

[ 3 CONFIDENTIAL ]

UN ARCHIVES

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FILE 3  
ACC. 1998/0283

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UNOMUR



MONUOR

United Nations Observer Mission Uganda/Rwanda  
La Mission d'observation des Nations Unies Ouganda/Rwanda

194 MAY 30

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OUTGOING FAX NO: 814  
29 MAY 1994

TO: MGEN DALLAIRE, FC UNAMIR KIGALI	FROM: COL ASRAR ACTING CMO UNOMUR, KABALE
FAX NO: 07-84265	FAX NO: 256 486-23816
SUBJECT: ILLEGAL DETENTION OF UNMOS	

REFERENCE:

A. OUR DAILY SITREP (FAX NO. 801) DATED 27 MAY 1994.

1. IN INVITING ATTENTION TO REFERENCE A, A LETTER OF PROTEST TO NRA IS ENCLOSED HEREWITH. ALTHOUGH THE NRA CLO HAS PERSONALLY REGRETTEED FOR THE INCIDENT AND ASSURED OF ALL COOPERATION, YET, THIS IS FORWARDED FOR YOUR KIND INFORMATION AND NECESSARY ACTION AS DEEMED APPROPRIATE PLEASE.
2. BEST REGARDS.

CMO

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MONITOR REPORT

THIS DOCUMENT WAS CONFIRMED

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NOTE:

EC : ERROR CORRECT  
R : RESEND  
PD : POLLED BY REMOTE  
MB : SEND TO MAILBOX  
PB : PARTIAL BATCH  
SF : STORE & FORWARD  
PG : POLLING  
EB : END OF BATCH  
RI : RELAY INITIATE  
MP : MULTI-POLLING  
RD : REMOTE DIAG  
HS : RELAY SEND  
RM : RCV TO MEMORY

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La Mission d'observation des Nations Unies Ouganda/Rwanda*

**- UN RESTRICTED -**

CMO/001/94

HQ UNOMUR  
P.O.BOX 906  
Kabale  
Uganda  
28 May 1994

**TO: Colonel Peter Kerim  
Commander 2<sup>nd</sup> Division  
NRA  
Mbarara**

**INFO: Maj. Robert Zakye  
Chief Liaison Officer  
NRA, Kabale**

**ILLEGAL DETENTION OF UNMO'S BY NRA TROOPS**

1. This is to bring to your kind notice that two of our United Nations Military Observer (UNMOs) while patrolling in area Bunagana-Kabindi (SQ 9057. Also refer to sketch attached) at 262130 May 1994 were detained illegally at the NRA check point (CP) for over 3 hours. They were on a patrol coming from Kisoro and entering through the track leading to the south (refer to sketch). The patrol was accompanied by one NRA soldier too. When asked by the UNMO's about the reasons, the NRA on duty at CP reported that they have instructions from the NRA Battalion Commander at Kisoro to detain the UNMOs. UNOMUR Office at Kisoro made numerous attempts (till 2345 hours) to contact the Battalion Commander NRA who was not available. The NRA soldier on duty also mentioned that the Battalion Commander will not be available until next morning and he has no authority to leave them.

2. The A/CMO brought this matter to the notice of Maj Zakye, NRA, CLO who immediately intervened and the UNMOs were released from the CP at 270030 May 94.

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3. Although Maj. Zakye was called at this HQ by A/CMO who regretted for the incident, yet, I would like to draw your kind attention to following:

- a. The patrol was escorted by one NRA member who also informed the NRA soldier at the CP that they (patrol) were coming from Kisoro side and not from Bunagana.
- b. The area and route followed by the patrol is usually monitored by UNOMUR and was agreed upon during a meeting held between the Army Commander, NRA and A/CMO during last March 1994.
- c. In inviting attention to Article 105 of the Charter of the United Nations and Article VI of the Convention of the Privileges and Immunities of the United Nations (copy/extracts enclosed), UNMOs enjoys immunity from personal arrest or detention and from seizure of their personal baggage. In this regard attention is also invited to relevant clause of the status of Mission Agreement (SOMA) signed between UN and Ugandan Government.
- d. Such detention of UNOMUR members with no valid reason was an insult to UN and a clear violation of the privileges contained in para (3 c.) mentioned above.
- e. UNOMUR considers such action by the local Battalion Commander, a deliberate attempt to harass our UNMOs.
- f. Should there be any observation/complain against our UNMOs, it could always be referred to this HQ for necessary actions specifying name, time, place and incident.

4. In the light of foregoing and as instructed by my higher authorities may I humbly request you to please look into the whole matter and do the needful.

5. Best regards.

Enclosures: 3 pages



Asrarul Haque

Col

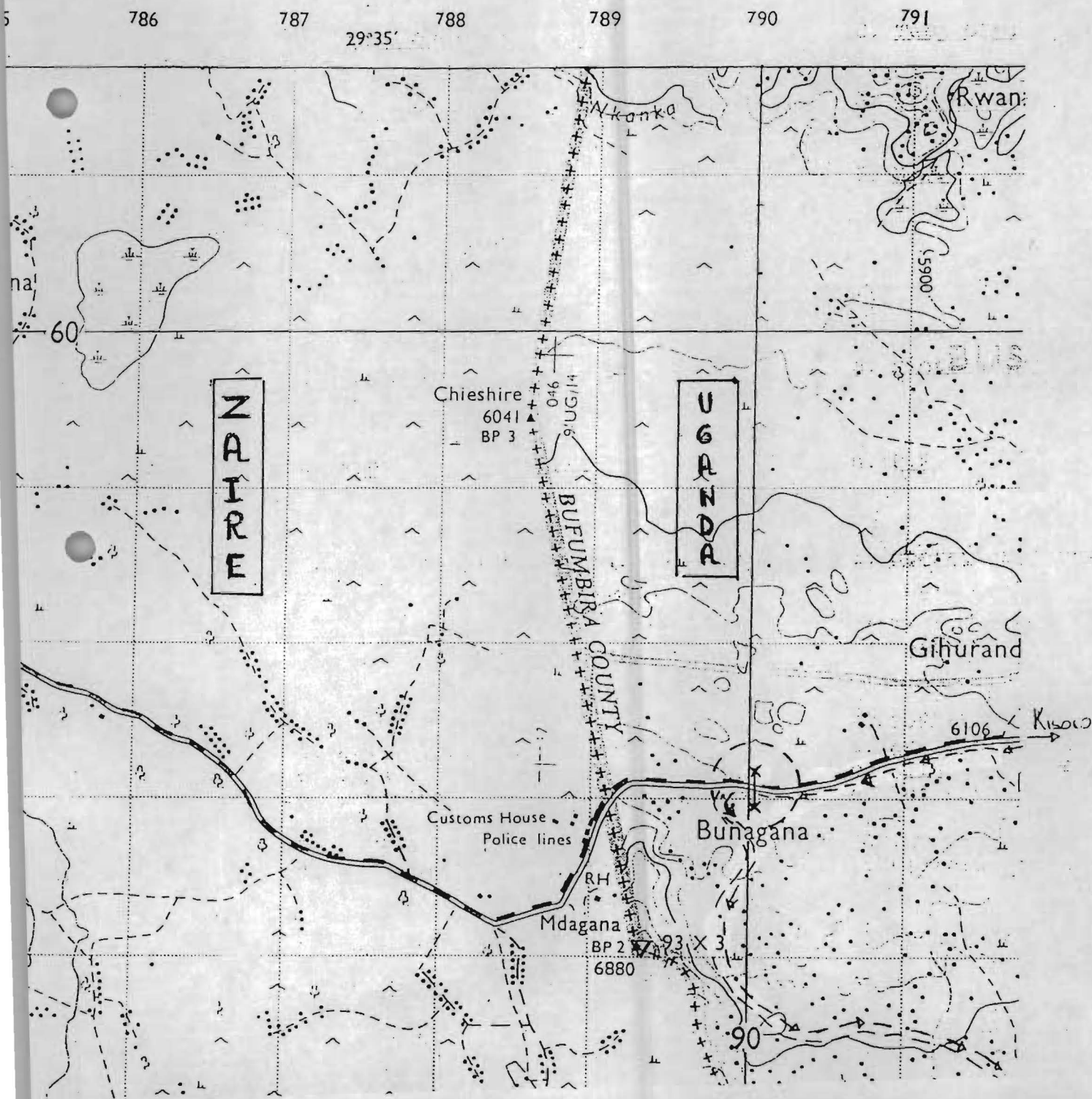
Acting Chief Military Observer

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Patrol Route  
Place of incident  
(NRA Check Post)

ANNEX "B"

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XVII. PRIVILEGES AND IMMUNITIES OF UNOMUR UNMOs

78. Article 105 of the Charter of the United Nations and Article VI of the Convention of the Privileges and Immunities of the United Nations (concerning experts on mission, which applies to UNMOs) reads as follows:

" Article 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.
2. Representations of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their function in connection with the Organization.
3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this article or may propose conventions to the Members of the United Nations for this purpose."

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" Article VI

Experts on Mission for the United Nations

"Section 22". Experts (other than officials coming within the scope of Article V) performing mission for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise for their functions during the period of their missions including the time spent on journeys in connection with their missions. In particular they shall be accorded:

- a. Immunity from personal arrest or detention and from seizure of their personal baggage;
- b. In respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;
- c. Inviolability for all papers and documents;
- d. For the purpose of their communication with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;



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- 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 diplomatic envoys.

Section 23. Privileges and immunities are granted to experts in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any case where, in his opinion, the immunity could impede the course of justice and it can be waived without prejudice to the interest of the United Nations.

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OUTGOING FAX NO. 813  
29 MAY 1994

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22 MAY 1994