de crise qui évolue rapidement il peut être très difficile pour des officiers commandant une opération de maintenir le contrôle de celle-ci.

2. Equipement déficient

L'APR dispose de moyens limités pour utiliser la force. Elle utilise sa présence comme moyen de dissuasion et les coups de feu en l'air comme moyen de contrainte non mortel. Lorsque ceux-ci sont dépassés, il y a une escalade vers des moyens susceptibles de causer la mort. L'APR ne dispose pas de gaz lacrymogène, de canons à eau, de balles de caoutchouc, de matraques et de boucliers, armes habituellement utilisées pour contrôler les foules.

3. Formation déficiente

L'APR A été formée à la guérilla, et non au maintien de l'ordre et aux techniques de sécurité.

4. Expérience insuffisante

L'APR n'a jamais été engagée auparavant dans une opération de ce genre. Une fois l'opération engagée, les soldats firent appel à une expérience qui avait peu de rapport avec le problème consistant à différencier les forces hostiles de celles qui ne le sont pas.

5. Prévisibilité

Compte tenu du contexte général dû au génocide, de l'insécurité dans les camps et dans ses alentours, du manque de volonté des gens de quitter le camp, et des cas de comportement hostile envers l'APR venant de l'intérieur du camp, la Commission estime que le commandement de l'APR n'a pas apprécié à sa juste valeur la détermination avec laquelle les éléments du noyau dur refuserait de quitter volontairement le camp.

ONG

Des indications crédibles existent selon lesquelles certaines ONG ont activement contrarié les politiques du gouvernement du Rwanda en encourageant les déplacés à rester dans le camp de Kibeho, et en engageant du personnel de façon discriminatoire. En outre, la décision qu'ont prise certaines ONG de ne pas coopérer avec l'opération de fermeture après qu'elle ait commencé, a exacerber la crise humanitaire.

MINUAR

Le mandat de la MINUAR exige qu'elle:

"contribue à la sécurité et à la protection des personnes déplacées, des réfugiés et des civils en danger au Rwanda, grâce notamment à la création et au maintien, là où cela est possible, de zones protégées à des fins humanitaires".

Résolution 965 du Conseil de Sécurité des Nations Unies (1994)

Ce mandat demande à la MINUAR de protéger les personnes déplacées contre tout danger d'où qu'il vienne, y compris celui provenant des déplacés eux-mêmes.

Il y a de forts éléments de preuves qu'il y avait un noyau dur d'éléments criminels dans les zones protégées par la MINUAR, au sein desquelles ceux-ci procédaient à des actes d'intimidation et de violence. La MINUAR n'a pas fait face à cette situation de manière adéquate.

### III b. QUEL FUT LE ROLE JOUE PAR LA MILICE?

Il y a de très forts éléments de preuves que durant les mois qui ont précédé l'opération de fermeture du camp, des individus connus au Rwanda sous le nom de "noyau dur" se sont considérablement renforcés. Par noyau dur, la Commission désigne des extrémistes très vraisemblablement impliqués dans des activités criminelles. La Commission a trouvé parmi la population du camp de nombreuses preuves d'une utilisation très répandue de machettes et d'autres armes traditionnelles employées pour commettre des actes de violence, ainsi qu'un certain nombre d'armes à feu.

Les activités de ce noyau dur variaient de l'intimidation verbale à la violence physique et contribuèrent à l'établissement d'une atmosphère de panique parmi les personnes déplacées, qui a culminé le 22 avril 1995. La Commission n'a pu obtenir de renseignements précis sur l'organisation et la structure de ce noyau dur.

### CONCLUSIONS

### III c. QUI EST RELLEMENT RESPONSABLE DES MORTS DE KIBEHO?

1. De l'avis de la Commission d'Enquête Internationale Indépendante, la tragédie de Kibeho n'a pas été le fruit d'une action planifiée par les autorités rwandaises afin de tuer un certain groupe de personnes. Elle n'a pas été non plus un accident qui n'aurait pas pu être évité.
2. La Commission reconnaît que le gouvernement du Rwanda et la communauté internationale avaient de légitimes intérêts à fermer aussi rapidement que possible les camps de personnes déplacées, aussi bien pour des raisons de sécurité nationale que pour éliminer un obstacle important aux efforts faits par le gouvernement pour se remettre des effets dévastateurs du génocide qui avait eu lieu l'année passée.
3. La Commission reconnaît les efforts réalisés par le Représentant Spécial de l'ONU, la MINUAR, le gouvernement du Rwanda et d'autres organismes pour maintenir le contrôle de la situation à Kibeho.
4. La Commission regrette que les agences des Nations Unies et les ONG n'aient pas pu contribuer plus efficacement à l'évacuation rapide des déplacés qui se trouvaient dans le camp.
5. Il y a suffisamment d'éléments de preuve dignes de foi qui permettent d'établir que, pendant les événements survenus au camp de Kibeho entre les 18 et 23 Avril 1995, des personnes déplacées non-armées ont été soumises à des atteintes arbitraires portées à leur vie et à leur intégrité corporelle, en violation des Droits de l'Homme et du droit humanitaire, commises par du personnel militaire de l'APR.

6. Il y a suffisamment d'éléments de preuve dignes de foi qui permettent d'établir que, pendant les événements survenus au camp de Kibeho entre les 18 et 23 Avril 1995, des personnes déplacées non-armées ont été soumises à de graves atteintes aux Droits de l'Homme, comprenant des atteintes arbitraires portées à leur vie et à leur intégrité corporelle commises par des éléments armés parmi des personnes déplacées elles-mêmes.

#### RECOMMANDATIONS

1. La Commission se réjouit de l'initiative prise par le Gouvernement du Rwanda d'entreprendre une enquête au niveau national. La Commission demande aux autorités du Rwanda d'effectuer une analyse des erreurs commises au cours de la préparation et de l'exécution de la clôture des camps, ainsi qu'une enquête sérieuse, rapide et impartiale sur les responsabilités individuelles au sein des forces armées et sur tous autres facteurs qui auraient pu contribuer à l'évènement.
2. A l'avenir, une grande priorité devrait être accordée à l'amélioration des possibilités de l'Etat Rwandais et des autorités locales pour réagir de manière appropriée, et dans le respect des normes internationalement reconnues des Droits de l'Homme et du droit humanitaire, aux situations de tension sociale et d'urgence.
3. La Commission recommande à la Communauté internationale de continuer à encourager et à aider la République du Rwanda dans ses efforts pour établir la justice, de réconciliation et de reconstruction nationale.
4. La Commission demande au système des Nations Unies de revoir sa chaîne de commandement et ses procédures opérationnelles afin de s'assurer qu'à l'avenir une opération toute entière ne sera pas prise en otage ou enlisée par une ou plusieurs agences et organisations disposant de mandats et responsabilités limités.

A Kigali le 18 mai 1995

19 May 1995

Ans. Khen:

Elizabeth Lindenmayer called around 3:50 pm

Reference report to the Security Council

She indicated that if at all possible she would like to receive the text you have promised on the Joint Commission conclusion (the 5 points I gather) *tomorrow*.

She also asked whether you had been given a copy of the report issued yesterday by the Commission of Inquiry and she indicated that this also should be reflected in the report. (I told her what I had heard in Radio Rwanda this morning following their press conference, but that you would certainly know much more. )

She asked if the Government (at the highest levels) will communicate its position to the Secretary General, and in this connection she asked about your meeting with the Vice President. )

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Message:

The Force Commander will try to see Pronck tomorrow when you meet with him.

Pi tell  
Aushaha-  
can't come

Sa.

76295

MN AVO  
will attend

Dec.



UNITED NATIONS

ASSISTANCE MISSION FOR RWANDA



NATIONS UNIES

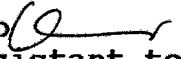
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

NOTE

19 May 1995

TO: Mr. Faustin Musare,  
Ministry of Interior

FROM: Isel Rivero   
Special Assistant to the  
Special Representative of the  
Secretary General

SUBJECT: Minutes of the Joint Presidential Commission on  
UNAMIR's mandate

I would appreciate it if you forward to me the Rwandese Government's changes on all draft minutes excluding the first through the third meeting which you already gave me. This is urgent in order to finalize our work.

... I am also attaching the draft of the Eighth meeting which was the last.

Thank you for your help.

**POTENTIAL LIST OF EYE WITNESSES**

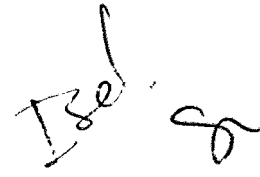
**Civilian**

- |   |   |   |
|---|---|---|
| UNREO   | - | Randolf Kent                            |
| IOC/UNREO                                     | - | Barney Mayhew                           |
| Radio UNAMIR                                  | - | Simona Opitz                            |
| Representative of<br>Medecins sans Frontieres | - | Bernard Lapeye                          |
| Human Rights Monitors                         | - | Alex Castanians<br>Annicka van Lookeren |
| Representative of ICRC                        | - | Please contact directly                 |

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DRAFT MINUTES



MEETING OF THE JOINT PRESIDENTIAL COMMISSION ON UNAMIR'S MANDATE

1. The **seventh** meeting of the Joint Commission was held on Tuesday 16 May 1995 at 8:30 am at the Rwandese Foreign Affairs Ministry. Representing the Rwandese Government were Mr. Emanuel Gasana, Head of the Delegation and Chef du Cabinet, President's Office; Col. Frank Mugambage, Deputy to the National Assembly, Spokesman, Ministry of Defence; Mr. Telesphore Kagaba, Counsellor, Ministry of Foreign Affairs and Cooperation; Mr. Felix Bagambiki, Counsellor, Ministry of Foreign Affairs and Cooperation; Lt. Joseph Ndahiro, Liaison Officer with UNAMIR, Ministry of Defence.

2. UNAMIR was represented by Ambassador Shaharyar M. Khan, Special Representative of the Secretary General for Rwanda, Head of Delegation; Mr. Samuel Buo, Acting Executive Director; Ms. Isel Rivero, Special Assistant to the Special Representative.

**MANDATE**

3. Mr. Gasana referred to the previous meeting of the Joint Commission and

[copy attached]

introduced a non-paper prepared by the Rwandese Government . ~~The non-paper~~  
~~established five general principles as follows:~~

- (a) that the Joint Commission was created to facilitate the definition of a new mandate for UNAMIR from 9 June 1995 while recognizing that the Security Council would have to take into account the views of Rwanda;
- (b) that the mandate of UNAMIR would have to be revised taking into account the new circumstances in Rwanda;
- (c) that UNAMIR would continue to operate in Rwanda under Chapter 6 with the full concurrence of the Rwandese Government;
- (d) that the main components of UNAMIR were, the Office of the Special Representative, the civilian and the military component which would have to be reviewed "in the context of the role they are playing in the country". The Government of Rwanda wished that a new mandate would emphasized the role of the Special Representative and civilian components while the military would have to be drastically reduced in view of a new mandate;
- (e) that the next mandate for UNAMIR would be of six months from 9 June 1995 and would see the winding down of UNAMIR's presence in Rwanda.

2. Mr. Gasana then referred to the past mandates of UNAMIR commencing with Security Council Resolution 872 of 5 October 1993, and later expanded under Resolution 965 of 30 November 1994. He further explained that his Government proposed that a new mandate should include assistance in demining activities; assistance in the process of refugee repatriation by providing observers in

the transit areas according to the accords which Rwanda was a signatory;  
 assistance in providing security to personnel of the International Tribunal,  
 Human Rights Monitors deployed on the ground, and all United Nations  
 personnel; contribute to the coordination of humanitarian activities and aid  
 distribution in the country by logistic means and finally and specially  
 important, to use the good offices of the Special Representative in order to  
 assist in the national reconciliation progress according to the spirit of the  
 Arusha Peace Accords.

*stated that the non paper*

3. The Special Representative welcomed the non-paper and indicated that the  
 Joint Commission was approaching a common ground. He also indicated that he  
 would be looking at it very carefully and consulting New York on its contents.  
 He agreed on the fundamental principles outlined by the Chairperson and in the  
 specific area of UNAMIR's mandate, he volunteered that the concepts expressed  
 could be further refined in order to facilitate the work of the Security  
 Council.

4. In reviewing the mandate he suggested that the Rwandese Government might  
 wish to take into account the following points:

- (a) *was* There is agreement that there *was* are new circumstances prevailing in  
 Rwanda; *a changed situation in Rwanda which should be reflected in the mandate*
- (b) *was* the new circumstances will be reflected in the future mandate of  
 UNAMIR III;
- (c) *was* There is agreement that there *will* be a *substantial* reduction of  
 UNAMIR military forces; *(the reduction was in SRS to appropriate form shall be substantial and not drastic)*
- (d) the mandate *will* be under Chapter 6, with the full acceptance of *all*

and cooperation of the Rwandese Government.

5. The Special Representative added that the new mandate <sup>sh</sup> would reflect <sup>9</sup> the new partnership between UNAMIR and the Rwandese Government, with the view of promoting stability, harmony and reconciliation.

<sup>Responding,</sup> ~~he~~ <sup>stated</sup> that with regard to refugees returning to their camps <sup>8</sup>. The Chairman wished to point out that in relation to providing observers for the return of refugees, the Government <sup>considered that an intermediary</sup> wished to discourage that an international military presence <sup>would be necessary and that it was for the Government to ensure such</sup> would be providing security. In addition the <sup>should be</sup> six month extension ~~was~~ perceived as a ~~real~~ winding down of UNAMIR's operation. In regard to the Government's attitude towards UNAMIR, he <sup>had</sup> already taken note and affirmed that the best way to avoid negative incidents in the future, was to agree on a mandate with which the Rwandese Government felt comfortable.

7. Mr. Gasana proposed that a <sup>restricted</sup> ~~reduced~~ Joint Commission meet in close session to refine certain areas of the mandate before holding the next formal meeting. The Special Representative agreed and suggested that <sup>the</sup> ~~this~~ closed meeting could take place just before the formal meeting since he believed the work of the Joint Commission should conclude at the end of the present week.

8. Col. Mugambage agreed that it was not necessary to have the working group meet since the same could be accomplished as the Chairperson had proposed.

#### BILATERAL MATTERS

9. The Special Representative asked the Chairperson to transmit to the

President UNAMIR's request for space to erect a prefabricated building facility in order to accommodate its personnel. He also provided copies of a recent compendium on UNAMIR Forces Humanitarian Activities for Rwanda which might be of interest to the Government.

10. Col. Mugambage referred to the unresolved situation of the Amahoro Stadium which UNAMIR was to repair. He explained that great damage had been done by UNAMIR troops while they had occupied the facility.

11. The Special Representative explained that UNAMIR will repair whatever was considered to have been damaged by UNAMIR's occupation but that most of the damage had been done during the war when over 15,000 persons sought UNAMIR's protection at the Stadium. However, he stated that he would look into the matter with the view of ascertaining the status of the discussions on this issue.

12. It was decided that the next meeting <sup>would</sup> will be held on Thursday 18 May, at 10 am for the closed working session and at 10:30 for the Joint Commission.

Isel.

DRAFT MINUTES

MEETING OF THE JOINT PRESIDENTIAL COMMISSION ON UNAMIR'S MANDATE

1. The sixth meeting of the Joint Commission (~~to review UNAMIR's mandate~~) was held on Saturday 13 May 1995 at 9 am at the Rwandese Foreign Affairs Ministry. Representing the Rwandese Government were: Mr. Emanuel Gasana, Head of the Delegation and Chef du Cabinet, President's Office; Col. Frank Mugambage, Deputy to the National Assembly and Chef du Cabinet, Ministry of Defence; Lt. Joseph Ndahiro, Liaison Officer with UNAMIR, Ministry of Defence.
2. UNAMIR was represented by Ambassador Shaharyar M. Khan, Special Representative of the Secretary General for Rwanda, Head of Delegation; Col. T. S. Sivakumar, Chief of Staff; Ms. Isel Rivero, Special Assistant to the Special Representative.
3. Mr. Gasana invited ~~the~~ Col. Sivakumar to introduce the report of the working group which had been scheduled to meet the day before.)
4. Col. Sivakumar explained that the meeting had not been able to begin its work due to the procedural difficulties involving the substantive discussion on the numbers ~~(and assets)~~ of a future UNAMIR force.



5. Col. Mugambage added that the working group should have been able to determine ~~on the basis of the new requirements~~ the number of forces required.
6. The Special Representative indicated that he appreciated the difficulties confronted by the working group. United Nations Headquarters had stated their need to have a general guideline on the mandate <sup>before discussing figures</sup> ~~even if it could be formulated~~ on an informal basis. <sup>Once these guidelines were agreed by the sub-commission, it could begin the sub-commission's work.</sup> The work of the Joint Commission was very relevant <sup>for the future mission</sup> because it provided the framework where these discussions could take place.
7. The Special Representative also stated that he was not able to provide a figure when the Security Council had not even begun their own informal consultations on the subject. Since any continuation of UNAMIR would be under a Chapter VI mandate, it could be easier for the Government to state what the real needs were. The solution laid in finding a common ground.
8. In this regard, Ambassador <sup>Spakberg</sup> Khan ~~(then)~~ drew the attention of the Joint Commission to the present UNAMIR mandate and proceeded to read out a consolidated summary of the deliberations of the Joint Commission <sup>[copy attached if up to the sub-commission]</sup> ~~present~~. He indicated that the summary could be considered a non-paper <sup>[copy attached]</sup>.
9. Mr. Gasana welcomed the Special Representative's initiative and requested the distribution of the non-paper. He ~~also~~ added that the Joint Commission should be able to make substantive proposals, and these could only be elaborated through the mutual exchange of views and information. He indicated that at the next meeting of the Joint Commission he would be able to provide the Government's views in the same manner, as a non-paper, and that this could serve as a starting point for further discussion.

10. In addition, Mr. Gasana suggested that the definition of the military component of UNAMIR could also be presented, once discussions had been completed, as a non-paper. ~~He understood that there could be no formal agreement within the Joint Commission pending Security Council consultations.~~

11. It was agreed that the next meeting of the Joint Commission would be held on Monday, 15 May 1995 at 17 hours.

The meeting rose at 11 am.

DRAFT MINUTES

*P. fair*

MEETING OF THE JOINT PRESIDENTIAL COMMISSION ON UNAMIR'S MANDATE

1. The fifth meeting of the Joint Commission to review UNAMIR's mandate was held on Thursday 11 May 1995 at 10 am at the Rwandese Foreign Affairs Ministry. Representing the Rwandese Delegation were Mr. Emanuel Gasana, Head of Delegation and Chef du Cabinet, President's Office; Col. Frank Mugambage, Chef du Cabinet, Minister of Defence; Mr. Faustin Musare, Director, Ministry of Foreign Affairs; Mr. Thareisse Nyandwi, Counsellor, Prime Minister's Office; Telesphore Kagaba, Counsellor, Ministry of Foreign Affairs and Cooperation; Mr. Felix Bagambiki, Counsellor, Ministry of Foreign Affairs and Cooperation; Lt. Joseph Nohahiro, Liaison Officer with UNAMIR, Ministry of Defence.

2. UNAMIR was represented by Ambassador Shaharyar M. Khan, Special Representative of the Secretary General for Rwanda, Head of Delegation; Col. T. S. Sivakumar, Chief of Staff; Ms. Isel Rivero, Special Assistant to the Special Representative; Mr. Ike Minta, Legal Adviser.

3. Mr. Gasana resumed the Chair and invited the Special Representative to

provide a summary of the discussions held in his absence. Ambassador Khan summarized the ~~most~~ salient points <sup>of his previous meeting</sup> (covered) and added that there had been noticeable progress achieved in fine tuning the Rwandese Government's requirements after 9 June. He reiterated that the Joint Commission should attempt to find ~~a~~ common ground.

<sup>SRS6 added that</sup>  
4. Two main points had been made by the Rwandese Government, one, that the size of UNAMIR's military contingent would have to be scaled down in view of the changed context in Rwanda, two, that a military presence ran the risk of establishing a parallel military force within Rwanda. It had also been stated by the Representative of the Rwandese Government, that internal security was an issue of national sovereignty.

5. UNAMIR, on the other hand, had made it clear that it did not <sup>intend</sup> ~~have the~~ intention to continue without the approval <sup>or request</sup> of the Government. He reiterated that ~~there should be no doubt that~~ UNAMIR <sup>is not</sup> wished to perpetuate itself <sup>in Rwanda or Nor did</sup> ~~or that~~ UNAMIR <sup>have</sup> had any kind of political agenda. UNAMIR's presence was predicated on the mandate to assist the Government of Rwanda and the Rwandese people.

6. The Special Representative also mentioned the <sup>continued</sup> ~~worrysome trend~~ of severe criticism of UNAMIR. He indicated that ~~any~~ friction point between the two sides could be solved through joint channels which had been established for that purpose.

<sup>Referring to the specific mandate, Amb SIC stated that</sup>  
7. Constitutionally, UNAMIR ~~had to~~ perform certain tasks such as the protection of International Tribunal <sup>was requested to</sup> personnel, human rights monitors, and other

United Nations ~~(civilian)~~ personnel working in Rwanda. <sup>Secondly</sup> There were other tasks <sup>which</sup> were assigned in support of the Government such as protection of humanitarian relief convoys. Thirdly, ~~(and)~~ within the framework of agreements reached by Rwanda with UNHCR and other regional governments, <sup>there was a</sup> the provision of security <sup>in</sup> to transit camps and ~~(the establishment of)~~ security corridors. Border monitoring had been mentioned as a potential task for UNAMIR, however, Col. Mugambage had pointed out that the monitoring should take place in the countries from where military incursions were originating. Finally, the Special Representative mentioned the tasks of demining and of civilian police training.

8. Col. Mugambage added that the principal elements to be examined by the Joint Commission were the details of the withdrawal of UNAMIR's troops and determining <sup>and the size of the contingent that was to remain</sup> what parts of the mission should remain. He restated his position that the Government of Rwanda could provide security to the Tribunal and United Nations personnel and that there was no need to monitor Rwanda's borders. In addition, security corridors and transit camps were a matter to be <sup>considered</sup> ~~looked at~~ in Zaire and Tanzania. Regarding demining, he had stated that the Government already had its own programmes and that assistance was required in <sup>Civilian police would not be requested as Rwanda would engage in bilateral agreements for</sup> supporting these programmes. Finally, Col. Mugambage recalled <sup>the</sup> ~~that~~ the Special Representative had mentioned the issue of rehabilitation and how UNAMIR could facilitate the flow of assistance in support of Government's priorities.

9. Mr. Gasana then stated that he could assume that the Commission agreed to consider a new mandate for UNAMIR after June 9, and that it was evident that in view of prevailing <sup>circumstances</sup> ~~circumstances~~ and changes in the political situation of

Rwanda, UNAMIR's military component would be drastically reduced. He then invited the Commission to consider establishing a working group to consider the following two main tasks:

(a) In close cooperation with national security forces, assist in the protection of the civilian components of the United Nations presence in Rwanda including United Nations International Tribunal personnel, Human Rights monitors and other international staff invited by the Rwandese Government;

(b) the Government of Rwanda would specify tasks which would be supported by United Nations in the social field where a reduced UNAMIR force could contribute to the rehabilitation of the country.

10. Mr. Gasana then indicated that the training of the Gendarmerie and Comunal Police, which was a task that UNAMIR had been undertaking, would not be included in a new UNAMIR's mandate since the Government would be <sup>arranging training</sup> ~~doing this~~ through bilateral arrangements. He further stated that regarding security corridors and border monitoring, it was not in the interest of the country to create the impression that an international force was needed to instill confidence among the refugees nor that a border monitoring force should be stationed within Rwanda. Rwanda was not the aggressor, therefore these tasks could be implemented where the problem originated, namely, Tanzania and Zaire. ~~These two points were fundamental and would not be discussed further.~~

11. Regarding demining activities, Mr. Gasana pointed out that the Government had already a programme in place and that it would only require advisory services.

12. Mr. Gasana concluded by saying that a working group should meet the next day to examine (a) and (b) above, as well as demining activities, and make suitable proposals to be reviewed next Saturday, 13 May at 900 am by the Joint Commission.

13. The Special Representative agreed.

The meeting rose at 11:10 am.

i) Para 1 & 2 of your draft  
ii) 3 onwards in my  
handwriting draft  
iii) after 7 (as amended)

DRAFT MINUTES

12.5

MEETING OF THE JOINT COMMISSION ON UNAMIR'S MANDATE

Isel-

1. The fourth meeting of the Joint Commission to review UNAMIR's mandate was held on Monday, 8 May 1995 at 10 am at the Rwandese Foreign Affairs Ministry. Representing the Rwandese Delegation were: Co. Frank Mugambage, Chef du Cabinet (Leader) Minister of Defence; Nyandwi Thareisse, Counsellor, Prime Minister's Office; Telesphoere Kagaba, Counsellor, Ministry of Foreign Affairs and Cooperation; Felix Bagambiki, Counsellor, Ministry of Foreign Affairs and Cooperation; Faustin Musare, Director of Cabinet, Minister of Interior; Lt. Joseph Ndahiro, Liaison Officer to UNAMIR, Ministry of Defence.
2. UNAMIR was represented by Ambassador Shaharyar M. Khan, Special Representative of the Secretary General for Rwanda (Leader); Col. T. S. Sivakumar, Chief of Staff; Samuel Buo, Acting Executive Director; Isel Rivero, Special Assistant to the Special Representative; Ike Minta, Legal Adviser.
3. The Special Representative opened the meeting by summarizing the previous discussions and expressing the wish to arrive at a common ground. He indicated that if the Joint Commission was not able to achieve this, the Government could still go directly to the Security Council and state whatever it felt appropriate.
4. The Special Representative also referred to the fact that during the past two to three months UNAMIR had been the subject of negative propaganda,



3. The Special Representative summarised his discussions by stating that Rwanda's contentions were

a) The mandate ended on June 9<sup>th</sup>. If no further mandate was agreed the only issue was to finalise the withdrawal. A fresh mandate would need to reflect the qualitative change in the ground situation.

b) ~~The~~ The UNAMIR force strength was excessive as it i) diverged from Rwanda's sovereignty, ii) acted as a parallel force in the country and iii) was redundant.

~~By any new mandate would~~

There was indeed a changed context and

4. Responding, the SSF had stated that UNAMIR did not wish to perpetuate <sup>itself</sup> - Rwanda ~~and that it was acting under Chapter VI~~. UNAMIR had no political agenda in Rwanda. The objective in their consultations was to find common ground and if that were possible the Security Council could be able to decide on a new mandate with greater ease. If not, Rwanda was free to negotiate directly with the Security Council.

5. Col. Hing. had raised a number of criticisms against UNAMIR. However UNAMIR's presence in Rwanda had surely not been completely negative. Much of ~~the~~ UNAMIR's contribution was intangible and could not be measured in dollars or cents. Some of the following elements were part of UNAMIR's contribution to bringing stability and security to Rwanda:

a) The peaceful, incident free take-over for operation DPKO when everyone expected another crisis.



intimidation and harassment. This situation was becoming an impediment to UNAMIR's work. In addition, the Special Representative noted that UNAMIR's role in Rwanda was difficult to assess since its most important contribution was intangible in view of the fact that it related to assisting in the establishment of stability and security in Rwanda. He referred to the combined operations of UNAMIR and the RPA during the withdrawal of Operation Turquoise, and then later Operations such as Hope and Retour. He called upon the Government to reestablish the climate of mutual confidence that had prevailed up until February 1995.

5. Regarding UNAMIR's new mandate, the Special Representative once more repeated that it was essential that the Government pronounce~~s~~ itself on what it wished UNAMIR to do after June 9th. However, he volunteered that a <sup>(certain)</sup> presence of UNAMIR helped in the process of confidence building though this presence would ultimately be determined by the tasks it was to perform.

6. <sup>7</sup> First, UNAMIR was obliged to protect <sup>Substantial and at staff</sup> ~~(members of)~~ the Tribunal ~~who would~~  
~~be working in Rwanda, as well as~~ Human Rights Monitors, United Nations Agencies, their offices and personnel and UNAMIR personnel and property.  
7. <sup>ii</sup> Second, UNAMIR was also obliged to contribute to the security of humanitarian convoys. <sup>iii</sup> Third, <sup>if</sup> upon the request ~~of the~~ Government of Rwanda, <sup>requested</sup> UNAMIR could undertake to monitor the borders with neighboring countries specially those borders where armed incursions had been detected. This could be achieved by deploying military observers. <sup>iv</sup> Fourth, UNAMIR could provide assistance in establishing security corridors and transit camps to returning refugees. This task was foreseen <sup>in</sup> by the Trilateral Agreement <sup>signed in Rwanda</sup> reached in ~~by the~~ <sup>in at the Nairobi Summit</sup> ~~Communicue issued at the Presidential Summit held in~~ Bujumbura and ~~Nairobi this year.~~

8. ~~Among the more operational tasks the Special Representative mentioend~~

v) demining and <sup>vi)</sup> the training of gendarmes and comunal police. [As the Joint Commission was aware the Government of Rwanda preferred that the demining exercise would be undertaken by Rwandese military and it had indicated that it wished to received training to carry out these tasks. The United Nations, however, undertook those tasks as part of humanitarian assistance within peace keeping missions. Regarding the training of the Gendarmerie and Communal Police, UNAMIR's first programme had graduated 100 gendarmes, and most recently it had finished the training of 300 new gendarmes. It was now preparing the training of another 300 candidates. The Special Representative also referred to the liaison work that the Civilian Police Monitors were carrying out with the Prefects.]

9. Finally the Special Representative referred to the supporting role UNAMIR could continue to play in the social and economic <sup>rehabilitation of the country</sup> sectors as a follow-up to the UNDP Round Table. //

10. Col. Mugambage, thanked the Special Representative for his summary [and outline]. He wished to place on record that the Government of Rwanda appreciated the positive contribution that UNAMIR had made to the country. He also explained that it was the opinion of the Government that UNAMIR's formed contingents did not have a role to play, in fact , they were redundant.

11. Regarding acts of hostility against UNAMIR and more specifically armed robberies, Col. Mugambage denied that the RPA had any part in it. As regards negative propaganda, the context had to be looked at specially the role that the international community played during the genocide. It was a fact that UNAMIR provided a false sense of security to those attempting to escape the genocide.

12. Col. Mugambage then referred to UNAMIR's new mandate. He understood that it was up to the national security organs to provide protection to United

Nations officials and agencies. However he also agreed that the United Nations also had <sup>a responsibility</sup> to provide security. Perhaps a limited number of guards could accomplish that task. As to providing security for convoys by way of escorts it would depend on the numbers that would be required to perform that function. He also believed that it was the role of the Government to provide such type of security.

13. Col. Mugambage then referred to the border monitoring tasks outlined by the Special Representative. In his opinion such monitoring should be carried out where the trouble originated, such as in Zaire and Tanzania. It was a known fact that criminal activities were transpiring not in Rwandese soil, but in the Goma and Bukavu camps. These criminal activities had regional repercussions.

14. As to security corridors, it was his understanding that these corridors would be established in Zaire where refugees were not safe. One should avoid any mention of security which relates to Rwanda since there were no such problems in the country.

15. Regarding the training of gendarmes and communal police, the Government of Rwanda saw this as a technical compliment to the Rwandese efforts in establishing its own programmes. It was the responsibility of the Rwandese to determine its own needs and in this context the design of the curriculum could be done jointly with the Government.

16. Col. Mugambage welcomed the offer by the Special Representative to provide support in the rehabilitation of Rwanda. He had understood that this work would be carried out primarily by the United Nations Agencies.

In <sup>conclusion</sup> ~~concluding~~, Col. Mugambage indicated that these were his preliminary views on the subjects the Special Representative had outlined, and that he would be

consulting with his colleagues. It would be easier if by the next meeting certain working groups would be assigned to refine details of the proposal.

17. The Special Representative thanked Col. Mugambage for his preliminary remarks which would be conveyed to New York. He pointed out that while it was true that the United Nations agencies were the executing partners in the rehabilitation process of Rwanda, the Government of Rwanda had to optimize these resources and it was clear that Rwanda was still not ready to absorb such ~~an~~ assistance. Where UNAMIR could help was in the intermediary phase which did not overlap with the Round Table but which facilitated the readiness to absorb the assistance. He also wished to clarify that UNAMIR was constitutionally required to provide protection to operations such as the Tribunal and human rights. Secondly, the provision of security for humanitarian convoys would be the responsibility of the government, however, should the government feel that it was unable, UNAMIR should have the reserve personnel required to carry out that task. The Special Representative took note of the ~~very~~ important political point raised by Col. Mugambage regarding the monitoring of ~~the borders~~. <sup>with a view to the situation in refugee camps</sup> He indicated that there might be claims of incursions from Rwanda in hot pursuit of criminal elements.

18. Col. Mugambage in reply to the latter point remarked that even if it was true that incursions from Rwanda were occurring, these could be also monitored from the other side of the border. Security in Rwanda, he again repeated, was a national prerogative.

19. The Special Representative ~~(took note of this remark. He~~ further explained that security corridors were seen as a preventive measure against intimidation. The same applied for transit centres, ~~not permanent camps, where if the Government considered it useful, blue berets could be assisting the Rwandese armed forces. Finally, the Special Representative again reiterated,~~

that UNAMIR did not underestimate the feelings of pain of the Rwandese people but that he thought it would be relevant for those in responsible positions who were aware of all that UNAMIR had done to assist the Government, to inform the rest that UNAMIR was doing its best. The hate campaign needed to be stopped. UNAMIR could only work in a climate of tolerance. He also pointed out that the weekly joint meetings between the RPA and UNAMIR had not taken place for more than a month. The Special Representative expressed his hope that Col. Mugambage would convey to his superiors the need to reverse this climate of hostility.

20. It was agreed that the next meeting would be held on Thursday, 11 May 1995 at 10 am.

UNITED NATIONS  
ASSISTANCE MISSION FOR RWANDA



NATIONS UNIES  
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

OUTGOING FAX

F/O-3027

MIR NO: 7639

MISC NO: *[initials]*

TO: Ms. F. Barrillon-Pomés DPA, United Nations New York	FROM: Isel Rivero <i>[initials]</i> SA/SRSG UNAMIR, Kigali
FAX NO: (212) 963-4037 <i>[initials]</i>	DATE: 11 May 1995
AUTHORIZED BY:	PHONE: 212-963-3582 FAX NO: 212-963-3090
SECTION: OSRSG, UNAMIR, RWANDA	
SUBJECT: Participants List	

PAGE 1 OF 2

Please find attached as requested a list of the participating members of the Commission of Inquiry to Investigate the Events at Kibeho.

Regards.

\* \* \* \* \*

*ISEL RIVERO*

*92-14-11-11-98  
UNAMIR  
Kigali*



PARTICIPATING MEMBERS OF THE COMMISSION OF  
INQUIRY TO INVESTIGATE THE  
EVENTS AT KIBEHO

ALPHABETIC LIST IN ENGLISH

BELGIQUE

Amb. De Feyter

CANADA

Mr. Bernard Dussault

FRANCE

Mr. Marc Brisset Foucault

GERMANY

Mr. Karl Flittner

THE NETHERLANDS

Mr. Ernst Wesselius

~~Mr. Jan Wilken~~  
~~(a-eclaircir)~~

RWANDA

Ms. Christine UMUTONI

UNITED KINGDOM

Lt. Col. Ashraf Khan

UNITED STATES OF AMERICA

Mr. Maurice Nyberg

OAU

Col. Major Abdelaziz Skik

UN

Mr. Ataul Karim

Chairman: OAU

Vice-Chairman: Canada

Rapporteur: Netherlands

INDEPENDENT COMMISSION

15el  
See.

Relevant Questions

I. Basic Profile or Informatin on Kibeho Camp.

- (i) size and set-up or organization of the camp; how long in existence?
- (ii) population of the camp; who registered/monitored/screened them?
- (iii) who controlled the camp (i.e., the perimeter of, access to, and activities in), and under what authority.

II. Closure of the camp;

- (i) whose decision was it to close the camp?
- (ii) what was the background to that decision? [Gov't policy/security: details]
- (iii) what was UNAMIR's advice on that decision?
- (iv) who were to implement the decision and in what manner?

III. Consultations/Planning

- (i) what consultations/planning took place towards implementation of the decision?
- (ii) between which bodies/authorities; when; for how long?
- (iii) what decisions/agreements were reached in these consultations?
- (iv) what issues remained unresolved?
- (v) when was implementation to begin; for what duration?
- (vi) who was to be in charge of implementation operations?
- (vii) what was the defined or agreed role of UNAMIR and the specific tasks or responsibilities?
- (viii) which other agencies/bodies were assigned any tasks, and what were these tasks?

IV. The Kibeho tragedy

- (i) what were the conditions from 18 to 22 April in the Kibeho camp/s?
- (ii) what was the population of the camp/s?
  - what categories of persons?
  - how were they sheltered?
- (iii) what prior information had been conveyed to the population about the closure?
  - when, and by whom was this information conveyed?
- (iv) when did the actual effort to move them begin?
  - by whom, and in what manner?
- (v) how many moved to Central Hill?
  - or to any other locations/s?
- (vi) who much food and water was available?
  - who delivered these, and by whose permission?

- (vii) what was the state of sanitation in the camp/s?
  - what medical assistance was provided, and by whom?
  - what other humanitarian relief?
  - who regulated these activities?
- (viii) what were the numbers, positions, and activities of military forces at the camps:
  - i.e, RPA?
  - UNAMIR?
  - any other armed elements?
  - which elements and how identified?
- (ix) what was the sequence of events during the effort to close the camp/s?
  - who cordoned/patrolled the area?
  - any break-outs or attempts?
  - when and where?
  - who responded, in what manner, with what consequences, in each instance?
- (x) was there any aggression/provocation from within the camps during the closure exercise?
  - when?
  - directed at whom?
  - what casualties from the aggression/provocation?
  - what response/s to the aggression/provocation?
  - by whom?
  - what casualties from the response/s?
- (xi) who fired guns during the closure exercise?
  - at what points in time?
  - for what reason/s?
  - what types of guns were fired, and for how long?
- (xii) what prior evidence existed of aggression/provocations from the camp/s?
  - what precautions had been taken, and by whom, against possible occurrences of that nature?
- (xiii) were any weapons seized at the camps?
  - what types of weapons?
  - seized from whom?
  - by whom?
  - any arrests in that connection?

#### V. Casualties

- (i) who compiled what figures of casualties, when and under what conditions?
- (ii) what methods/s were used for compiling these figures?
- (iii) what proportions of the casualties were caused by:
  - gunshots?
  - machetes?
  - stampede/crushing?
- (iv) how were the casualties handled?

- identification of casualties (by whom)?
- burials: when; where; by whom?

VI. Eyewitnesses

(list and try to take evidence from all; questions to be put to a witness will depend on what he-she actually witnessed)

VII. UNAMIR's role

- (i) what was UNAMIR's defined role and tasks in the closure exercise?
- (ii) what was the deployment of UNAMIR forces in this regard?
  - how many?
  - what were their locations?
  - what were their orders/instructions?
  - what arms/equipment?
- (iii) what specific actions did UNAMIR undertake during the period?
- (iv) did UNAMIR forces fire any shots at any time?
  - at whom or what positions?
  - under what circumstances?
  - with what casualties?
- (v) to what extent did UNAMIR have access to various parts of the camp/s?
  - which parts?
  - for how long?
  - what restrictions, if any, were placed on UNAMIR's movements?
  - by whom?
  - for how long?
- (vi) did UNAMIR or any other personnel take any photographic, video, or other documentary evidence of any incidents as they occurred?
  - was such recording of evidence allowed or prevented?
  - what happened to any such evidence, if recorded or compiled?
- (vii) what medical/humanitarian relief did UNAMIR or any other personnel provide to the casualties?
  - was such medical/humanitarian relief allowed or prevented?
  - by whom?
- (viii) what actions did any other participants take during or in response to the Kibeho events?
  - with whose authorization?
  - were any particular actions prevented/restricted?
  - by whom?

IX. General

(general questions to sum-up/evaluate/clarify the answers already provided?)

The fund  
draft for  
your approval

Approved  
Jee  
6.5  
Isel  
Isel.  
6.5-95

DRAFT MINUTE

MEETING OF THE JOINT PRESIDENTIAL

The final  
draft for  
Jean approval

Approved

CS

18/5/95

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1. The third meeting of the Joint Comm held on Thursday, 4 May 1995 at 10 am at the Rwandese Foreign Ministry. Representing the Rwandese Delegation were Col. Frank Mugambage, Chef du Cabinet (Leader) Minister of Defence; Nyandwi Thareisse, Counsellor, Prime Minister's Office; Telesphore Kagaba, Counsellor, Ministry of Foreign Affairs and Cooperation; Felix Bagambiki, Counsellor, Ministry of Foreign Affairs and Cooperation.

2. UNAMIR was represented by Ambassador Shaharyar M. Khan, Special Representative of the Secretary General for Rwanda (Leader); Col. T. S. Sivakumar, Chief of Staff; Samuel Buo, Acting Executive Director; Isel Rivero, Special Assistant to the Special Representative; Ike Minta, Legal Adviser.

3. Col. Mugambage opened the session by stating that the meeting should now be guided by UNAMIR's suggestions on <sup>the</sup> what role it could play in view of present realities in Rwanda.

4. The Special Representative acknowledged that the present realities in Rwanda were different from when UNAMIR was initially deployed and that its mandate would have to be defined according to the existing realities. He then

referred to Security Council Resolution 965 and read out the present mandate of UNAMIR. He also referred to recent trilateral agreements which had been concluded by Rwanda with UNHCR and Zaire, in which the protection of security corridors and transit camps for the returning refugees could be considered relevant. The Special Representative said that it was for the Government to indicate the adjustments to be made on the mandate.

5. Continuing, the Special Representative, expressed a personal opinion. Cross border military oriented activities from Zaire had been increasing and were more organized. Both the President and the Vice President had indicated their concerns about this development. Was it contemplated that UNAMIR should play <sup>ca</sup>border monitoring role?

6. Col. Mugambage stated that at the last meeting he had given the conceptual framework for a future UNAMIR operation in Rwanda. He was now expecting UNAMIR to make proposals relating to the mandate. For example, the concept of social rehabilitation could be included in the mandate. He expected a constructive discussion guided by the Special Representative's suggestions.

7. The Special Representative reminded Col. Mugambage that all issues related to the mandate had to be forwarded to United Nations Headquarters in New York. It was for the Security Council to decide on UNAMIR's mandate. However, the Joint Commission could develop recommendations, which if initially agreed to, were likely to find greater acceptance by the Security Council.

8. The socio-economic and developmental tasks mentioned by Col. Mugambage

were issues which belonged in the sphere of United Nations Specialized Agencies and the United Nations Development Programme and were not related to a peace keeping mission.

9. Col. Mugambage reasserted the views he had expressed at the last meeting. Namely, that on June 9th, UNAMIR's mandate would end. Rwanda was a sovereign country and decisions taken elsewhere were unacceptable. UNAMIR I had mishandled the situation and had not prevented the genocide. It had further provided people with false expectations of security. The former SRSG had been biased. UNAMIR II was not providing any security in Rwanda, on the contrary it was creating a dangerous situation with a parallel system of security. Therefore, the military component of UNAMIR was superfluous and should phase out. A limited UNAMIR presence could be agreed to, but a substantial presence, even in any other role, was not acceptable.

10. The Special Representative replied that UNAMIR did not wish to perpetuate its presence in Rwanda. Yet, it was important for the Joint Commission to determine the specific roles that UNAMIR was to play as for example, the question of the training of the gendarmerie. Such issues needed to be spelt out in order to appraise United Nations Headquarters of the Government's thinking.

11. Col. Mugambage requested that UNAMIR should list the tasks that it considered it should assume. The Government would do the same. At the next meeting ideas could be exchanged. He proposed the next meeting on Monday, 8th May.

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## **Bilateral Matters**

12. The Special Representative then brought to the meeting's attention a paper UNAMIR had prepared concerning problems which had arisen regarding implementation of the Status of Mission Agreement (copy attached). These points were not being presented as a complaint, but as a list to be discussed in order to avoid friction between UNAMIR and the Government. It was clear that many of these issues could be resolved.

13. Col. Mugambage thanked the Special Representative for bringing these matters to his attention, and promised to examine them in order to find solutions.

The meeting rose at 11:45 am.

Ise1 Rivero, SA/SRSG/UNAMIR

Faustin Rusare, CC/MI/RW

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Mr Nkusi stated as follows:

Owing to interference problems, there was a need to regulate the use of frequencies: there was a lot of misuse by various users; no regulations; everyone was bringing in equipment and allocating themselves frequencies.

In the case of UNAMIR, it has close to 100 frequencies, spanning the entire spectrum. We have had meetings to discuss the use of frequencies: which are for various agencies, and which are reserved, etc. There is a letter from the Ministry of Transport and Communications, sent only last Thursday, on this issue. But there is a general reluctance on the part of many agencies to abide by these; our efforts are sometimes seen as UNAMIR-bashing, which is not so.

Certain frequencies are allocated to the Government, and we are asking all users to vacate those frequencies, and to sit and discuss with us, as we have done with UNAMIR, what equipment can stay in which frequencies. We have discussed the various areas, and achieved a lot of understanding already. Stories of inflexibility on our part are not true; perhaps your staff are unwilling to make the necessary adjustments to their equipment given the frequencies allocated.

Government has to ensure that regulations are observed. There are many UNAMIR sites for communications, and Government's access to all these sites is still problematic. There is a general reluctance to allow us access.

With regard to all equipment held up at the airport, the exercise is now complete. Starting tomorrow, all users allocated frequencies or licences, whose equipment were held up, will be released their equipment.

There has also been a background of violations, eg by Brown and Root (now granted a temporary licence). Also, certain licence application forms were not being followed.

In meetings with the Ministry of Transport and Communications, regarding the telephone network, it has been noted that the creation of a separate network at more than five times the cost of [the Government's network] is sometimes questionable. Your officers' reasons are: [he reads] "to circumvent losing contact" (?), etc. UNAMIR will be fully served by using what is already in place. Use of a separate network by UNAMIR is not aimed at serving the people: no offshoots for the Government; no revenue; it is aimed at by-passing the Government's network.

**Note by LA:**

The Status of Mission Agreement provides as follows on "Communications":

*"10. UNAMIR shall enjoy the facilities in respect to communications provided in Article*

*III of the [1946] Convention and shall, in co-ordination with the Government, use such facilities as may be required for the performance of its task. Issues with respect to communications which may arise and which are not specifically provided for in the present Agreement shall be dealt with pursuant to the relevant provisions of the Convention.*

*"11. Subject to the provisions of paragraph 10:*

*(a) UNAMIR shall have authority to install and operate radio sending and receiving stations as well as satellite systems to connect appropriate points within the territory with each other and with United Nations offices in other countries, and to exchange traffic with the United Nations global telecommunications network. The telecommunication services shall be operated in accordance with the International Telecommunication Convention and Regulations and the frequencies on which any such station may be operated shall be decided upon in co-operation with the Government and shall be communicated by the United Nations to the International Frequency Registration Board;*

*(b) UNAMIR shall enjoy, within the territory, the right to unrestricted communication by radio (including satellite, mobile and hand-held radio), telephone, telegraph, facsimile or any other means, and of establishing the necessary facilities for maintaining such communications within and between premises of UNAMIR, including the laying of cables and land lines and the establishment of fixed and mobile radio sending, receiving and repeater stations. The frequencies on which the radio will operate shall be decided upon in co-operation with the Government. It is understood that connections with the local system of telegraphs, telex and telephones may be made only after consultation and in accordance with arrangements with the Government, it being further understood that the use of the local system of telegraphs, telex and telephones will be charged at the most favourable rate."*

**\*\*\* I would recommend that, in view of her previous work on the Communications and licensing issue, Ms Ladan Rafii be assigned to carry out any further legal work here.**



(a) exempt from all direct taxes; it is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

(b) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the United Nations for its official use. It is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country;

(c) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

~~Section 8.~~ While the United Nations will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the United Nations is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Members will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

### Article III

#### FACILITIES IN RESPECT OF COMMUNICATIONS

Section 9. The United Nations shall enjoy in the territory of each Member for its official communications treatment not less favourable than that accorded by the Government of that Member to any other Government including its diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to the press and radio. No censorship shall be applied to the official correspondence and other official communications of the United Nations.

Section 10. The United Nations shall have the right to use codes and to despatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

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### Article IV

#### THE REPRESENTATIVES OF MEMBERS

Section 11. Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, shall, while exercising their functions and during their journey to and from the place of meeting, enjoy the following privileges and immunities:

(a) immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their capacity as representatives, immunity from legal process of every kind;

(b) inviolability for all papers and documents;

(c) the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(d) exemption in respect of themselves and their spouses from immigration restrictions, alien registration or national service obligations in the state they are visiting or through which they are passing in the exercise of their functions;

(e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

(f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys, and also

(g) such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.

Section 12. In order to secure, for the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members.

Independent Commission - Relevant Questions

A. On What basis was camp-closure planned?

Discussed  
foray

Did we advise against forcible closure?

Operation Retour - why had it stalled? What were plans for revival?

What evidence of militia/interahamwe activity in IDP camps?

Collaboration with cross border military activity from Zaire, was is it on the increase?

Had RPF given notice of early closure?

Sp

Bel

B. Prior Consultation

To what extent was there consultation between UN and GOR? Which issues were discussed and agreed? Was there agreement on all issues? Which issues remained to be discussed? Was the timing of the launch discussed?

At what level was there agreement on a combined approach? Had there been consultation on camp closure between RPA and UNAMIR's military contingent?


In what way did the lack of consultation affect the Kibeho tragedy?

C. Ethnic base

Was there an ethnic basis for the closure of camps? Were IDP's expected to return ~~exclusively to Tutsi or Hutu communes?~~

D. The Kibeho tragedy

What were the conditions from 18-22 April in Kibeho? How many people were there in the Kibeho IDP camps? How many moved to the Central Hill? How much food and water permitted? Sanitation and medical assistance? Space? Shelter from rain?



What was IDP condition after 5 days on Kibeho hill? How close or deep was the RPA cordon? Were Humanitarian Organizations allowed access?

When and how did the first break-out occur? When and how did the second break-out occur? What was the state of intimidation inside the camps? Were there machete attacks and by whom? Did Zambatt arrest some attackers? How did these machete attacks affect the atmosphere inside the camps? Were arms found in the camp?

Was there provocation/aggression from within camps against RPA? Was there an attack on RPA before break-out? How many RPA soldiers were treated for wounds?

If the reason for closing camps was the presence of organized militia/interahamwe within the camps, was not an element of provocation anticipated by RPA? If so what measures had been taken to meet such provocation?

Approximately what was the percentage of deaths through (a) firing by RPA, (b) crush and stampede within camp, (c) machete attacks?

Was the RPA firing in response to attacks by armed IDP's? Or was there indiscriminate killing as a result of panic and the situation going out of control? Was there cold-blooded revenge killing of defenceless people?

How did UNAMIR arrive at its initial estimate (on Saturday) of deaths? How was a "more accurate" count taken the following day? What was the method used for calculating deaths?

Who were the eye witnesses to the events?

Zambatt, Ausmed and UNAMIR visitors

Human Rights Monitors

Humanitarian Representatives (ICRC, MSF, etc.)

Journalists

Any others

Would all the dead bodies be buried around Kibeho? Could they be removed or hidden? If so how? Would the re-opening of graves give an accurate count of the deaths? Did RPA bar UNAMIR and agencies from certain areas? Have films been confiscated? Are there any video films of the tragedy.

Those IDP's who were allowed to walk - how were they treated on their way back? In their communes?

E. UNAMIR's role

What was the advice given by UNAMIR on the closure of IDP camps before 18 April?

What did UNAMIR contingent do on the morning of 18th when action started? Why was Zambatt allowed to stay in compound? What role did they and Ausmed play from within camp?

What was the advice being given by UNAMIR to RPA and government to resolve the crisis?

Did UNAMIR contingent in Kibeho fire any shots at any time? Why did not UNAMIR take action against interahamwe/militia? Why did not UNAMIR take action against RPA?

~~What was Zambatt/UNAMIR's role during heat of crisis?~~

Did UNAMIR bury dead bodies? - by themselves or jointly with RPA? How many children, women are assisted by UNAMIR? How did UNAMIR protect "civilians at risk"?

What support did UNAMIR give the government when they are informed of the operation? How did UNAMIR influence the Agencies to provide assistance in addressing the humanitarian problem?

F. General

Was the Kibeho tragedy due to pre-meditated action?

Or was the firing the result of panic, chaos and loss of control by troops?

Was there deliberate, cold blooded revenge killing?

Was the dead-count exaggerated?

Was there recognition by RPA that appalling humanitarian suffering would result in breach of human endurance?



## DRAFT MINUTES

### MEETING OF THE JOINT PRESIDENTIAL COMMISSION ON UNAMIR'S MANDATE

1. The third meeting of the Joint Commission to review UNAMIR's mandate was held on Thursday, 4 May 1995 at 10 am at the Rwandese Foreign Affairs Ministry. Representing the Rwandese Delegation were Col. Frank Mugambage, Chef du Cabinet (Leader) Minister of Defence; Nyandwi Thareisse, Counsellor, Prime Minister's Office; Telesphore Kagaba, Counsellor, Ministry of Foreign Affairs and Cooperation; Felix Bagambiki, Counsellor, Ministry of Foreign Affairs and Cooperation.

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5. Continuing, the Special Representative, expressed a personal opinion.

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6. Col. Mugambage stated that at the last meeting he had given the conceptual framework for a future UNAMIR operation in Rwanda. He was now expecting UNAMIR to make proposals relating to the mandate. For example, the concept of social rehabilitation could be included in the mandate. He expected a constructive discussion guided by the Special Representative's suggestions.

7. The Special Representative reminded Col. Mugambage that all issues related to the mandate required had to be forwarded to United Nations Headquarters in New York. It was for the Security Council to decide on UNAMIR's mandate. However, the Joint Commission could develop recommendations which if initially agreed were likely to find greater acceptance by the Security Council.

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Agencies and the United Nations Development Programme and were not related to a Peace Keeping mission.

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**Bilateral Matters**

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13. Col. Mugambage thanked the Special Representative for bringing these matters to his attention, and promised to examine them in order to find solutions.

The meeting rose at 11:45 am.

Işel Rivero, SA/SRSG/UNAMIR

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4. The Special Representative acknowledged that the present realities in Rwanda were different <sup>from</sup> ~~than~~ when UNAMIR was <sup>initially</sup> deployed and that its mandate would have to be defined according to <sup>existing realities</sup> ~~the ongoing changes~~. He then referred to

Security Council Resolution 965 and read out the present mandate of UNAMIR.

He also referred to recent trilateral agreements which had been concluded by Rwanda with UNHCR and Zaire. <sup>in which the protection of</sup> Firstly, ~~he continued, the provisions to create~~ security corridors <sup>at transit camps</sup> ~~for the return of the refugees~~ could be considered ~~(still)~~ relevant. Secondly, ~~the creation of transit camps, and whether UNAMIR should~~ <sup>SPSG said that it was for</sup> ~~play a role should be discussed.~~ Thirdly, the Government <sup>to</sup> ~~should indicate what~~ the adjustments <sup>to</sup> ~~could be made on the mandate as stated in the above mentioned~~ resolution.

5. Continuing, the Special Representative, <sup>expressed</sup> ~~volunteered~~ a personal <sup>opinion</sup> ~~thought~~. Cross border <sup>military oriented</sup> ~~activities of bandits~~ from Zaire had been increasing and ~~(becoming somewhat)~~ more organized. Both the President and the Vice President had indicated ~~to him~~ their concerns about this development. <sup>was it</sup> ~~It would be~~ important <sup>contemplated</sup> ~~to determine if the Government wished UNAMIR~~ <sup>to</sup> ~~to play a border~~ monitoring role.

6. The Special Representative also referred to the possibility of ~~concluding~~ a memorandum of understanding between UNAMIR and the Government <sup>referring</sup> ~~which would~~ clarify ~~tasking areas~~ <sup>the</sup> related to a new mandate. He also proposed that in order to advance in determining the new mandate, these tasks be outlined by the Representatives of the Government of Rwanda in order to determine the number of personnel required to carry them out. In this regard he was looking forward to the written document the Chairman had promised at the last meeting.

7. Col. Mugambage <sup>stated</sup> ~~explained~~ that ~~he had provided~~ at the last meeting <sup>he had given</sup> ~~the~~ conceptual framework for a future UNAMIR operation in Rwanda. He was now

expecting UNAMIR to <sup>make proposals relating to the mandate</sup> provide a list of what UNAMIR could contribute. For example, <sup>the concept of</sup> social rehabilitation, <sup>could be included in the</sup> what were the Special Representatives ideas or insights on this issue. He expected a constructive discussion guided by the Special Representative's suggestions.

8. The Special Representative reminded Col. Mugambage that <sup>required</sup> (firstly) all issues related to the mandate <sup>and that</sup> had to be forwarded to United Nations Headquarters in New York for their elucidation and that ultimately <sup>for</sup> it was the Security Council <sup>to</sup> who would decide <sup>on the UNAMIR mandate</sup> what role, if any, UNAMIR should play. However, the Joint Commission could develop <sup>certain</sup> recommendations which <sup>if mutually agreed</sup> could be submitted to New York and which, because they had been discussed internally, <sup>found greater acceptance by</sup> would stand a better chance at being favourably considered by the Secretary General and the Security Council.

9. <sup>The</sup> Notwithstanding he could advance that socio-economic and developmental tasks <sup>mentioned by CDD</sup> were an issue which belonged in the sphere of <sup>competence</sup> of United Nations Specialized Agencies and the United Nations Development Programme <sup>and were</sup> not <sup>related</sup> to a Peace Keeping mission.

10. Col. Mugambage reasserted the views he had expressed at the last meeting. Namely, that on June 9th, UNAMIR's mandate <sup>would end</sup> ended. Rwanda was a sovereign country and decisions taken elsewhere were unacceptable. UNAMIR I <sup>had had</sup> many pitfalls, it had mishandled the situation and had not prevented the genocide. It had further provided people with false expectations of security. <sup>to the former SRSG had been a fiasco</sup> UNAMIR II was not providing any security in Rwanda, <sup>with</sup> on the contrary, it was creating a ~~very~~ dangerous situation of a parallel system of security. Therefore, the military component of UNAMIR was superfluous and ~~it~~ should

phase out. A limited UNAMIR presence could be agreed but  
leave. Certain aspects of UNAMIR could remain but in a very limited presence,  
but certainly not on a peace keeping role.  
a substantial presence, even in any other role, was not  
acceptably

11. The Special Representative replied that UNAMIR did not wish to impose <sup>perpetual</sup>  
its presence in Rwanda.  
itself on the people of Rwanda which it considered a sovereign country. Yet,  
it was important that <sup>for</sup> the Joint Commission determine <sup>to</sup> what it considered  
UNAMIR was <sup>to</sup> play an appropriate, for example, the question of the training of the gendarmerie.  
Such issues needed to be <sup>spelt out</sup> spelled out in order to appraise United Nations  
Headquarters of the Government's thinking.

12. Col. Mugambage requested that UNAMIR should list <sup>the</sup> those tasks that it  
considered it <sup>should assume</sup> could continue to carry out and the Government would do the  
same. At the next meeting <sup>these</sup> ideas could be exchanged in terms of deciding what  
could be done for the future. Therefore <sup>the next meeting</sup> he proposed to meet on Monday,  
8th May, at the same time.

#### Bilateral Matters

13. The Special Representative then brought to the meeting's attention a  
paper UNAMIR had prepared concerning certain problems which had arisen  
regarding implementation of the Status of Mission Agreement, <sup>Copy attached</sup> namely, the  
confiscation of diesel trucks belonging to a UNAMIR contractor,  
accommodation, freedom of movement and arrest of local employees. These  
points were not being presented as a complaint, but as a list to be discussed  
in order to avoid further frictions between UNAMIR and the Government. It was  
clear that many of these issues could be resolved if the constraints expressed  
by the Government were formalized or its reservations were addressed in



writing ~~to~~ his office.

14. Col. Mugabage thanked the Special Representative for bringing these matters to his attention, and promised <sup>to</sup> ~~he would look at them~~ <sup>examine them</sup> in order to find solutions.

The meeting rose at 11:45 am.

Ise1 Rivero, SA/SRSG/UNAMIR

Faustin Rusare, CC/MI/RW