

The United Nations and
Rwanda
1993–1996



With an introduction by
Boutros Boutros-Ghali,
Secretary-General
of the United Nations

The United Nations and Rwanda, 1993-1996

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Rwanda

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Boutros Boutros-Ghali,
Secretary-General of the United Nations

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Section One

Introduction



I Overview

1 The genocide in Rwanda in 1994 was one of the greatest tragedies since the Second World War. The brutal killings and other grave violations of human rights and international humanitarian law that occurred, and the sheer scale and speed of the exodus of people from the areas of conflict, created a crisis of unprecedented proportions that taxed the expertise and resources of the entire United Nations system. The horrible events in Rwanda also brought new urgency to the ongoing debate over the role of the United Nations in multilateral peace-keeping, peace enforcement and post-conflict peace-building.

2 In Rwanda, as has increasingly been the case in post-cold war conflicts, the United Nations was asked to address the dynamics of violent internal strife in which civilians were the principal targets. Rwanda has a long history of economic and political rivalries between its two main ethnic groups, the majority Hutus and minority Tutsis. These tensions persisted in the decades following Rwanda's independence, causing periodic outbreaks of violence and prompting large numbers of people to seek refuge in neighbouring States.

3 In August 1993, through the peacemaking efforts of the Organization of African Unity (OAU) and Governments in the region, the signing of the Arusha Peace Agreement appeared to have brought an end to the conflict between the then Hutu-dominated Government and the opposition Rwandese Patriotic Front (RPF), a mostly Tutsi-based movement which, in 1990, had launched an armed campaign against the Government. The accord called on the United Nations to play a major role during a transitional period leading up to national elections. Accepting that role, the Security Council in October 1993 established the United Nations Assistance Mission for Rwanda (UNAMIR), with a mandate encompassing peace-keeping, humanitarian assistance and general support, through the Secretary-General's good offices, for the peace process.

4 From the outset, however, the will to peace was subverted by some of the Rwandan political parties participating in the Agreement. With the ensuing delays in its implementation, violations of human rights became more widespread and the security situation deteriorated dramatically. As later evidence demonstrated irrefutably, extremist elements of the Hutu majority, while talking peace, were in fact planning a campaign to exterminate Tutsis and moderate Hutus. In early April 1994, the deaths of the Presidents of Burundi and Rwanda in a plane crash caused by a rocket attack ignited several weeks of the most intense

and systematic wave of massacres. The killings — as many as 1 million people are estimated to have perished — shocked the international community and were clearly acts of genocide. The civil war resumed, provoking a mass exodus of people away from the fighting, with some 2 million Rwandans — more than 25 per cent of the population — quickly becoming displaced within Rwanda or beyond its borders.

5 If the absence of a resolute commitment to reconciliation by some of the Rwandan parties was one problem, the tragedy was compounded by the faltering response of the international community. As I stressed repeatedly following the outbreak of violence and deliberate massacres of civilians, the capacity of the United Nations to reduce human suffering in Rwanda was severely constrained by the unwillingness of Member States to respond to the changed circumstances in Rwanda by strengthening UNAMIR's mandate and contributing additional troops. With the efforts undertaken by the United Nations High Commissioner for Human Rights, the Commission on Human Rights and a Special Rapporteur, and the later establishment of an International Tribunal for Rwanda and a Human Rights Field Operation in Rwanda, the international community showed its determination to pursue the perpetrators of genocide and to create better safeguards against violations of human rights and international humanitarian law. But these efforts, however significant, cannot make up for the inadequacy of the response to the massacres as they occurred and during subsequent events in Rwanda.

6 The provision of large-scale emergency relief was an essential component in efforts to respond to the calamity. The scale of demands on the Organization for the quick delivery of emergency food, medical supplies and other forms of aid was such that they could not be adequately met. None the less, the United Nations coordinated a massive network of humanitarian assistance programmes, in conjunction with non-governmental organizations, the International Committee of the Red Cross and other partners. Following an initial focus on urgent survival needs, the humanitarian community shifted its attention to an array of long-term and interrelated goals: rehabilitating Rwanda's devastated infrastructure, revitalizing the economy, restoring law and order and promoting development.

7 These initiatives were undertaken amid dangerous and difficult conditions, particularly in refugee camps where former Rwandese Government, army and militia elements intimidated refugees in order to keep them from returning to Rwanda. Efforts were made to improve security in the camps, and to create conditions inside Rwanda that were conducive to the return of refugees and internally displaced persons — a vital necessity for the country's economic, social and political rehabilitation. However, the complex, multifaceted problems in this area contin-

ued well into 1996, with some 1.6 million Rwandans remaining outside the country.

8 More than two years after the genocide, the situation in Rwanda showed signs of gradual improvement. Indeed, the end of the emergency, relatively stable conditions and other considerations led the Government of Rwanda to request the reduction and withdrawal of UNAMIR, a process completed in April 1996. But the termination of the mission did not signal that all major problems in the country had been resolved, or that United Nations involvement had outlived its usefulness. Rather, the task of helping the people of Rwanda to rebuild their shattered society remained one of the principal challenges facing the international community.

9 My Special Representative, as head of a United Nations political office in Kigali, continued efforts to reconcile the opposing sides. United Nations humanitarian agencies continued to provide assistance and encourage the return of refugees. And the Organization maintained a human rights presence through the work of the International Tribunal for Rwanda, a Special Rapporteur of the Commission on Human Rights and, in particular, the Human Rights Field Operation in Rwanda — a team of human rights experts serving as monitors, trainers and educators whose goal was to help the Rwandan authorities create a stable society, based on the rule of law, in which all groups live in safety and equality.

10 Following this overview, Part II of the Introduction provides background information on the colonial period of Rwanda's history, the role of the United Nations in supporting Rwandan independence, the growing domination of ethnic rivalries in Rwanda's social and political life and the deteriorating conditions in the early 1990s that led to peace talks between the Government and opposition forces. Part III recounts the involvement of the United Nations in supporting these negotiations, the successful conclusion of a peace agreement and the creation of UNAMIR to assist in implementation of the agreement. Part IV reviews the efforts of the United Nations and others to maintain the momentum of the peace process amid ongoing political differences in Rwanda and an increasingly tense political and security situation.

11 Part V chronicles the resumption of civil conflict in April 1994, the massacres of Rwandan civilians and the attempts by the United Nations to negotiate a cease-fire and end the violence. Part V also reviews the events and deliberations that led the Security Council first to reduce the size of UNAMIR and then to authorize an increased United Nations military presence in Rwanda, with its decision to establish UNAMIR II. Part VI discusses the lengthy delays encountered in the actual deployment of UNAMIR II, the massive flows of Rwandan refugees and displaced persons seeking safe haven from the ongoing fighting, and the decision of the Council to authorize a French-led

multinational intervention — “Operation Turquoise” — until UNAMIR II was brought up to strength.

12 Part VII discusses the work of the International Tribunal for Rwanda and the human rights mechanisms of the United Nations system that acted to address the grave violations of humanitarian law that had occurred in Rwanda, including the High Commissioner for Human Rights, a Special Rapporteur and the Human Rights Field Operation in Rwanda. Part VIII provides an account of the humanitarian response to the emergency, which affected not only Rwanda but also the larger Great Lakes region of Central Africa. Part IX covers the precarious situation of Rwandan refugees, the militarization of the refugee camps in Zaire and efforts to create conditions inside Rwanda that would encourage the repatriation of refugees and the resettlement of displaced persons. Part X discusses the final stages of the United Nations peace-keeping mission in Rwanda, discussions with the Government over the future role of the Organization in the country and the ongoing efforts of the United Nations system to promote political reconciliation and assist with national reconstruction. Finally, in Part XI, I offer some conclusions on the experience of the United Nations in Rwanda.

13 The documents in Section Two, which make up the bulk of this volume, include essential United Nations materials relating to Rwanda. Included are the text of the Arusha Peace Agreement and related Protocols, resolutions of the General Assembly, resolutions of the Security Council and statements by its President, reports I made on the progress of United Nations efforts and reports on the situation of human rights in Rwanda and on the International Tribunal for Rwanda and documents pertaining to the provision of humanitarian assistance. The “Other documents of interest” listing on pages 145-147 guides readers to additional United Nations documents of value.

II Background

14 Internal tension, unrest and violence have long characterized Rwandan history. Although its two main ethnic groups — the Hutus and the Tutsis — speak the same language and share the same culture, that of central Africa's Banyarwanda people, political power struggles and economic rivalries between them, reinforced by the colonial Powers that ruled the area, have divided the population and led on several occasions to the slaughter and flight of large numbers of civilians. The question of Rwanda has come before the United Nations during two critical periods in the country's history. The first was between 1946 and 1962, when the Territory of Ruanda-Urundi was part of the International Trusteeship System and both the General Assembly and the Trusteeship Council reviewed political developments in the Territory and debated its future. Nearly 30 years later, the Organization sought to support the efforts of an independent Rwanda to implement a peace agreement aimed at promoting national reconciliation and bringing the country a measure of long-term stability.

Economic, ethnic and political tensions

15 Rwanda, a small State with a predominantly agricultural economy, is one of the most densely populated countries in the world. Before the events of 1994 altered the country's demographic profile, Rwanda's population of more than 7 million people was divided into three ethnic groups: the Hutus (who made up roughly 85 per cent of the population), the majority of whom were farmers; the Tutsis (14 per cent), the majority of whom were stockbreeders; and the Twas (1 per cent).

16 Prior to the colonial era, Tutsis generally occupied the higher strata in the social system, and Hutus the lower. However, social mobility was possible: a Hutu who acquired a large number of cattle or other wealth could be assimilated into the Tutsi group, and impoverished Tutsis could be regarded as Hutus. A clan system also functioned, with a Tutsi clan known as the Nyifinya being the most powerful. Throughout the 1800s, the Nyifinya expanded their influence by conquest and by offering protection in return for tribute. In the second half of the nineteenth century, a Nyifinya chief, or *Mwami*, established a centralized State within the area then known as Ruanda.

17 In 1890, the two neighbouring kingdoms of Ruanda to the north and Urundi to the south were incorporated into German East

Africa. The German colonists instituted a system of indirect rule over the territory that relied heavily on the governing system already in place.

18 Germany lost possession of Ruanda-Urundi during the First World War, and the territory was subsequently placed under Belgian administration, first under the League of Nations Mandates System and then, after 1946, under the United Nations International Trusteeship System. During the period of Belgian rule, Belgian administrators further reinforced the Territory's ethnic distinctions and corresponding hierarchy when they began requiring that an individual's ethnic group be specified on identity cards. From then on, membership in an ethnic group was strictly defined for administrative purposes, and social categories became increasingly rigid, with Tutsis systematically favoured in the educational system and the civil administration.

Consideration by the United Nations

19 In the late 1950s, during the great wave of worldwide decolonization — a movement promoted and supported by the United Nations General Assembly and Trusteeship Council — the Belgian Government began to institute democratic reforms in Ruanda-Urundi intended to lead the Territory to independence. Tensions were increasing in Ruanda during this period. The Hutu political movement, which stood to gain from majority rule — one of the governing concepts of decolonization at that time — was gaining momentum while segments of the Tutsi establishment resisted democratization and the loss of their acquired privileges. In early November 1959, a small, violent incident sparked a Hutu uprising, during which hundreds of Tutsis were killed and thousands were displaced or fled to neighbouring countries. A week later, the Belgian Government published a policy statement outlining reforms designed to establish a system of local government which would progressively assume autonomy. This series of events marked the start of the so-called "Hutu peasant revolution" or "social revolution". Lasting from 1959 to 1961, the revolution signified the end of Tutsi domination of the country's political and economic life amid a sharpening of ethnic tensions.

20 Responding to a General Assembly request contained in its December 1959 resolution 1413(XIV), Belgium set 1962 as the target date for the achievement of independence by Ruanda-Urundi, with communal elections to be held in mid-1960 and national elections in early 1961. Hutu-dominated parties won a major victory in the communal elections, claiming approximately 80 per cent of the local seats. By that time, relations between the Belgian Administration and the *Mwami*, the traditional Tutsi leader of Ruanda, had become strained over Tutsi

opposition to implementing majority rule. In July 1960, during an absence from Ruanda of the reigning *Mwami*, the Belgian Resident General appointed an interim Council, on the grounds that the *Mwami* had refused to cooperate with the provisional organs and, it was claimed, had proved himself incapable of fulfilling the role of constitutional monarch. Belgium cut him off from the exercise of his functions, which were instead entrusted to the provisional Government.

21 Through a series of General Assembly actions spanning the several years leading up to Rwandan independence, the Organization sought to support national reconciliation and a smooth transition to democratic, representative government. In one such effort, the General Assembly adopted resolution 1580(XV) in December 1960, calling on Belgium to revoke its decision regarding the *Mwami* and instead to coordinate a referendum to determine the future of the monarchy. The Assembly also urged the Administrative Authority to grant a universal amnesty to enable political workers and leaders in exile or prison to participate in democratic political activities; and it called upon Belgium to continue to fulfil its Trusteeship obligations until the proper democratic institutions were established to take over these tasks. A series of United Nations commissions travelled to the Territory to supervise elections, to monitor political developments and, in cooperation with Belgium, to work to resolve political rifts, support the return of refugees and guarantee the protection of human rights.

22 In September 1961, both the legislative election and a referendum on the future role of the *Mwami* were held under United Nations supervision. Again the vast majority of political seats were won by Hutu-dominated parties, with Hutus claiming 37 legislative seats and members of the Tutsi-dominated party only 7. In the referendum, the vote was overwhelmingly in favour of ending *Mwami* rule, allowing the newly elected Legislative Assembly to abolish the monarchy and install a republican regime. On 1 July 1962, the Trusteeship Agreement for Ruanda-Urundi was terminated by the Trusteeship Council, and Rwanda and Burundi became two independent and sovereign States. Each was admitted as a Member of the United Nations on 18 September 1962.

Increasing ethnic conflict

23 By the time Rwanda gained independence in 1962, 120,000 people, primarily Tutsis, had taken refuge in neighbouring States to escape the violence which had accompanied the gradual coming to power of the Hutu community. A new cycle of ethnic conflict and violence began after independence. Tutsi refugees in Burundi, Uganda,

Rwanda



the United Republic of Tanzania, and Zaire seeking to regain their former position in Rwanda began organizing into armed groups and staging military attacks against Hutu targets and the Hutu Government. About 10 such attacks occurred between 1962 and 1967, each leading to retaliatory killings of large numbers of Tutsi civilians in Rwanda and, in turn, creating new waves of refugees. Within two years of independence, the Office of the United Nations High Commissioner for Refugees (UNHCR) estimated that the number of Rwandan refugees in neighbouring countries had increased to 150,000. UNHCR assistance during this time was focused on providing security for the refugees in countries of asylum and facilitating their settlement in the asylum countries or in third countries.

24 In 1973, Major-General Juvénal Habyarimana, a Hutu from the northern prefecture of Ruhengeri, seized power in a military *coup d'état*. He established a Government dominated by a single party, the Mouvement révolutionnaire national pour le développement (MRND), which institutionalized ethnic discrimination through a policy known as “establishing ethnic and regional balance”, whereby a substantial part of the country’s political and social life became subject to quotas estab-

lished according to “ethnic proportions”.¹ The quotas were used to determine the jobs and resources allocated to the country’s various ethnic groups; the Tutsi minority was allotted 10 per cent. General Habyarimana’s consolidation of power in Rwanda also added regional rivalries to the country’s ethnic-based antagonisms, with the north, the President’s home region, enjoying privileges in relation to the rest of the country.

25 Such policies and practices of the Government notwithstanding, Rwanda’s economic situation for a while improved considerably. Whereas some neighbouring countries experienced sharp declines in gross national product (GNP), Rwanda’s GNP grew steadily between 1976 and the late 1980s. The World Bank, multilateral agencies and bilateral donors came to view Rwanda as a relative economic success story compared to many other countries of Africa, and international support to Rwanda grew rapidly. Roads were built, clean water was made available to most people and a well-organized civil service was established. None the less, Rwanda remained one of the world’s poorest nations, and with the fall in the price of coffee, the county’s main export, in 1987, Rwanda’s economic situation began to deteriorate rapidly. Population growth and a severe drought contributed to this decline.

26 In an effort to stabilize the economy, the international community continued to provide substantial assistance to Rwanda. In 1990, the World Bank, the International Monetary Fund (IMF) and the Government of Rwanda reached agreement on a structural adjustment programme for the country. The World Bank and the IMF, joined by several bilateral donors, the African Development Bank and the European Union, contributed \$216 million in financing to launch the programme that year. In 1991, total donor assistance rose to approximately \$375 million and was maintained at roughly that level until 1993. None the less, the economic crisis continued to worsen. Implementing economic reform was made more difficult by the uncertain political situation in Rwanda and, in 1993 and early 1994, donors began to reduce or suspend financial assistance.

27 Compounding this period of instability was the ongoing question of the return and resettlement of Tutsi refugees still in neighbouring countries. By the end of the 1980s, some 480,000 Rwandans — approximately 7 per cent of the total population, and roughly half of the Tutsi community — had become refugees, primarily in Burundi (280,000), Uganda (80,000), Zaire (80,000) and the United Republic of Tanzania (30,000). Throughout this period, Tutsi refugees continued to call for the fulfilment of their international legal right to return to Rwanda. However, the President of Rwanda took the position that population pressures in Rwanda were already too great, and economic opportunities too few, to accommodate large numbers of Tutsi refugees. Rather, the

Government would consider for repatriation only the applications of those individuals who could support themselves upon their return.

28 In 1988, the Rwandese Patriotic Front (RPF) was founded in Kampala, Uganda, as a political and military movement with the stated aims of securing the repatriation of Rwandans in exile and the reform of the Government in Rwanda, including political power-sharing. The RPF was composed mainly of Tutsi exiles in Uganda, many of whom had served in President Yoweri Museveni's National Resistance Army, which had overthrown the previous Ugandan Government in 1986. While the ranks of the RPF did include some Hutus, the majority, particularly those in leadership positions, were Tutsi refugees.

29 Inside Rwanda at this time, there were signs of growing opposition to single-party rule, among them acts of civil protest such as marches and organized strikes. Increasingly, too, the international community was calling on African nations to move more quickly towards democracy. In 1988, the Government of Rwanda entered into talks supervised by UNHCR and the Organization of African Unity (OAU) on the question of refugees, a solution to which was viewed as central to the country's future stability and development. In July 1990, following 30 months of negotiations, Rwanda and Uganda reached agreement on technical aspects of refugee repatriation, which offered the promise of concrete results. Also that month, the President of Rwanda announced that he would accept the replacement of single-party rule with a multi-party system, and in September 1990 a National Commission was established to that end.

30 However, on 1 October 1990, the process of political liberalization was disrupted when the RPF launched a major attack on Rwanda from Uganda with a force of some 7,000 fighters. Within three weeks, the Rwandese Government Army repulsed the attack, pushing the RPF back towards Uganda, but in subsequent months the RPF continued attacks from territory it held inside Rwanda along the Ugandan border.

31 The fighting displaced hundreds of thousands of people from farmland in the north and cut the main transport route out of the country, thereby damaging the economy. The RPF attack also prompted the Government to undertake a significant build-up of its military forces. Prior to October 1990, the army had numbered 5,000; within a year it grew to 24,000, and during 1992, it expanded to 30,000. In addition, the fighting led to the formation of local militia having alliances to the ruling MRND party and to the newly established Coalition pour la défense de la république (CDR), an offshoot of the MRND. The CDR opposed, among other things, the Government's decision to maintain a dialogue with the RPF.

32 As a result of the RPF attacks and pressure from the OAU,

Governments in the region and the international community, the Government of Rwanda began new talks in late October 1990 with the RPF on settling the refugee question. With the start of these talks, the stage was set for the United Nations to play a greater role in efforts to bring a negotiated peace to the region.

III Efforts towards peace

33 Attempts to find a solution to the situation in Rwanda were carried out against the backdrop of increasing international concern about peace and security in the region and about violations of human rights in Rwanda itself. The United Nations became directly involved in June 1993 with the creation by the Security Council of the United Nations Observer Mission Uganda-Rwanda (UNOMUR), mandated to ensure that no military assistance passed the border into Rwanda. In August 1993, with the signing of a comprehensive peace agreement between the Government of Rwanda and the RPF, the Organization's role was broadened to include a peace-keeping mission — the United Nations Assistance Mission for Rwanda (UNAMIR) — to support implementation of that agreement and to protect humanitarian activities during a transitional period leading up to elections. However, as I stressed at the outset of these operations, the full cooperation of the two sides would be paramount in ensuring the success of the accord, the longevity of the peace it was intended to bring and the continued involvement of the United Nations.

The start of negotiations

34 On 17 October 1990, two weeks after the RPF invasion, the Presidents of Rwanda and Uganda met in Mwanza, United Republic of Tanzania, under the auspices of Belgian and Tanzanian mediators. At the meeting, the Presidents accepted a proposal that a regional conference supervised by UNHCR and the OAU be held to address the refugee issue. They also agreed on the inclusion of RPF representatives in direct talks on a cease-fire. On 26 October, in Gbadolite, Zaire, a cease-fire was reached between the Rwandese Government and the RPF following the diplomatic intervention of Belgium. Within a month, however, continued cease-fire violations led to another meeting of the two sides in Goma, Zaire, on 20 November, during which the Gbadolite agreement was confirmed and extended. Also at Goma, agreement was reached on the establishment of an OAU force of 50 observers to oversee implementation of the cease-fire under the supervision of the OAU Secretary-General. That force was never fully deployed, however, with only 15 OAU observers having arrived in Rwanda by September 1991.

35 The regional talks on the refugee issue agreed to in Mwanza in October 1990 were held in Dar es Salaam, United Republic of Tanzania, on 19 February 1991. Attended by the Presidents of Burundi,

Rwanda, Uganda, the United Republic of Tanzania, and Zaire, as well as by representatives of UNHCR and the OAU, the conference led to the signing that day of the Dar es Salaam Declaration, which committed the Government of Rwanda to offering Rwandan refugees a choice between returning to Rwanda, remaining in their host country while also retaining Rwandan nationality, or becoming nationals of their host country. The Declaration also called upon the two sides to arrange for a cease-fire to be supervised by the OAU and to initiate a political dialogue aimed at achieving a peaceful, long-term solution to the conflict. The President of Zaire, Mobutu Sese Seko, was mandated to take urgent action to facilitate this dialogue.

36 In an effort to build upon the gains made in Dar es Salaam, the discussions between the Government of Rwanda and the RPF continued in the months that followed. A more comprehensive cease-fire agreement was successfully concluded on 29 March 1991 in N'sele, Zaire. However, repeated cease-fire violations led to the amendment of that agreement, first on 16 September at an OAU summit in Gbadolite and again on 12 July 1992 in Arusha, United Republic of Tanzania, with agreement that the resumed cease-fire would enter into force on 31 July.² The final agreement outlined the creation of a buffer zone between RPF-held territory and the rest of Rwanda and the establishment of an OAU Neutral Military Observer Group (NMOG) to monitor the zone. The parties decided to establish a Joint Political Military Commission to help in implementing the cease-fire and in reaching a final peace agreement. The two sides also agreed in Arusha to begin political negotiations on 10 August, with a view to signing a comprehensive peace agreement within two months.

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37 In a letter dated 28 July 1992 to the President of Rwanda, I welcomed the 12 July agreement and pledged my support to efforts to ensure the implementation of all accords reached between the Government of Rwanda and the RPF.³ OAU Secretary-General Salim Ahmed Salim subsequently informed me, in a letter dated 6 August, that NMOG observers would be drawn from several African countries and would be commanded by a Nigerian General.⁴ In addition to briefing me on these recent developments, Mr. Salim Salim voiced confidence that the United Nations would support and cooperate with the OAU as it undertook this endeavour. In my response of 13 August, I assured the Secretary-General that the OAU could rely on the full support of the United Nations in efforts to bring lasting peace to Rwanda.⁵

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38 During these months, new political parties continued to form in Rwanda. Upon its establishment, the Mouvement démocratique républicain (MDR), with strong support from the northern region of the country, became the main opposition party to the ruling MRND. Additional new parties included the Parti social démocrate (PSD), the

so-called intellectuals' party; the Parti libéral (PL), popular among the business community and some Tutsi groups; and the Parti démocrate chrétien (PDC). A new "transitional Government", led by the incumbent President and a Prime Minister named from the ranks of MDR, Ms. Agathe Uwilingiyimana, was formed in April 1992. However, despite these developments, Hutu extremism continued to flourish within the MRND and the CDR parties.

39 As agreed, peace negotiations began on 10 August 1992 in Arusha, coordinated by the OAU and facilitated by the Government of the United Republic of Tanzania. Representatives of the Governments of Burundi, Senegal and Zaire, as well as Belgium, France, Germany and the United States of America, participated as observers. Military hostilities continued to erupt between the two sides, prolonging the negotiations well beyond the 10 October target date for their completion. None the less, over the course of a year, several protocols were successfully negotiated which, it was hoped, would serve as the basis for a final peace settlement between the two sides. The protocol covering the rule of law was signed by the parties on 18 August 1992; two protocols covering power-sharing were signed on 30 October 1992 and on 9 January 1993, respectively; and the protocol on repatriation of refugees and the resettlement of displaced persons was signed on 9 June 1993.

New outbreak of fighting

40 On 8 February 1993, a serious cease-fire violation occurred when the RPF launched a military offensive in the Ruhengeri-Gisenyi region in the north of Rwanda and seized territory in the buffer zone established by the N'sele cease-fire agreement. The RPF stated that it had undertaken the attack because of continued human rights violations on the part of the Government of Rwanda, and accused the Government of complicity in a massacre of more than 300 Tutsis in north-western Rwanda the previous month.⁶ The renewed fighting led to the suspension of the Arusha talks and sparked a large-scale movement of Rwandan civilians, with the number of displaced persons in the country rising sharply to some 900,000 persons, compared to the previous year's total of 300,000. Most of the displaced gathered in or around 30 overcrowded, makeshift camps, where they remained dependent on external aid for their survival.

41 Following a request from the President of Rwanda for humanitarian assistance, the United Nations Department of Humanitarian Affairs led an inter-agency mission to Rwanda from 18 to 25 March 1993 to prepare a consolidated appeal to fund emergency relief projects, focusing on food, health, water, sanitation, shelter, household items and

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education. On 15 April 1993, the United Nations launched an inter-agency appeal amounting to \$78 million to meet the needs of war-displaced Rwandans from April to December 1993. However, by December, only \$30.8 million — 39 per cent of the required resources — had been received. The General Assembly that month urged the international community to intensify economic, financial, material and technical assistance to Rwanda.⁷

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42 While conflict continued along the Uganda-Rwanda border, declarations on the restoration of the cease-fire were issued by the RPF on 21 February and by the Government of Rwanda on 22 February 1993.⁸ Cease-fire talks were held in Bujumbura from 25 February to 2 March, leading to a high-level meeting in Dar es Salaam from 5 to 7 March. At the conclusion of the meeting, the two sides issued a joint communiqué by which they pledged their continued commitment to the N'sele cease-fire and agreed that the truce would be renewed on 9 March and that the Arusha peace talks would resume on 15 March, with a view towards completing a final agreement by the first week of April.⁹

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43 Under the agreement reached in Dar es Salaam, the RPF was to withdraw to the positions it had occupied before 8 February, under the supervision of the NMOG, while Rwandese Government forces were to remain in their positions. The NMOG would continue its monitoring of the buffer zone, as outlined by the N'sele cease-fire agreement. The agreement also called for the withdrawal of foreign troops, to be replaced by a new international force with a humanitarian mandate. The two sides requested that the United Nations and the OAU organize such a force, which would be based in Kigali, to help ensure security and particularly to serve as a guarantee to RPF representatives relocating to the capital. The Secretary-General of the OAU, in his capacity as supervisor of the NMOG, was asked to extend the mandate of the Observer Group and to mobilize additional resources to enable it to fulfil its expanded mission as outlined by the agreement.¹⁰

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44 Importantly, the two parties agreed to refrain from engaging in negative propaganda, and the NMOG was given the responsibility of carrying out strict monitoring of both the public media and public meetings. It had become a common practice of some radio stations to broadcast unfounded rumours and falsehoods with the intention of exacerbating ethnic problems. Since radio was the only source of news and information for the majority of Rwanda's population, radio broadcasts had an enormous impact on the views of the public.¹¹ Radio Rwanda and Radio Télévision Libre des Mille Collines (RTLM), both closely tied to the Government of Rwanda, were known for their anti-Tutsi propaganda. Even with the parties' pledge to refrain from the use of propaganda, highly inflammatory broadcasts continued.

11/Document 20

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Creation of UNOMUR

45 Following the 8 February 1993 incursion into the buffer zone by the RPF, both the Government of Rwanda and the Government of Uganda wrote separately to the President of the Security Council on 22 February to request that the United Nations establish an observer mission to be deployed along their 150-kilometre common border. The Government of Uganda explained that it was making the request in order to forestall any spread of the military conflict within Rwanda into the territory of Uganda, as well as to forestall any accusations against Uganda of involvement in the internal affairs of Rwanda.¹² The international force, as outlined by Uganda, would patrol, observe and ensure that the buffer zone between the two countries was not breached, thus allowing the OAU to focus its efforts on reconciling the RPF and the Government of Rwanda. In its letter, the Government of Rwanda called for the observers to be deployed specifically to ascertain that no military assistance was provided to the RPF from Ugandan territory.¹³

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46 The Security Council met in informal consultations on 24 February 1993 to review these requests. Following these consultations I dispatched a goodwill mission to Rwanda and Uganda to conduct meetings which would assist me in drawing up recommendations for the Council on the observer operation.¹⁴ The mission visited the region from 4 to 19 March 1993, travelling not only to Rwanda and Uganda but also to Dar es Salaam for consultations with President Ali Hassan Mwinyi of the United Republic of Tanzania, the facilitator of the Arusha negotiations, and to Addis Ababa for consultations with OAU Secretary-General Salim Salim, the coordinator of the Arusha negotiations. During its time in Rwanda, the mission met with members of the NMOG, which was at that time monitoring the July 1992 cease-fire agreement. The NMOG had reached its mandated strength of 55 and was composed of observers from Mali, Nigeria, Senegal and Zimbabwe, as well as officers from the Rwandese Government Army and the RPF.

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47 On 7 March 1993, while the goodwill mission was in Rwanda, the Government of Rwanda and the RPF issued a communiqué in Dar es Salaam reinstating the cease-fire and announcing the resumption of the Arusha peace talks. The Security Council, in its resolution 812 (1993) of 12 March, welcomed this development and called upon the two sides to respect the cease-fire and to allow the delivery of humanitarian supplies. The Council also invited me to examine, in consultation with the OAU, the contribution the United Nations could make to strengthening the Rwandan peace process, including the possible establishment of an international observer force “entrusted . . . with humanitarian assistance and the protection of the civilian population

and support of the Organization of African Unity force for the monitoring of the cease-fire".¹⁵

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48 The Arusha peace talks resumed on 16 March 1993, with a United Nations official joining the negotiations as an observer. The consultations between the United Nations and the OAU requested by the Security Council were undertaken immediately when the goodwill mission, during its visit to Addis Ababa from 17 to 19 March, met with the Secretary-General of the OAU. OAU Secretary-General Salim Salim requested assistance from the United Nations with ongoing efforts to expand the NMOG, which would enable it to fulfil the increased tasks of supervising the new cease-fire agreement.¹⁶ Following an exchange of letters between myself and Mr. Salim Salim,¹⁷ I deployed two officers to Addis Ababa to provide technical assistance to the OAU in support of its ongoing peace efforts.¹⁸

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17/Document 9
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49 Also pursuant to Security Council resolution 812 (1993), a United Nations technical mission travelled, at my instruction, to Rwanda and Uganda from 2 to 6 April 1993 to evaluate the possible deployment of a United Nations monitoring mission along their common border.¹⁹ During their meetings with the technical mission, the Governments of Rwanda and Uganda reiterated their support for the deployment of military observers on the border. However, the RPF, which controlled about four fifths of the border area, informed the technical mission that it was opposed to the deployment of observers on the Rwandan side of the border, but did not object to a deployment on Ugandan territory. In a letter of 18 May 1993 to the President of the Security Council, the Government of Uganda said it was prepared to accept the stationing of a monitoring team along the Ugandan side of the border without insisting on simultaneous deployment inside Rwanda.²⁰ Following its visit to the region, the technical mission concluded that the deployment of such an operation was possible.

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50 Accordingly, I recommended in a report to the Security Council on 20 May 1993 that the Council establish a mission of 81 military observers to monitor the Uganda-Rwanda border.²¹ Such an operation, I stated, would support the ongoing peace talks in Arusha and encourage the two sides to pursue their efforts towards national reconciliation. On 22 June, the Council adopted resolution 846 (1993), establishing the United Nations Observer Mission Uganda-Rwanda (UNOMUR), to be deployed on the Uganda side of the common border.²² The Council decided that UNOMUR would monitor the border to verify that no military assistance reached Rwanda, with the focus being placed on the transit or transport, by road or track, of any lethal weapons and ammunition across the border. An advance UNOMUR team, led by the mission's Chief Military Observer, arrived in Uganda on 18 August, and the full complement of observers — from Bangladesh, Botswana, Brazil,

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22/Document 17
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Hungary, the Netherlands, Senegal, Slovakia and Zimbabwe — was deployed and operational by the end of September.²³

Early signs of human rights violations

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51 Throughout the early 1990s, and as discussions between the Government and the RPF continued in Arusha, allegations of violations of human rights in Rwanda attracted increased attention from the human rights protection mechanisms established by the United Nations Commission on Human Rights. During 1992, the Special Rapporteur on the question of extrajudicial, summary or arbitrary executions received information relating to the execution of unarmed civilians by Rwandese Government security forces.²⁴ The Special Rapporteur on the question of torture and the Working Group on Enforced or Involuntary Disappearances had likewise received reports concerning their respective areas of inquiry. Rwandan human rights organizations, for their part, reported that between 1990 and 1993, at least 2,000 civilians had been victims of extrajudicial, summary or arbitrary executions. Human rights organizations in Rwanda called for an international investigation of reported violations.

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52 Several international human rights organizations responded to this request in January 1993 by forming an International Commission of Inquiry into human rights violations committed in Rwanda since 1 October 1990. The Commission, an independent team of 10 human rights experts, visited Rwanda from 7 to 21 January with the approval of the Government.²⁵ Following its investigation, the Commission issued a report alleging serious and widespread human rights abuses and concluding that the majority of offenses had been committed by Rwandese Government soldiers or officials. In addition, mobs of civilians, led by local government officials, had carried out violations. The Commission concluded that allegations of massacres being committed by the RPF were not credible. However, some executions had been carried out by the RPF.

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53 The Government of Rwanda contested many of the Commission's findings and said that its report created the false impression that violations had been directed against a particular ethnic group.²⁶ The Government objected to conclusions which, in its view, glossed over the human rights violations committed by the RPF. In its rebuttal, the Government called on the RPF to cease any actions which would constitute human rights violations and urged the international community to strengthen efforts to promote respect for human rights. For its part, the Government pledged to protect human rights and to punish those responsible for violations.

54 Three months after the Commission's investigation, the Special Rapporteur on the question of extrajudicial, summary or arbitrary executions conducted a mission to Rwanda, with the consent of the President of Rwanda, from 8 to 17 April 1993, during which time he met with President Habyarimana and other members of the Government, representatives of Rwandese civilian and military authorities, the commander of the NMOG, representatives of human rights organizations, witnesses and victims of human rights violations, the Chairman of the RPF's military operations and other senior RPF officials. He also visited camps for displaced persons, both around Kigali and in the area controlled by the RPF.

55 In his report dated 11 August 1993, the Special Rapporteur on the question of extrajudicial, summary or arbitrary executions stated that, since the outbreak of conflict in 1990, massacres of civilian populations had been perpetrated either by the Rwandese security forces or by certain sectors of the population.²⁷ Killings had taken place not only in combat zones during or after clashes, but also in areas distant from the hostilities. Such acts, said the Special Rapporteur, could be attributed to Government officials, to the militia of two parties, the Mouvement révolutionnaire national pour le développement (MRND) and the Coalition pour la défense de la république (CDR), or to clandestine armed groups allegedly close to the party in power.

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56 Turning to the situation since the RPF offensive of February 1993, the Special Rapporteur stated that as a result of the RPF attacks and a policy of deliberately targeted Government propaganda, all Tutsis inside the country had been labelled accomplices of the RPF, and Hutu members of the opposition party had been branded as traitors. "A climate of mistrust and terror" prevailed in Rwanda, the Special Rapporteur wrote.²⁸ The media, particularly radio, continued to spread unfounded rumours which exacerbated ethnic problems. "Although rumour is largely responsible for this situation", he reported, "violence is none the less a feature of daily life." While the majority of the country's population felt that the two main ethnic groups could live together peacefully, a certain élite, he said, "continued to fuel ethnic hatred in order to cling to power". With regard to the situation of the many people displaced within Rwanda, the Special Rapporteur described it as "nothing short of a time bomb with potentially tragic consequences".

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57 The Special Rapporteur called upon the international community not to remain indifferent to the plight of Rwandan citizens, and he urged that human rights be a prime concern of any system by which the OAU or the United Nations would monitor or assist in the implementation of agreements concluded between the two sides.²⁹ As to the question of whether human rights violations between 1990 and 1993 could be

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termed genocide, the Special Rapporteur put forward an initial assessment, stating that “the cases of inter-communal violence brought to the Special Rapporteur’s attention indicate very clearly that the victims of the attacks, Tutsis in the overwhelming majority of cases, have been targeted solely because of their membership of a certain ethnic group, and for no other objective reason.”³⁰ He noted that Rwanda had acceded to the Convention on the Prevention and Punishment of the Crime of Genocide on 15 April 1975, article II of which defines genocide as “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group”.

Peace agreement and expanded role for the United Nations

58 The Arusha peace talks had resumed in mid-March 1993, as called for in the Dar es Salaam communiqué, but a final peace agreement was not completed by the target date of early April owing to several outstanding issues, among them military questions, matters relating to refugees and displaced persons, and political issues which included amendments to the country’s Constitution. During the final round of negotiations to resolve these questions, the two sides agreed that implementation of the peace agreement would require the deployment in Rwanda of a neutral international force, and requested the United Nations and the OAU to hold consultations to determine the modalities of such a force, whose responsibilities would be more extensive than those being undertaken by the NMOG, the OAU’s observer force. In early June 1993, President Ali Hassan Mwinyi of the United Republic of Tanzania, as facilitator of the Arusha talks, informed the two sides that the United Nations and the OAU had decided that the United Nations would assume responsibility for, and command of, the force. In a joint communiqué sent by the Government of Rwanda and the RPF on 14 June to the United Nations and the OAU, the two sides welcomed that decision and suggested that the force be deployed as quickly as possible following the signing of the peace agreement.³¹

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59 The peace talks were concluded successfully on 3 August 1993 with the signing of two final protocols, one on integration of the armed forces of the two parties, and another covering a number of miscellaneous issues including state security services, ratification of international instruments on human rights and deletion of reference to ethnic groups in official documents. The next day, the Arusha Peace Agreement was signed by the President of Rwanda and the Chairman of the RPF in the presence of the President of the United Republic of Tanzania, in his capacity as facilitator of the Arusha talks; the Secretary-General of the

OAU; and the Director-General of the United Nations Office at Geneva, serving as my representative. The final accord consisted of an 11-article Peace Agreement, the N'sele cease-fire agreement, and the two final protocols as well as the earlier completed protocols covering the rule of law, power-sharing and the repatriation of refugees and resettlement of displaced persons.³²

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60 The Arusha Agreement called upon the United Nations to play a major support role during a 22-month transitional period (Protocol on miscellaneous issues and final provisions, article 22), beginning with the installation of a broad-based transitional Government and ending with the holding of national elections (Protocols on power-sharing). The Agreement provided for the integration of the NMOG into the new international monitoring force (Protocol on integration of the armed forces of the two parties, article 53). The original NMOG force of 55 observers had been replaced in early August 1993 by NMOG II and numbered 132 observers at the time the Arusha Agreement was reached.

61 Under the Arusha Agreement, transitional institutions were to be established in Kigali within 37 days (Peace Agreement, article 7), that is, by 10 September 1993. The transitional Government was to consist of the Mouvement républicain pour la démocratie et le développement (which by this time had changed its name from the Mouvement révolutionnaire national pour le développement, but which retained the acronym, MRND), the Mouvement démocratique républicain (MDR), the Parti social démocrate (PSD), the Parti libéral (PL) and the Parti démocrate chrétien (PDC), as well as the RPF. The incumbent President, Juvénal Habyarimana, was to remain in office until the outcome of the elections. Mr. Faustin Twagiramungu, of the MDR, was named Prime Minister of the transitional Government (Peace Agreement, article 6).

62 The main provisions of the Arusha Agreement relevant to the proposed United Nations-led operation were contained in the protocol on integrating the armed forces of the two sides. The international force would perform the vital task of ensuring overall security in the country, especially in Kigali; provide security for the delivery of humanitarian assistance; and protect the expatriate community. The international force was asked to monitor the cease-fire agreement, which would involve the establishment and monitoring of an expanded demilitarized zone (DMZ). The force was to investigate any alleged cease-fire violations (Protocol on integration of the armed forces of the two parties, article 64). Also, the force was called upon to assist in maintaining public security by monitoring the activities of the gendarmerie and the communal police. In addition to its military duties, the force was asked to assist with the coordination of humanitarian assistance activities in conjunction with relief operations; with repatriation and resettlement pro-

grammes; and with mine-clearance efforts, including training and mine-awareness programmes.

63 The international force would also assist with disengagement, disarmament and demobilization efforts leading to the integration of the armed forces. According to the Arusha Agreement, it would take seven to nine months to demobilize the forces and integrate personnel into a new National Army of 13,000 troops and a gendarmerie of 6,000. At the time of the signing of the Arusha Agreement, the Government of Rwanda declared a force of 23,100 soldiers, mainly in the north and in Kigali, and 6,000 gendarmerie deployed essentially along the existing front lines.³³ The RPF consisted of approximately 20,000 personnel concentrated north of the current DMZ. The international force was given the task under the Arusha Agreement of establishing and supervising assembly points and integration-training centres, monitoring large troop movements and maintaining general security.

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64 The Arusha Peace Agreement's timetable for establishing transitional institutions by 10 September 1993 was based on the unrealistic assumption that the neutral international force could be deployed in little more than a month and that, with the arrival of that force, French troops, which had been stationed in Rwanda for a number of years, would be withdrawn.³⁴ At the time of the Arusha discussions, the United Nations had made clear to the parties that the decision to deploy a United Nations force rested with the Security Council and that, if approved, the deployment could take up to three months. Given their serious concerns that any inordinate delay in establishing the transitional Government might endanger the peace process, the parties had none the less decided to adopt the accelerated timetable.

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65 Immediately following the signing of the Arusha Peace Agreement, a reconnaissance mission — comprising officials from the Department of Peace-keeping Operations, the Department of Political Affairs and the Department of Humanitarian Affairs — travelled to the region in order to examine the possible functions of the neutral international force and to assess the human and financial resources needed to carry out those functions.³⁵ UNHCR, already established in Kigali, joined the work of the reconnaissance mission. The mission also held consultations on the possible implementation of temporary measures pending the deployment of a United Nations force, without conclusive results.

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66 When it proved impossible to establish the transitional institutions by 10 September 1993, the date stipulated by the Arusha Peace Agreement, the Security Council that day issued a presidential statement taking note of the importance that had been attached by the Rwandan parties to 10 September as the date for the establishment of the transitional institutions and urging the Government of Rwanda and the RPF to

continue to honour the Arusha Agreement.³⁶ United Nations Member States shared the concern of the Rwandan parties that a delay in establishing the transitional institutions could jeopardize the peace process. In an effort to maintain the momentum of the peace process, I met on 15 September 1993 at United Nations Headquarters with a joint delegation of the two parties and urged them, in the interim period prior to the deployment of an international force, to respect the commitments they had undertaken in Arusha and to adhere steadfastly to the cease-fire.

Establishment of UNAMIR

67 On 24 September 1993, I presented to the Security Council an operational plan for the proposed United Nations peace-keeping force in Rwanda.³⁷ The plan contained a four-phase deployment schedule and called for a peace-keeping force of 2,548 military personnel. To support the quick establishment of transitional institutions, phase one of my plan provided for the immediate deployment of an advance party of approximately 25 military and 18 civilian personnel and 3 civilian police. During phase one, preparations for the establishment of a secure area in Kigali would be made and the monitoring of the cease-fire between the two sides would be undertaken. Phase one would be of 90 days' duration and would end with the establishment of the broad-based transitional Government in Kigali, which I estimated would be accomplished by the end of 1993. By the completion of phase one, the force strength would be 1,428, including 211 military observers. The military observers serving with UNOMUR would be integrated under the command of the new United Nations force for administrative purposes, but the original UNOMUR mandate to monitor the Uganda-Rwanda border would remain distinct.

68 Phase two of the operation would begin the day after the transitional Government was installed and would end approximately 90 days later when preparations for the disengagement, demobilization and integration of the armed forces and the Gendarmerie had been completed. The monitoring of the existing demilitarized zone along the Rwanda-Uganda border would continue, and the operation would also undertake the demarcation of a new DMZ — which was to be expanded to include assembly sites and containment points for the demobilization exercise as well as training centres for the integration of the two sides' forces. The mission would also assist in providing security in and around Kigali in a "weapons-free" zone within a radius of approximately 10 kilometres from the centre of the capital, within which the two sides' military units would be required to store their weapons and ammunition. UNOMUR and NMOG II would be fully integrated into the mission

during phase two, and a second infantry battalion would join the one already stationed in Rwanda, bringing the force to its full strength of 2,217 troops and 331 military observers.

69 During phase three, which would last about nine months, the second infantry battalion would establish and monitor the expanded DMZ and assist in the monitoring of the Uganda-Rwanda border. The force would then establish approximately 26 assembly/cantonment points and training centres, as part of the disengagement and demobilization process. The force would also assist in maintaining security throughout the country and in the capital. By the end of this phase, a reduction in the strength of the mission would begin, to approximately 1,240. This reduction would ensure that the operation was carried out in a cost-effective manner, while maintaining a credible force to provide security.

70 During the fourth and final stage of the deployment plan, the disengagement, demobilization and integration process would be completed. This phase would last 10 months and culminate in elections. Force strength would continue to be reduced, to approximately 930 military personnel, of which 850 would be staff officers and troops and 80 military observers.

71 Coordination of humanitarian activities was to be an integral part of the operation. Following the signing of the Arusha Agreement in August, some 600,000 of the 900,000 displaced persons in Rwanda had returned to their homes. Their return eased the emergency situation considerably, but emergency assistance remained necessary for the 300,000 people remaining in camps. The United Nations Resident Coordinator in Rwanda, who had previously been coordinating the work of United Nations agencies with that of the donor community and non-governmental organizations (NGOs), would continue that work during the transitional period. Once the transitional Government was established, activities to support the repatriation of refugees would begin under the coordination of UNHCR. In addition, mine-clearance activities would be undertaken, and a small United Nations civilian police unit would be deployed to verify that law and order were maintained effectively and impartially. The duties of the United Nations civilian police would also include monitoring the activities of the gendarmerie and communal police, supervising the reduction of the current gendarmerie force of 6,000 to 1,800 during the demobilization phase, and overseeing the reconstruction of the new force of 6,000 to be in place following elections. The civilian police contingent of 60 officers would be led by a Police Commissioner and deployed in Kigali and the prefecture capitals.

72 In proposing these and other elements of the plan to the Security Council, I stressed that two essential conditions had to be met for the United Nations to carry out its role in Rwanda successfully and

effectively. Firstly, the two sides needed to cooperate fully with one another and with the United Nations in complying with their commitments under the Arusha Agreement. Secondly, the United Nations needed to be provided in a timely manner with the necessary human and financial resources.

73 On 5 October 1993, the Security Council, by a unanimous vote on resolution 872 (1993), authorized the establishment of the United Nations Assistance Mission for Rwanda (UNAMIR) and agreed to the staged deployment of the mission as outlined in my report.³⁸ The Council requested that I seek economies during the planning and execution of the phased deployment of UNAMIR. In that regard, I was invited by the Council to consider ways of reducing the total maximum strength of UNAMIR, in particular through phased deployment, without affecting the capacity of the mission to carry out its mandate. The Council authorized a six-month mandate for UNAMIR, but provided for a review after the mission's first 90 days to determine whether or not substantive progress was being made towards implementation of the Arusha Peace Agreement.

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IV Efforts to implement the Arusha Peace Agreement

74 From its initial deployment in October 1993, the United Nations Assistance Mission in Rwanda (UNAMIR) sought to provide a stabilizing presence that would facilitate implementation of the August 1993 Arusha Peace Agreement. Parallel diplomatic initiatives were pursued by the international community and Governments of the region in the hope of supporting this process. However, the inability of political party leaders to reach agreement on representation in the interim institutions continually stalled the peace process. Although the cease-fire between the Rwandese Government Army (RGA) and the Rwandese Patriotic Front (RPF) continued to hold until April 1994, the repeated delays in establishing the transitional Government resulted in a serious deterioration in security and the escalation of violence throughout the country.

A tense beginning

75 The Force Commander of UNAMIR arrived in Kigali on 22 October 1993, followed by an advance team of 21 military personnel on 27 October. Phase one of the deployment proceeded largely on schedule, with overall troop strength reaching 1,260 by late December 1993. On 8 November, I informed the Security Council of the appointment of my Special Representative for the United Nations Assistance Mission for Rwanda. In addition to his primary task of leading UNAMIR in the field, he was to work to promote the appropriate political environment for ongoing dialogue between the parties to the Arusha Peace Agreement. The Special Representative arrived in Kigali on 23 November and immediately established working relationships with the parties to the accord and with other local leaders, as well as with the international diplomatic community.

76 UNAMIR confronted a number of difficulties during the initial 90-day period of its deployment. The security situation in the northern DMZ was one cause for concern. During November 1993, two separate incidents in which 60 civilians were brutally killed took place near the town of Ruhengeri. Following their investigations of these incidents, UNAMIR observers reported that “a well-armed and reportedly ruthless group was operating in the area, with a view to disrupting or even derailing the peace process”.³⁹ The nature of these attacks, directed against civilians primarily in and around the DMZ, underscored the need for UNAMIR

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promptly to acquire the capability to monitor the area effectively and to provide a safe environment for the large civilian population there.

77 Tensions were also increasing during the autumn of 1993 along Rwanda's southern border with Burundi. Although the Hutus were the majority group in Burundi, as they were in Rwanda, Burundi had been ruled for nearly 30 years by a Tutsi-dominated Government, backed by the Tutsi-controlled army. In the early 1990s, however, the Government had initiated a series of political reforms, including power-sharing, and democratic elections in June 1993 had installed a Hutu as President. Although the President established a Government of national unity, including a Tutsi Prime Minister, elements of the army launched a military coup on 21 October, killing the President and the entire line of succession, thus creating an institutional vacuum. The ensuing instability drove 375,000 Burundians, mostly Hutus, into Rwanda.

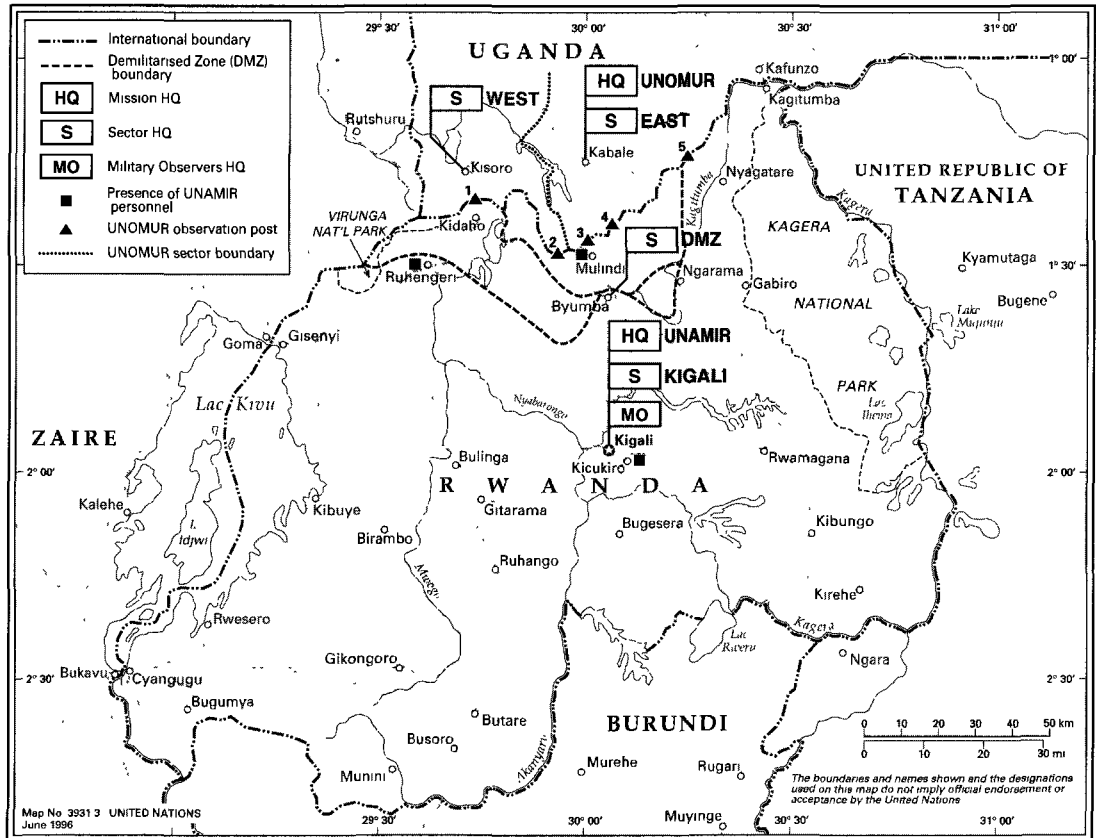
78 This refugee movement created a potentially destabilizing situation which could not have been foreseen in my initial assessment of requirements for UNAMIR. None the less, UNAMIR extended its monitoring activities into the increasingly tense southern sector, an effort which greatly taxed the mission's operational capabilities. In addition, I instructed the United Nations Under-Secretary-General for Political Affairs to travel to the Burundi-Rwanda border on my behalf to assess the impact of the refugee movement. When he arrived in Kigali on 7 December 1993, the Under-Secretary-General discussed the crisis with President Habyarimana.

79 Separately, my Special Representative undertook several initiatives to help defuse tensions in Rwanda. At a meeting he convened on 10 December 1993 in the town of Kinihira, 80 kilometres from Kigali, the Government of Rwanda and the RPF issued a joint declaration reaffirming their commitment to do their utmost in order to achieve the goals of peace and national reconciliation set by the Arusha Peace Agreement. The two sides also pledged to complete the establishment of a broad-based transitional Government by 31 December 1993, an achievement which now lagged three months behind the Arusha Agreement's target date of 10 September.

80 I reported to the Security Council on these and other developments on 30 December 1993 to assist the Council in the 90-day review it had decided upon in establishing UNAMIR.⁴⁰ I stated that although the transitional Government had not been formed by the time of my report, the two sides had continued to show good will and cooperation in their contacts with each other and with the United Nations. The fact that the cease-fire had generally been respected demonstrated that the two sides remained committed to the peace process initiated by the Arusha Agreement. Therefore, I recommended that the Council agree to the continuation of the mission's six-month mandate.

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UNAMIR and UNOMUR Deployment as of December 1993



81 At the same time, however, I noted my concerns regarding instability in the northern DMZ and tensions in the south. I urged the Security Council to authorize the deployment of additional military personnel on an urgent basis to provide UNAMIR with the capacity to address the increasingly volatile situation. Specifically, I suggested that the Council authorize the early deployment of a second infantry battalion, thereby increasing UNAMIR to its peak strength of 2,548 military personnel — a level originally envisaged for phase two of the deployment, following the installation of transitional institutions. Responding to the Security Council's earlier request that I seek economies, possibly through troop reductions, I stated that I would attempt to achieve savings through the phased deployment and withdrawal of UNAMIR personnel. However, I was convinced that, under the circumstances, a reduction in the projected levels would negatively affect the performance and credibility of UNAMIR and could also jeopardize the peace process.⁴¹

82 On 6 January 1994, the Security Council adopted resolution 893 (1994), in which it accepted my recommendations, including the

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early deployment of additional UNAMIR forces.⁴² The Council strongly urged the two sides to comply fully with the terms of the Arusha Peace Agreement, particularly by establishing a broad-based transitional Government at the earliest opportunity. The Council also stressed that continued support for UNAMIR would depend upon the full and prompt fulfilment by the two sides of their commitments under the accord.

Increasing instability

83 Instability also appeared to be increasing in Kigali. Despite the fact that the Government of Rwanda and the RPF had agreed at Kinyihira to set up the transitional Government and the transitional National Assembly before 31 December 1993, this target date also passed without results. Delays continued, as the political parties named by the Arusha Agreement as participants in the transitional Government could not agree on the relevant modalities, including the list of representatives to serve as ministers in the transitional Government and as deputies in the transitional National Assembly. Nevertheless, in accordance with the Arusha Agreement, the incumbent President, Juvénal Habyarimana, was sworn in as the interim Head of State of the transitional Government on 5 January 1994. While there had been some hope that the transitional Government and Assembly might be installed by that day, that expectation was not fulfilled. The delays were contributing to a deterioration in the security situation, particularly in the capital, posing a serious threat to overall implementation of the peace plan.

84 In a communication sent on 11 January 1994 to United Nations Headquarters in New York, UNAMIR raised concerns about a report of a plot being formulated by Hutu militia aligned with the Mouvement républicain pour la démocratie et le développement (MRND), known as the *interahamwe*, to kill large numbers of Tutsis in Kigali. Through that communication, the UNAMIR Force Commander informed Headquarters that an informant advised UNAMIR that such a plot was being developed and that weapons were being stockpiled. The Force Commander asked for instructions from Headquarters on how to respond to this information. Such situations and alarming reports from the field, though considered with the utmost seriousness by United Nations officials, are not uncommon within the context of peace-keeping operations.

85 Guidance was sent that day from the Department of Peace-keeping Operations (DPKO) in New York to my Special Representative and to the UNAMIR Force Commander. UNAMIR was instructed to contact the President of Rwanda and representatives of three Western embassies in Kigali, two among them permanent members of the Security

Council, and to provide the information that had been received concerning a plan to kill Tutsis and the existence of arms caches. UNAMIR was also instructed to request President Habyarimana immediately to investigate the matter and to ensure that these activities, which constituted a clear violation of the provisions of the Arusha Agreement, be discontinued, and that the arms distributed be recovered. In response to a suggestion by the Force Commander that UNAMIR mount a military operation, using overwhelming force, to address the issue of the weapons caches, DPKO informed UNAMIR headquarters that such action went beyond the UNAMIR mandate which authorized the mission to contribute to the security of Kigali within a weapons-free zone, but which also made it clear that such a zone had to be established "by" the parties.⁴³ DPKO therefore emphasized that the responsibility for the maintenance of law and order must remain with the local authorities and that, while UNAMIR could assist in arms recovery operations, it should avoid entering into a course of action that might lead to the use of force and to unanticipated repercussions.

86 The next day, 12 January 1994, my Special Representative and the Force Commander informed President Habyarimana about the potential serious breach of the Arusha Agreement and warned him that the Security Council would be informed immediately should any threats of violence be carried out. Also as instructed, the Special Representative and the Force Commander informed the Ambassadors of Belgium, France and the United States of the information concerning the *intera-hamwe*, requesting that these Governments stress the urgency of the matter in separate communications with the President of Rwanda. On the same day in New York, my Special Adviser briefed the Security Council on the reports which had been received from UNAMIR and on the actions the United Nations had taken in response.

87 As tensions increased on the ground in Rwanda, the United Nations sought to stabilize the security situation, particularly in Kigali. On 3 February 1994, DPKO authorized UNAMIR to assist, on a case-by-case basis, in illegal arms recovery operations conducted by the Rwandese Government authorities. UNAMIR was also authorized to provide an outer security perimeter for such operations. In addition, on 28 February 1994, UNAMIR was authorized by Headquarters to re-deploy to Kigali 200 troops stationed in the northern DMZ.

Further delays in establishing interim institutions

88 From January to March 1994, the concern of the international community regarding the persistent delays in establishing the transitional institutions, and the negative impact such delays were having on

the security situation in Kigali, was communicated clearly to the Government of Rwanda. I spoke with President Habyarimana by telephone on several occasions, and wrote to him on 27 January 1994, to convey the strong expectations of the international community, as well as my own, that the transitional Government should be established promptly.⁴⁴ I appealed to the President to break the impasse and to achieve a compromise with the parties concerned as soon as possible. My Special Representative, during numerous meetings with the President and other Rwandan political leaders, continued to urge them to expedite actions to form the transitional Government.

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89 On 10 February 1994, at United Nations Headquarters in New York, my Special Adviser informed the Security Council that the inability of the political parties to agree on the establishment of transitional institutions had created a climate of tension and caused a deterioration in Rwanda's economic situation as well. While the two sides continued to respect the cease-fire, my Special Adviser told the Council, the lack of progress in creating the essential transitional institutions raised questions about the commitment of the two sides to the Arusha Agreement. In this regard, the main stumbling-blocks to progress were internal differences within the Parti libéral and within the Mouvement démocratique républicain (MDR).⁴⁵

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90 In an attempt to break this deadlock, my Special Representative had convened a series of all-party consultations at UNAMIR headquarters in Kigali beginning on 7 February 1994. During the final session on 13 February, broad consensus was reached among the various political leaders to set up the transitional institutions on 14 February, while giving the Parti libéral additional time to resolve its internal problems and leaving the rift within the MDR to be addressed later by the courts. Reservations to the consensus were expressed by some participants, who felt that all differences should be resolved prior to the installation of the transitional Government.

91 Again, the deadline was not met and, on 16 February, my Special Adviser reported to the Security Council that no progress had yet been made in regard to the establishment of the transitional institutions. The following day, the Council issued a presidential statement expressing its deep concern regarding the delays in establishing the broad-based transitional Government.⁴⁶ The Council called on all parties concerned to overcome their differences and strongly urged the establishment, without delay, of the provisional institutions. The Council also voiced its deep concern at the deteriorating security situation, particularly in Kigali, reminding the two sides of their obligation to respect the weapons-free zone in and around the city. At meetings of political parties in Kigali on 16 and 18 February, another target, of 22 February, was set.

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92 However, efforts to establish the transitional institutions were set back yet again as a result of a sudden outbreak of violence in Kigali and other regions of the country beginning on 21 February.⁴⁷ During the violence, two prominent political leaders were murdered, one from the Parti social démocrate (PSD) and another from the Coalition pour la défense de la république (CDR); an RPF soldier was killed; and a UNAMIR military observer was wounded in an ambush. On 23 February, another effort to install the transitional institutions failed when a ceremony organized by President Habyarimana for that purpose was boycotted by most political parties, which accused the President of attempting to impose a unilateral solution on the parties' internal problems. In the face of the deteriorating political and security situation, I telephoned President Habyarimana on 24 February and stressed the need for urgent action to break the political stalemate and to proceed with the establishment of the transitional institutions.

93 Following meetings held on 25 and 27 February 1994 at the initiative of the President, the political parties which had been part of the incumbent Government — a group which excluded only the party of the RPF — issued a communiqué on 27 February stating that agreement had been reached on a formula to resolve the internal problems within the MDR, while the rift in the Parti libéral remained. The next day, the RPF issued a communiqué in which it rejected the proposed agreement. My Special Representative then met on 1 March with the President of the RPF, Colonel Alexis Kanyarengwe, at RPF headquarters in Mulindi in an attempt to end the impasse, and urged all parties concerned to continue the dialogue and to refrain from any actions that could aggravate the situation.

94 Additional assistance in efforts to resolve outstanding issues was provided by the Tanzanian Foreign Minister, who visited Rwanda from 11 to 18 March 1994. His consultations led him to conclude that internal power struggles within the Parti libéral were the cause of the delay, a situation he viewed as unacceptable and in violation of the legal framework of the Arusha Agreement. At the end of his visit, the Foreign Minister stressed that the proposed composition of the transitional Government was within the prerogative of the Prime Minister designated by the Arusha Agreement, Mr. Twagiramungu, as long as his appointments were drawn from the list of ministers proposed to him during consultations with each political group.

95 On 18 March, in a nationwide radio address, the Prime Minister-designate announced the proposed composition of the broad-based transitional Government. The following day, the incumbent Prime Minister, Ms. Uwilingiyimana, announced the names of the deputies to serve in the transitional National Assembly. Unresolved differences

remained, however, and the ceremonies for the installation of the transitional institutions scheduled for 25 March were cancelled.

UNAMIR extended

96 By late March 1994, UNAMIR's operational capacity had been greatly enhanced with the deployment of additional personnel and equipment. With UNAMIR troops numbering 2,539 on 22 March, the force was nearing its peak strength and stood ready to take up all duties outlined in phase two of the operational plan.⁴⁸ However, the stalemate over the establishment of the transitional Government, a precondition for the start of phase two, had postponed those efforts, including preparations for the disengagement, demobilization and integration of the armed forces and the Gendarmerie. None the less, UNAMIR continued to play a stabilizing role and to make preparations for phase three of the operation, during which the actual disengagement and demobilization would occur. Some 60 United Nations civilian police had established their base in Kigali and developed contacts with civilian authorities and the gendarmerie. As of late March, the following countries were contributing troops to the operation: Austria (15); Bangladesh (942); Belgium (440); Botswana (9); Brazil (13); Canada (2); the Congo (26); Egypt (10); Fiji (1); Ghana (843); Hungary (4); Malawi (5); Mali (10); the Netherlands (9); Nigeria (15); Poland (5); Romania (5); the Russian Federation (15); Senegal (35); Slovakia (5); Togo (15); Tunisia (61); Uruguay (25); and Zimbabwe (29).

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97 On 30 March 1994, I again drew the attention of the Security Council to the deteriorating security situation in Rwanda, particularly in Kigali.⁴⁹ During January and February there had been increasingly violent demonstrations, as well as an increase in roadblocks, assassinations of political leaders and assaults on and murder of civilians. Rwandese Government forces continued to mine routes out of Kigali, despite repeated protests by UNAMIR. I also noted that my Special Representative had expressed serious concern over increasing reports that weapons were being distributed to civilians. In a letter to me dated 14 March, the Minister for Foreign Affairs of Belgium noted that weapons had been stockpiled by the various militia, and said that a prolongation of the political deadlock could result in an irreversible explosion of violence.⁵⁰

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98 Lingering drought, continued economic decline and massive population displacements were contributing to a worsening humanitarian situation. Efforts to assist the growing number of people in need were crippling the already strained Rwandan health care system. Projects to improve sanitation and to maintain public health services were stalled,

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and social relief and rehabilitation programmes were not operating. The Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme (WFP) reported in February 1994 that food supplies throughout Rwanda were critically low.⁵¹

99 A positive factor amidst this heightened tension was the two sides' continued adherence to the cease-fire agreement. Still, commensurate progress had not been made in the political process, and in a report to the Security Council I reiterated my view that the presence of the United Nations in Rwanda could be justified only if the two sides showed the necessary political will to abide by their commitments and to implement the Arusha Agreement. I was encouraged by the fact that, despite the increasing tensions, the two sides had maintained the process of dialogue. It was my belief that the United Nations needed to continue to support this dialogue, so as to resolve the two sides' differences and achieve the long-awaited installation of the interim Government. I therefore recommended to the Security Council that the mandate of UNAMIR be extended for another six months beyond its expiration date of 5 April 1994. However, I suggested that if progress was not made in implementing the next phase of the Arusha Agreement during the ensuing two months, the Council should again review the situation, including the future role of the United Nations.

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100 On 5 April 1994, the Security Council decided to extend conditionally the UNAMIR mandate until 29 July 1994 — slightly less than four months — by unanimously adopting resolution 909 (1994).⁵² Expressing concern at the deteriorating security situation, particularly in Kigali, as well as the deteriorating health conditions in Rwanda, the Council stated that the fact that the transitional institutions had not been established constituted a major obstacle to the implementation of the Arusha Agreement. The Council urged the two sides to resolve their differences without delay and to establish the transitional institutions required for the process to continue. If the transitional institutions provided for under the Arusha Agreement were not in place within six weeks, the Council declared its intention to review the continued participation of the United Nations in the Rwandan peace process.

V Chaos engulfs Rwanda

101 On 6 April 1994, one day after the Security Council extended UNAMIR's mandate and again called upon the Rwandan parties to put in place a transitional Government, the President of Rwanda was killed in a plane crash, along with the President of Burundi. Almost immediately, the systematic killing of Tutsis and of Hutu members of the political opposition began. Fighting reignited the next day between the Rwandese Government Army (RGA) and the Rwandese Patriotic Front (RPF). Although the people of Rwanda had endured seven large-scale massacres since 1959, the extent of the killing that followed was unprecedented in the history of the country and, indeed, in all of Africa. Clearly intended to eliminate members of the Tutsi ethnic group, the killings were indisputably acts of genocide. In the end, the death-toll for the period from April to July 1994 was estimated to be as high as 1 million people.

The killing begins

102 On the evening of 6 April 1994, the President of Rwanda, Juvénal Habyarimana, and the President of Burundi, Cyprien Ntaryamira, were returning by plane to Kigali from a regional summit meeting. The meeting had been convened that day in Dar es Salaam by the Organization of African Unity (OAU) to discuss ways of assisting the Governments of Rwanda and Burundi in resolving political and security problems in their countries.⁵³ As their plane neared the Kigali airport, it was hit by a rocket. The plane exploded and all passengers and crew members were killed instantly. Speaking to the press, I expressed my horror and grief at the deaths of the two Presidents.⁵⁴ It was evident that this tragedy would further complicate the task entrusted to the United Nations of helping the Governments and people of Rwanda and Burundi restore internal peace in their countries. I implored all concerned to act with responsibility and restraint.

103 However, the death of the President of Rwanda set off a torrent of killings, mainly in Kigali but also in other parts of the country, targeted mainly at Tutsis but also at Hutu moderates.⁵⁵ Members of the Presidential Guard started killing Tutsi civilians in Ramera, a section of Kigali near the airport.⁵⁶ Less than half an hour after the plane crash occurred, roadblocks manned by Hutu militiamen, often assisted by gendarmerie or military personnel, were set up at which the identity

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cards of passers-by were checked and Tutsis were taken aside and killed. When peace-keeping troops attempted to investigate the site of the crash, they were denied access by the Presidential Guards. During the night of 6/7 April, violence spread to other areas of the capital. Members of the Presidential Guard, other units of the RGA, political party militiamen and gangs of armed civilians went from house to house killing thousands of Tutsi civilians. Some of these assailants were observed using pre-established lists and maps to locate their victims.

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104 During the early morning hours of 7 April, the Government-controlled Radio Télévision Libre des Mille Collines aired broadcasts attributing responsibility for the plane crash to the RPF and a contingent of United Nations soldiers.⁵⁷ Other inflammatory broadcasts, such as incitements to eliminate the “Tutsi cockroach”, were also reported. Later that day, the incumbent Prime Minister, Ms. Uwilingiyimana, and 10 Belgian peace-keepers assigned to protect her were brutally murdered by RGA soldiers in an attack on the Prime Minister’s home. Leaders of three opposition parties — the Parti social démocrate, the Parti démocrate chrétien and the Parti libéral — were also assassinated. In a statement, I condemned these acts of violence and the despicable attacks on the members of UNAMIR.⁵⁸

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105 With these and other killings, the civil war which had come to a halt with the signing of the Arusha Agreement began again. On 7 April 1994, the RPF security battalion stationed in the capital broke out of its barracks and started engaging Rwandese Government troops. RPF units from the DMZ also began moving south towards Kigali and joined the fighting. Authority in the capital collapsed; the existing Government disintegrated and some of its members were killed in the violence.

106 UNAMIR forces stationed in the capital tried to prevent the killing and to contain the conflict, but the mission possessed neither the mandate nor the force to coerce the two sides into ending the violence. UNAMIR, charged with monitoring and assisting with the implementation of the Arusha Peace Agreement, had been established as a peace-keeping force under Chapter VI of the Charter of the United Nations, and thus lacked the enforcement powers of Chapter VII operations. The resumption of the fighting in Rwanda made it impossible for UNAMIR to carry out the tasks emanating from its original mandate. However, led by my Special Representative and its Force Commander, UNAMIR dedicated itself to efforts to secure a cease-fire; protect civilians and United Nations staff, as far as was possible; rescue individuals and groups trapped in the fighting; and provide humanitarian assistance. Within days, thousands of civilians sought refuge in and around United Nations positions. UNAMIR attempted to offer protection and provide food, supplies and medical care to these groups.

107 The dangerous and volatile situation throughout Rwanda forced the evacuation of virtually all international aid workers — with the exception of the International Committee of the Red Cross (ICRC) — some United Nations staff and foreign nationals.⁵⁹ Remaining without interruption in Rwanda, the ICRC focused on emergency medical care and the delivery of food aid. However, the intensity of the fighting coupled with a shortage of humanitarian personnel prevented the large-scale provision of emergency relief to victims during the early and most dangerous days of the crisis.

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108 During this critical period, I kept the Security Council continuously informed regarding developments in Rwanda. On 7 April in New York, following a briefing by my Special Adviser, the Council condemned the acts of violence resulting in the deaths of civilians, government leaders and the Belgian peace-keepers.⁶⁰ The Council appealed to all Rwandans to desist from any further acts or threats of violence, and urged all parties to implement the Arusha Agreement, particularly the cease-fire. The Council also expressed its extreme concern at the implications of the situation for United Nations personnel and requested that I take any measures necessary to ensure their safety and security.

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109 On 8 April 1994, I informed the Security-Council that UNAMIR was engaged in intensive efforts to secure agreement on a cease-fire in Kigali and to promote the establishment of an interim political authority to fill the current vacuum.⁶¹ These efforts had not yet been successful, and there were serious concerns about the safety and security of the civilian population, foreign nationals and United Nations personnel in Rwanda. I pointed out to the Council that in the event that the evacuation of UNAMIR civilian staff and foreign nationals became unavoidable, UNAMIR would be hindered in providing assistance for the evacuations under its mandate and rules of engagement. I asked the Council to give this matter urgent attention, and reported that the UNAMIR Force Commander had estimated that he would require two to three additional battalions, numbering several thousand troops, to carry out such an operation.

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110 On 11 April 1994, French and Belgian troops landed at Kigali airport to contribute to the evacuation efforts. A contingent of UNAMIR soldiers was stationed at the airport to coordinate and assist with this operation, and a battalion of peace-keepers from Ghana was relocated from the DMZ to Kigali, reinforcing the peace-keepers already at the airport. The Ghanaian troops took over control of the airport when the French troops departed on 19 April. A UNAMIR supply plane succeeded in landing in Kigali during this time, replenishing supplies of food and other goods.

Chaos continues

111 On 8 April 1994, elements of the former Rwandese Government, drawn mainly from the MRND, established an “interim Government”. Within days of its establishment, however, it became clear that this “interim Government” would not succeed in establishing authority in Kigali. On 12 April, as fighting between the armed forces and the RPF intensified, the “interim Government” relocated to the town of Gitarama, 40 kilometres south-west of the capital.

112 On 9 April 1994, the Assistant Secretary-General for Peacekeeping Operations briefed the Security Council on the fighting and disorder in Kigali. Two days later, as the situation throughout Rwanda worsened, he briefed the Council again. Meeting on 12 April in special session, the African Group at the United Nations urged the Council to take urgent actions to help protect the lives and property of civilians in Rwanda, and to consider expanding the size and mandate of UNAMIR.⁶² The African Group also emphasized the readiness of the OAU to cooperate with the United Nations in efforts to implement the Arusha Agreement, and strongly appealed to the international community to increase humanitarian assistance.

113 During the night of 12 April 1994, the Minister for Foreign Affairs of Belgium came to see me in Bonn, where I was on an official visit. He informed me that, in view of the rapidly deteriorating situation, the Government of Belgium had decided to withdraw immediately its contingent serving with UNAMIR. I immediately sent a letter to the President of the Security Council informing him of the Belgian decision.⁶³ At that time, the Belgian troop contingent, numbering more than 400 soldiers, was the third largest among those of the 24 countries participating in UNAMIR.⁶⁴ Moreover, the Belgians possessed vital logistics and communications capacity as well as heavy weaponry, the loss of which would greatly affect the mission. I voiced my disagreement and asked that the Belgian troops at least leave their heavy weapons in Rwanda so they could be used by other UNAMIR contingents. It was my view, which I communicated to the Council, that the continued discharge by UNAMIR of its mandate would become untenable unless the Belgian contingent was replaced by other, equally well-equipped troops, or unless the Government of Belgium reconsidered its decision.⁶⁵

114 The Belgian Government, on 13 April, informed the Security Council of its views that the worsening situation in Rwanda had serious implications on the future role of UNAMIR.⁶⁶ “It is obvious”, said Belgium in its letter to the Council, “that under these conditions the continuation of the UNAMIR operation has become pointless within the terms of its present mandate. In any event, the continued presence of

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the Belgian contingent would expose it to unacceptable risks.” The Government of Belgium concluded that it was imperative to suspend the activities of the UNAMIR forces without delay until the peace process resumed, and that in the coming weeks or months, a United Nations presence in Rwanda could be justified only on humanitarian grounds. However, when the Belgian contingent left Rwanda, it did so with all its weaponry.

115 Also on 13 April, the “interim Government” of Rwanda wrote to the Security Council to stress that an expanded and continuing UNAMIR presence would be a stabilizing factor.⁶⁷ The “interim Government”, while emphasizing the need to immediately establish a cease-fire, stated that it remained committed to the peace process within the framework of the Arusha Agreement and expressed its willingness to discuss with the RPF the establishment of the broad-based transitional Government. The OAU, for its part, following a 14 April ambassadorial-level meeting of the Central Organ of its Mechanism for Conflict Prevention, Management and Resolution, issued a statement appealing to the Security Council to ensure the continued and effective functioning of UNAMIR.⁶⁸

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116 During Security Council consultations held at United Nations Headquarters on 14 April, my Senior Political Adviser emphasized that in my letter of 13 April to the President of the Security Council I had not recommended a withdrawal of UNAMIR. My Special Adviser also met with the Security Council that day and conveyed my opposition to the withdrawal of UNAMIR, an option which I viewed as neither advisable nor feasible.

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117 On 15 April 1994, the Minister for Foreign Affairs of Belgium again recommended to the President of the Security Council that the UNAMIR operation be suspended.⁶⁹ The Minister stated that all the information available to his Government reinforced the fear that UNAMIR as a whole, and the Belgian contingent in particular, which was being specifically targeted, could be exposed to very serious risks and become powerless in the face of the worsening situation. He requested that the Council instruct the United Nations Secretariat and the Force Commander of UNAMIR to release the Belgian contingent immediately.

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118 Throughout this period, UNAMIR continued attempts to secure a cease-fire, through contacts with representatives of the RGA and the RPF, in the hope that this would lead to political efforts to return to the peace process.⁷⁰ At the initiative of my Special Representative, the two sides held their first direct meeting on 15 April. However, instead of moving towards agreement on a cease-fire, both parties adopted rigid positions. As a result, both the violence in the streets and the fighting between RGA and RPF forces continued, including mortar attacks on

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concentrations of displaced civilians sheltering under the protection of UNAMIR. UNAMIR headquarters was also hit by mortar fire on 19 April.

119 On 19 April 1994, during a telephone conversation I had with President Museveni of Uganda, the President urged that UNAMIR be reinforced and retained in Rwanda. He asked me to convey his request to the Security Council, which I did that day. The President added that he was attempting to arrange for troop contributions from countries in the region and that he personally was directing efforts to arrange a cease-fire between the RGA and the RPF. The President followed up this plea with an urgent request to the Council on 21 April that UNAMIR maintain its presence in Rwanda.⁷¹

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120 OAU Secretary-General Salim Salim, in a letter to me on 21 April 1994, informed me of specific efforts being undertaken by Governments in the Great Lakes region to assist in securing a cease-fire in Rwanda.⁷² The Secretary-General himself had met with representatives of the “interim Government” and the RPF in an attempt to resolve the conflict. While expressing his appreciation for the efforts of the United Nations to restore peace in Rwanda, Mr. Salim Salim expressed grave concern after learning that some members of the Security Council might be contemplating a weakening of the UNAMIR presence or the possible withdrawal of the mission. While it was true that the conflict in Rwanda was essentially an African problem, he felt it was equally true that the conflict had security and humanitarian implications of universal concern. Appealing to the United Nations to continue its efforts in Rwanda, the Secretary-General said that a withdrawal of the United Nations mission at that point might be interpreted by African countries as a sign of indifference or lack of concern for the African tragedy.

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121 Also that day, the Government of Bangladesh — which with well over 900 soldiers stationed in Rwanda was providing the largest troop contingent to UNAMIR — sent a letter to the President of the Security Council stating that the Bangladeshi peace-keepers were being exposed to unnecessary risks.⁷³ Bangladesh reported that the UNAMIR forces, already depleted by the withdrawal of the Belgian troops, were short of even the necessary equipment, weapons and ammunition to protect themselves, and were being drawn into cross-fire between rival factions that threatened to compromise their neutrality as peace-keepers. Questioning whether, in light of the rapidly deteriorating situation, UNAMIR was serving any useful purpose, Bangladesh said that if its soldiers were to remain in Rwanda, political commitments must be made by the two sides not to harm or attack UNAMIR forces. However, if the political and security situation did not permit UNAMIR to remain safely, the Bangladeshi troops might have to be relocated to a nearby country.

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UNAMIR scaled back

122 In a special report dated 20 April 1994, I informed the Security Council that, owing to the intransigence of the Rwandan parties, there was no prospect of a cease-fire being concluded in the coming days.⁷⁴ With the departure of the Belgian contingent and of non-essential personnel from other contingents during the previous week, UNAMIR's troop strength had been reduced from 2,165 to 1,515, and the number of military observers from 321 to 190. A decision was needed from the Council as to whether — and if so, how — the United Nations would maintain its efforts to help a people that had fallen into calamitous circumstances.

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123 Asked by the Security Council to formulate several options for its consideration, I presented the Council with three scenarios. The first option called for the immediate and massive reinforcement of UNAMIR and a change in its mandate so that it would have the equipment and the authorization to coerce the opposing forces into a cease-fire. This option was based on the fact that without the hope of a negotiated cease-fire, the fighting, lawlessness and massacres of civilians would continue. I noted that this scenario would require several thousand additional troops and that UNAMIR might have to be given enforcement powers under Chapter VII of the Charter. UNAMIR would then be in a position to attempt to restore law and order and to put an end to the killings. This alternative would also make possible the provision and distribution of humanitarian assistance. Further, the restoration of stability in Rwanda would assist in preventing violence from spreading to neighbouring countries. I requested that my Spokesman indicate publicly that this first, forceful response was my preferred course of action as it would give UNAMIR the credibility to deal effectively with the situation.

124 A more limited role for UNAMIR was outlined in the second option, under which its personnel would be reduced to approximately 270. A small group headed by the UNAMIR Force Commander would remain in Kigali to act as an intermediary between the two sides in an attempt to bring about a cease-fire. The team would require the support of an infantry company to provide security, a number of military observers and a small group of civilian staff. The balance of UNAMIR personnel would be withdrawn, but UNAMIR, as a mission, would continue to exist. My Special Representative would continue his efforts to resume his role as intermediary in the political negotiations, with the aim of revitalizing the Arusha peace process.

125 The third option, which I told the Security Council I did not recommend, was the complete withdrawal of UNAMIR. If the Council decided upon this option, UNAMIR would try to obtain commitments from the two sides that the safety of civilians would be ensured. How-

ever, in view of the extreme nature and the dimension of the violence and killing over the two previous weeks, such a commitment seemed unlikely. I reminded the Council that the consequences of a complete withdrawal of UNAMIR, in terms of human lives lost, could be very severe. There was also the danger of repercussions in neighbouring countries with the same ethnic groups, such as Burundi.

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126 The Security Council decided to adjust the UNAMIR mandate based on the second option I had presented.⁷⁵ In its resolution 912 (1994), adopted on 21 April, the Council decided to retain a small presence in Kigali to act as intermediary in attempts to secure a cease-fire, and to reduce the operation's troop strength to 270. The small force would assist with efforts to resume humanitarian relief efforts, which had been curtailed because of the insecurity, and would continue to monitor and report on the changing situation. The Council called upon the two sides to renew their commitment to the Arusha Agreement and to cooperate fully in ensuring unimpeded delivery of humanitarian assistance. The Council, stating that it would keep the situation under constant review, remained ready to consider recommendations I might make concerning the force level or the mandate of UNAMIR in light of developments.

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127 Following the Security Council's decision, I responded to the 21 April 1994 letter from the OAU Secretary-General in a letter dated 27 April.⁷⁶ I informed him that the United Nations hoped that the efforts of my Special Representative and of the Force Commander would bring about an early cease-fire and permit the peace process to continue. I expressed my fervent hope that the reduced UNAMIR would be able to facilitate a cease-fire, following which the United Nations could attempt to re-launch the peace process.

Security Council establishes UNAMIR II

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128 By the end of April 1994, the situation in Rwanda had degenerated further still, and the catastrophe was rightly a matter of growing anguish in Africa and throughout the world.⁷⁷ Large-scale massacres of civilians were continuing everywhere in Rwanda, especially in the south, with some reports estimating that as many as 200,000 people had been killed thus far. The massacres were all the more horrific for the inhuman way in which they were carried out, often with machetes, axes, cudgels and iron bars. Women and young girls were systematically raped, tortured and maimed, while males were subjected to torture and extreme degradation before being killed. Children who were not killed became helpless witnesses to these atrocities.

129 By late April, Rwanda's capital had been effectively divided into two sectors, controlled by the RGA and the RPF, with frequent

exchanges of artillery and mortar fire between the two sides. UNAMIR had also reported strong evidence of preparations for further massacres of civilians in Kigali. There were large concentrations of civilians without adequate protection, and as many as 30,000 displaced persons had taken refuge in the city's public places and religious sanctuaries.

130 Vast groups of people were fleeing their homes in all areas of the country. They crowded into public places and other shelters with little food, poor sanitation and no security. In late April 1994, there were some 250,000 displaced persons in the north, 65,000 in the east and 1.2 million in the south and south-west of Rwanda.⁷⁸ By that time, as many as 400,000 Rwandan refugees had fled to the neighbouring countries of Burundi, Uganda, the United Republic of Tanzania and Zaire. In addition, approximately 80,000 of the nearly 280,000 Burundian refugees who had fled into Rwanda in October 1993 remained inside Rwanda's southern border and in need of assistance. In response to this humanitarian crisis, the Under-Secretary-General for Humanitarian Affairs visited Kigali in late April to assess the situation and determine priorities for relief operations (see paragraphs 199-223 below).

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131 These developments raised serious questions about the viability of the revised mandate which the Security Council had given to UNAMIR on 21 April 1994. In particular, it had become clear that the new mandate did not give UNAMIR the power to take effective action to halt the continued massacres.⁷⁹ At best, the mission could provide limited protection to small groups of threatened persons in Kigali. It had become evident that the horrors occurring in Rwanda — perpetrated by armed groups of civilians taking advantage of the complete breakdown of law and order in Kigali and many other parts of the country — could be ended only if law and order were restored, a task which was far beyond UNAMIR's mandate. On 29 April 1994, writing to the President of the Security Council, I urged the Council to re-examine its decision to reduce the UNAMIR force level to 270 and to review its mandate. I asked the Council to consider again what action, including forceful action, it could take, or could authorize Member States to take, in order to restore law and order and end the massacres. In making such recommendations, I stated to the Council that I was "aware that such action would require a commitment of human and material resources on a scale which Member States have so far proved reluctant to contemplate." But I was convinced that the scale of human suffering in Rwanda and its implications for the stability of neighbouring countries left the Council with no alternative but to examine this possibility.

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132 Later that day, I met with the representatives of two countries on the Security Council who stated their opinion that any future action in Rwanda to stop the violence should be taken primarily through the efforts of African countries. Responding to this view, I noted that

African countries would need logistical support if they were to mount such an effort and asked that the representatives request their Governments to consider what assistance they could provide in this regard.

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133 Pending its consideration of my letter, the Security Council on 30 April 1994 requested that I consult with the Secretary-General of the OAU on actions which might assist in restoring law and order in Rwanda and in providing security for displaced persons.⁸⁰ I was also asked to explore ways of providing humanitarian assistance to refugees and displaced persons. Finally, the Council requested that I make proposals for the investigation of the reports of serious violations of international law committed in Rwanda.

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134 I began consultations that very day, speaking by telephone to Mr. Hosni Mubarak, President of Egypt and the then Chairman-to-be of the OAU.⁸¹ In addition, I addressed written messages to Mr. Mubarak, to Mr. Salim Salim, OAU Secretary-General, and to the leaders of a number of African countries, requesting them to consider how they might assist in re-establishing order in Rwanda. In particular, I asked African nations to contribute troops to a regional effort towards such an end.

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135 On 1 May 1994, in a statement to representatives of the diplomatic community in Dar es Salaam, among them ambassadors representing members of the Security Council, President Ali Hassan Mwinyi of the United Republic of Tanzania said that the decision to reduce UNAMIR to 270 troops had been "one of the most unfortunate decisions" by the Council.⁸² It demonstrated that the tragedy in Rwanda was of no concern to the international community, and stood in sharp contrast to the peace-keeping efforts of the Organization elsewhere. The President strongly supported my recent request that the Council review the status of UNAMIR. His country wished to draw the attention of the United Nations to the urgency of the situation in Rwanda and to highlight the obligation of the international community.

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136 The President of the Security Council informed me on 6 May 1994 that the members of the Council agreed that in view of the unabated hostilities and killings in Rwanda, the Council would consider urgent and effective means of action.⁸³ To assist in its deliberations, the Council asked that I provide information on a possible expanded United Nations or international presence in Rwanda, and also that I review other possible options, including measures which might involve the assistance of neighbouring countries capable of assisting the two sides in Rwanda in monitoring a cease-fire.

137 Based on my consultations with troop-contributing countries and other concerned Governments on the future of United Nations action in Rwanda, I recommended to the Security Council on 13 May

1994 that it authorize the establishment of UNAMIR II — a force numbering 5,500 troops, including five infantry battalions, with the credibility, armament and high mobility to deter hostilities.⁸⁴ I called upon the Council to decide on an expanded mandate under which UNAMIR II would support and provide safe conditions for displaced persons and other groups in need, and provide security to humanitarian agencies to assist with the distribution of relief supplies. The rules of engagement for this force would not include enforcement action, as provided by Chapter VII of the Charter; the force would instead depend primarily on deterrence to carry out its tasks. None the less, I noted in my report that UNAMIR II might be required to take action in self-defence against persons or groups who threatened protected sites and populations and the means of delivery and distribution of humanitarian relief.

138 By this time, the UNAMIR force had been drawn down to 444 troops; further reductions to the 270 level were halted pending the outcome of the Security Council's deliberations over its next course of action. In making my recommendations to the Council, I outlined a three-phase deployment schedule for the expanded force, with a view towards its fastest possible deployment. During phase one, or the first week following the Council's authorization of the expanded mandate, troops would be sent to Rwanda to bring the force up to battalion strength, or 800 troops. During phase two, or the second week, two battalions would be deployed along with advance elements of a support battalion and all headquarters staff. During phase three, or weeks three and four of the operation, the balance of the support battalion and two additional infantry battalions would be deployed. I also suggested that the United Nations civilian police unit be expanded to 90 officers. This force would focus on maintaining liaison with the local civilian authorities on matters of public security.

139 To support the rapid deployment of UNAMIR II, it was essential to deploy military contingents which were capable of operating independently. If troop contributors provided the force with already formed infantry brigades, deployment could be quite rapid. If not, negotiations with contributing countries could be expected to delay deployment by several months. And if troops were provided which did not possess the necessary equipment, delays of several more months could occur. Therefore, I urged Member States to make bilateral arrangements in order to quickly match troops with the equipment and transport that would be needed by UNAMIR II.

140 On 17 May 1994, the Security Council adopted resolution 918 (1994), a three-part text addressing various aspects of the situation in Rwanda. In Part A, the Security Council, acting under Chapter VI of the Charter of the United Nations, decided to expand the original UNAMIR mandate and to authorize an increase of its force level to

5,500. Under the new mandate, the mission, to be known as UNAMIR II, was to contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance of secure humanitarian areas, and to provide security and support for the distribution of relief supplies and humanitarian relief operations.

141 In Part B of the resolution, the Security Council invoked Chapter VII of the Charter and placed an embargo on the delivery of arms, ammunition and related material to Rwanda. The embargo also prevented the sale of weapons to Rwandan nationals through the territory of other States. To monitor the embargo and recommend appropriate measures in response to any reported violations, the Council also decided to establish a Committee, consisting of all the members of the Council, to undertake such responsibilities. And in Part C of resolution 918 (1994), the Council requested that I report to it on the investigation of serious violations of international humanitarian law committed during the conflict in Rwanda.

142 The Security Council also requested that I report to it on factors which might influence UNAMIR II's deployment, including progress towards a cease-fire, and on the current humanitarian situation. To assist me in making those reports to the Council, the Assistant Secretary-General for Peace-keeping Operations and my Military Adviser conducted a special mission to Rwanda from 22 to 27 May, meeting with representatives of both sides and UNAMIR officials.⁸⁵ The members of the mission described Kigali as a ghost city devoid of normal activity. At this time, the RPF held half of the territory in Rwanda, with strong positions in and around Kigali, especially at the airport. The former Rwandese Government forces held the rest of the country, mainly the areas west and south of the capital and a stronghold in the north-western Gisenyi-Ruhengeri region, where fighting was continuing. The RPF was strengthening its hold on the capital and Hutu refugees were streaming out of the city heading towards Gitarama in the west.

143 Amid fierce fighting, particularly in Kigali, the special mission was able to obtain the agreement of the two sides to initiate talks on the establishment of a cease-fire. A working paper, to serve as a basis for the talks, was prepared by the special mission and the UNAMIR Force Commander, and the first meeting was held between military staff officers on 30 May 1994 at UNAMIR headquarters, with the UNAMIR Deputy Force Commander acting as intermediary.⁸⁶ Although both sides professed some commitment to the principles of the Arusha Agreement during these discussions, the "interim Government" took the position that the accord had been based on the false premise that the historical ethnic animosity between the majority Hutus and the minority Tutsis

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could be resolved by a political formula.⁸⁷ Instead, the “interim Government” held the view that an arrangement was required which would guarantee not only the rights of the minority, but those of the majority as well. The RPF, for its part, maintained that while it was committed to the Arusha principles of a pluralist political compromise, the deliberate subversion of that process by Hutu elements and their planned massacres of Tutsis and moderate Hutus called for changes in the Arusha formula.

144 At this time, the majority of displaced persons had gathered in the zone controlled by the “interim Government”. With authority in some areas of that zone uncertain, United Nations agencies and NGOs were unable to provide effective humanitarian assistance. In the RPF-controlled zone, more systematic humanitarian assistance programmes had commenced, with assistance being provided by UNHCR, the United Nations Children’s Fund (UNICEF), the World Food Programme (WFP) and the ICRC. The special mission, during meetings with authorities of the “interim Government”, emphasized the urgency of ensuring that humanitarian assistance programmes could commence in the south-west.

145 Although the special mission gained assurances from both sides that they would cooperate with the United Nations effort to implement UNAMIR II’s expanded mandate, it was evident that even if a cease-fire was established, conditions in Rwanda would remain uncertain and insecure for an extended period. Stability would return only when agreement on the resumption of a negotiated political process was reached. The expressed positions of the two sides made it clear also that extensive mediation efforts would be needed to bring the two sides together, even if a cease-fire was achieved and the Arusha process was reinvigorated.

VI International efforts to stabilize Rwanda

146 With Rwanda in chaos, the international community mounted efforts to address comprehensively the complex aspects of the crisis: hundreds of thousands of people killed by acts of genocide, more than one million people displaced and scattered throughout the country and in refugee camps in neighbouring countries, and the economy and vital infrastructure in ruins. Massive international actions led by United Nations agencies, such as UNHCR and the WFP, were undertaken to provide humanitarian assistance to the millions affected. However, although the Security Council had authorized an expanded force and mandate for UNAMIR II, difficulties were encountered in deploying the strengthened peace-keeping operation. These delays led the Council to authorize a multinational operation, led by France under Chapter VII of the Charter of the United Nations, to help stabilize the situation in Rwanda pending the mission's full deployment.

Deployment of UNAMIR II delayed

147 The deployment of UNAMIR II proved to be a very difficult process. One reason was a general fatigue on the part of the international community regarding participation in international peace-keeping operations. With the rapid rise since the late 1980s in the number of such efforts — a total of 17 United Nations operations were under way in April 1994 — and with some operations, such as the one in Somalia, having encountered considerable difficulties, the willingness of Member States to contribute troops and funding was declining. In this context, Member States did not respond quickly to my request in May 1994 for contributions of troops, equipment and airlift services to meet the requirements of UNAMIR II.

148 Moreover, those Member States that did offer to provide troops did not possess certain essential equipment. For example, immediately after the Security Council's decision to establish UNAMIR II, the Government of Ghana offered to dispatch the several hundred troops needed for phase one of the deployment schedule.⁸⁸ However, the Ghanaian troops did not possess the required equipment, particularly armoured personnel carriers, which would ensure sufficient mobility and protection. Instead, the Department of Peace-keeping Operations was

required to identify sources of equipment and to arrange for its transport to Rwanda — a cumbersome process that significantly delayed deployment. Appeals for additional contributions of equipment continued. Equipment —ranging from weapons to radios — was garnered from the existing pool of supplies pledged by Member States on stand-by arrangements, and other supplies were redeployed from other United Nations operations. In all cases, individual agreements had to be negotiated. In addition, repairs and adjustments were frequently required, as was the training of peace-keepers not familiar with the operation of certain equipment.

149 This delay was of great concern, as the magnitude of the crisis and of the human rights abuses in Rwanda made the deployment of UNAMIR II a matter of the utmost urgency. As I stated on 4 May 1994 on the United States television news programme *Nightline*: “Here you have a real genocide, in Kigali.” At a press conference at United Nations Headquarters on 25 May, I reiterated:

“It is a genocide which has been committed. More than 200,000 people have been killed, and the international community is still discussing what ought to be done. I have tried. I was in contact with different heads of State, and I begged them to send troops. I was in contact with different organizations and tried my best to help them find a solution to the problem. Unfortunately, let me say with great humility, I failed. It is a scandal. I am the first one to say it and I am ready to repeat it.” (SG/SM/5297/Rev.1)

And in a report to the Security Council on 31 May, I continued to voice my concern:

“The delay in reaction by the international community to the genocide in Rwanda has demonstrated graphically its extreme inadequacy to respond urgently with prompt and decisive action to humanitarian crises entwined with armed conflict. Having quickly reduced UNAMIR to a minimal presence on the ground, since its original mandate did not allow it to take action when the carnage started, the international community appears paralysed in reacting almost two months later even to the revised mandate established by the Security Council. We all must recognize that, in this respect, we have failed in our response to the agony of Rwanda, and thus have acquiesced in the continued loss of human lives. Our readiness and capacity for action has been demonstrated to be inadequate at best, and deplorable at worst, owing to the absence of the collective political will.”⁸⁹

150 To expedite the overall deployment, I recommended that the Security Council alter the UNAMIR II deployment schedule and author-

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ize the immediate initiation of phase two deployment. In that way, phases one and two would be carried out simultaneously, and the two battalions earmarked for phase two could be deployed before the completion of phase one. Deployment of the two battalions envisaged for phase three would need to be reviewed in the context of whether a cease-fire had been achieved. In any case, urgent preparations for phase three deployment needed to be continued. I also reminded the Council that the concept of the operation and the various deployment scenarios were predicated on the assumption that the required troops with full equipment would be made available without delay. It was clear to me that unless Member States demonstrated the determination to take prompt and decisive action, UNAMIR II would be unable to implement its mandate or to have the impact required to spare the Rwandan people further suffering.

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151 On 8 June 1994, the Security Council adopted resolution 925 (1994), endorsing the immediate deployment of the two additional battalions in phase two in close synchronization with phase one, as well as the continuation of urgent preparations for phase three deployment.⁹⁰ The Council also decided to extend the mandate of UNAMIR, scheduled to expire on 29 July 1994, until 9 December 1994. In so doing, the Council urged Member States to respond promptly to my request for resources which would support the rapid deployment of additional forces. The Council called on all parties to the conflict to cease hostilities, agree to a cease-fire and immediately take steps to bring an end to systematic killings in areas under their control.

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152 Following the Security Council's action, I continued to use every opportunity to press the international community for an urgent and coordinated response to the genocide which had engulfed Rwanda. At the annual Summit of Heads of State of the OAU, held in Tunis on 13 June 1994, I stated: "What is involved here is, as I have said, a bitter failure, not only for the United Nations, but for the international community as a whole. We are all responsible for this failure, whoever we may be — international organizations, the great Powers and non-governmental organizations, as well as the African countries themselves." (SG/SM/5328) In a letter to the Security Council dated 19 June, I again stressed the need to halt the genocide, secure a cease-fire and resume the Arusha peace process.⁹¹

UNOMUR mandate extended

153 The massive outbreak of hostilities in Rwanda led UNOMUR — the 81-observer force deployed on the Uganda side of the Uganda-Rwanda border in mid-1993 to verify that no military assistance

reached Rwanda — to expand its monitoring activities from opposite the areas controlled by the Rwandese Patriotic Front (RPF) to the entire 150-kilometre border. UNOMUR's mandate was scheduled to expire on 21 June 1994, and with fighting having spread throughout Rwanda there seemed to be diminishing reason to retain a monitoring mission solely along the border.⁹² Still, UNOMUR did give UNAMIR II the capacity to address, at least to some degree, the issue of outside interference in the Rwanda conflict. Therefore, in a report to the Security Council dated 16 June, I suggested that UNOMUR be extended for a period of three months, during which time its phased reduction would be carried out. Accordingly, UNOMUR would complete its final mandate on 21 September.

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154 On 20 June 1994, the Security Council accepted my recommendation by adopting resolution 928 (1994).⁹³ During its final three months, in addition to its monitoring duties, UNOMUR played an important role in supporting the build-up of UNAMIR II and in coordinating humanitarian assistance. The reduction of UNOMUR was carried out in four phases, with the final contingent leaving the area of operation on 21 September.⁹⁴

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Operation Turquoise

155 After deciding to withdraw my Special Representative from Rwanda owing to security considerations, including threats to his life, I appointed a new Special Representative on 1 July 1994. By that date, the fighting capacity of the Rwandese Government Army (RGA) had begun to crumble. Encouraged by the faltering of the RGA, the RPF intensified its efforts to take control of the capital and to seize areas held by the RGA along the border with Zaire. As the RPF swiftly advanced, large numbers of civilians began to flee the combat areas, moving towards the south-western portion of the country. By this time, well past the point when the phase one deployment of approximately 440 additional troops was to have been completed, UNAMIR II's strength had only risen from 444 to 503, consisting of 354 troops, 25 military staff personnel and 124 military observers.

156 With the deployment of UNAMIR II effectively stalled, I had informed the Security Council on 19 June 1994 that UNAMIR might not be in a position to undertake fully the tasks entrusted to it under the expanded mandate for another three months.⁹⁵ In addition, the two sides had not yet come to an agreement for a cease-fire in the talks under UNAMIR auspices. I informed the Council that in view of these circumstances, the Government of France had informed me of its willingness to undertake, subject to the Council's authorization, a French-commanded multinational operation to assure the security and protection of dis-

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placed persons and civilians at risk in Rwanda. Such an operation was one of the options envisaged in my letter of 29 April 1994, and a precedent existed for the establishment of such a force, the United States-led Unified Task Force (UNITAF), which had been deployed in Somalia in December 1992 in response to conditions of anarchy and widespread famine.⁹⁶ A multinational force in Rwanda, I told the Council, would maintain an international presence in the region pending the arrival of the expanded UNAMIR II.

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157 On 20 June 1994, the French Government officially informed the Security Council that France and Senegal were prepared to send a force into Rwanda without delay, and estimated that the force would need to remain in Rwanda until mid-August.⁹⁷ The intention of the French Government was to dispatch a force to the region that would be based in Zaire and operate inside Rwanda. France proposed that this force, unlike UNAMIR II, be established under Chapter VII of the Charter, which permits the Council to authorize the use of military force to maintain or restore international peace and security.

158 The Security Council approved the operation two days later by resolution 929 (1994), in which, acting under Chapter VII, it authorized Member States “cooperating with the Secretary-General” to establish a temporary operation under French command and control, “using all necessary means to achieve the humanitarian objectives” of UNAMIR II. The words “all necessary means” meant that the multinational force was empowered to use force to establish secure conditions for humanitarian relief. The Council, “stressing the strictly humanitarian character of this operation which shall be conducted in an impartial and neutral fashion, and shall not constitute an interposition force between the parties”, authorized the French-led force to operate in Rwanda until 21 August 1994. The vote on resolution 929 (1994) was 10 in favour, none against and 5 abstentions (Brazil, China, New Zealand, Nigeria and Pakistan).

159 Resolution 929 (1994) represented only the sixth time in United Nations history that the Security Council had authorized Member States to use military force under Chapter VII. Previous instances occurred in response to attacks on the Republic of Korea in 1950; in authorizing the interception of tankers carrying oil to Southern Rhodesia in 1966; on two occasions during the Iraq-Kuwait conflict in 1990 and 1991; and in authorizing UNITAF for Somalia. Further, for only the second time, the United Nations was authorizing a group of Member States to employ a military force that was not under United Nations command for the purpose of achieving humanitarian ends in an internal conflict.

160 The resulting operation was known as “Operation Turquoise”. Although the United Nations gave the force its mandate, the

Organization neither deployed nor commanded the troops that were sent to fulfil it. The operational command was assumed by France, which provided by far the largest contingent. Throughout its tenure in Rwanda, however, the command of Operation Turquoise worked closely with UNAMIR, with UNAMIR liaison officers stationed at the French headquarters in Goma, Zaire, and with a French liaison office established at UNAMIR headquarters in Kigali. Another feature of Operation Turquoise was that the costs of the mission were borne by the countries supplying troops, whereas United Nations peace-keeping missions are financed by mandatory assessments on all Member States or by voluntary contributions following the approval of their budgets by the General Assembly.

161 The first units of Operation Turquoise were deployed the day the mission was established, 22 June 1994, and were stationed at two sites in Zaire — Goma and Bukavu — located near the Rwandan border. By early July, French troops numbered 2,330 and Senegalese 32; troops from other African nations joined the operation later that month.

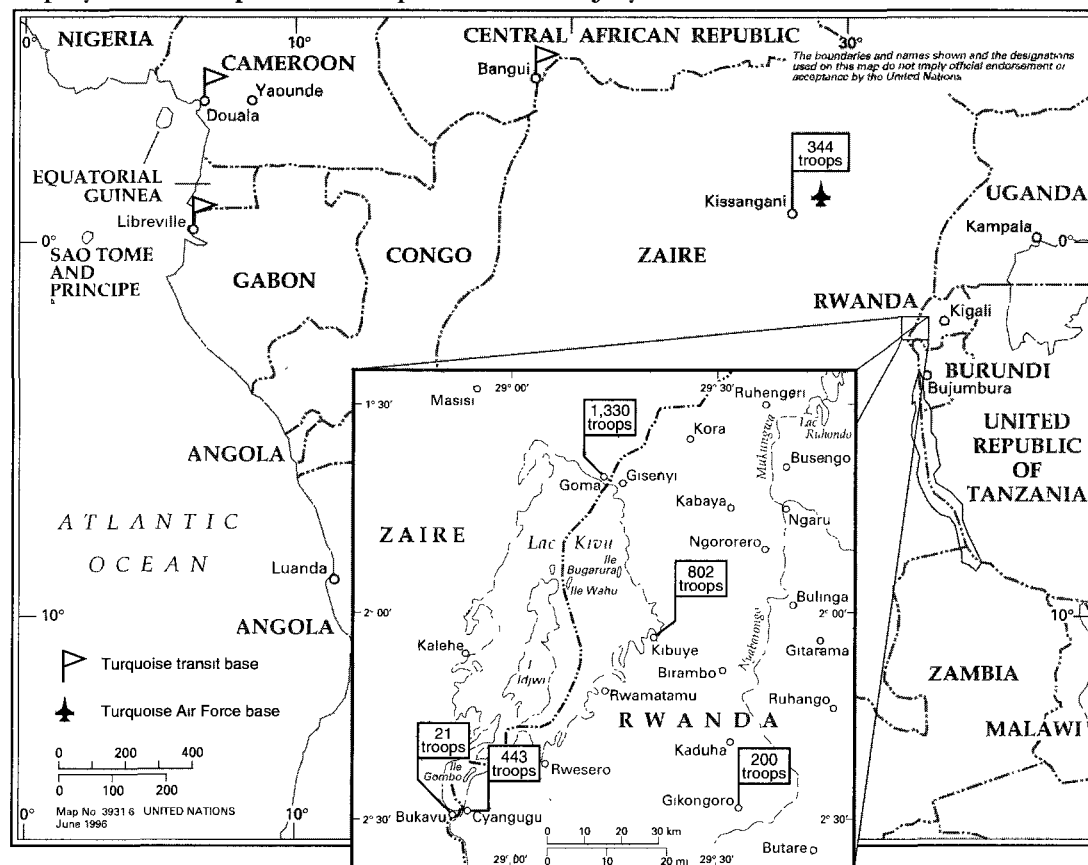
Establishment of a safe humanitarian zone

162 As the RPF advanced into south-western Rwanda in July 1994, 1.2 million people from the northern and central regions of Rwanda began moving towards Zaire, and 1.5 million more moved towards the south-western corner of the country. These massive movements had been provoked not only by the ongoing combat and the advances of the RPF, but also as a result of the panic set off by inflammatory broadcasts by Radio Télévision Libre des Mille Collines inciting Hutus to flee. Fighting had also intensified outside Kigali and was spreading south into the region of Butare, near the border with Burundi, and west towards Kibuye. French troops serving with Operation Turquoise had seen tens of thousands of fleeing civilians, adding to the several hundred thousand displaced persons already in south-west Rwanda.

163 The French Government informed me in a letter on 1 July that the deteriorating situation in Rwanda threatened to compound the already dire humanitarian tragedy.⁹⁸ In the absence of a cease-fire, France's only options were either to withdraw its troops from Rwanda or to establish a safe humanitarian zone where the population would be protected from the fighting. In its 1 July letter, France announced its decision to establish such a protection zone in the Cyangugu-Kibuye-Gikongoro triangle in south-western Rwanda. The French forces of Operation Turquoise deployed in the safe zone on 9 July, with troops

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Deployment of "Operation Turquoise" as of 25 July 1994



from African countries being integrated into the force as they arrived (S/1994/933). The operation's force in both Zaire and Rwanda as of 25 July was composed of troops from France (2,555), Senegal (243), Chad (44), Guinea-Bissau (35), Mauritania (10) and Egypt (7). The RPF expressed strong opposition to the French initiative to establish a safe humanitarian zone in south-western Rwanda, raising concerns that such efforts would serve to protect those responsible for genocide and to preserve the Hutu-led "interim Government". The RPF, however, did not seek confrontation with the forces of Operation Turquoise, and for their part, the multinational troops acted impartially and avoided any provocation.⁹⁹ Operation Turquoise focused its efforts on ensuring the security of the zone and providing assistance to displaced persons and others at risk.

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164 On 4 July 1994, the RPF took full control of Kigali and the following day captured Butare, the country's second-largest city. My Special Representative's attempts to negotiate a cease-fire were not successful, with each side insisting on preconditions unacceptable to the

other. On 14 July, the RPF gained control of the “interim Government” stronghold at Ruhengeri, as the retreating RGA concentrated in and around Gisenyi in the north-west. The Security Council issued a statement that day demanding that the two sides agree on an immediate and unconditional cease-fire.¹⁰⁰

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165 However, cease-fire negotiations remained stalled and, as the RPF’s military advances continued throughout most of Rwanda, some 1.5 million Rwandans — almost exclusively Hutus — crossed into Zaire in what UNHCR described as the largest and most sudden population movement in modern history. Among this enormous flow of people were virtually all the forces of the former Rwandese Government Army, which retreated in disarray into Zaire. Some 850,000 refugees moved into camps in or near the town of Goma, in the North Kivu region, and 500,000 more settled in camps in the South Kivu region. In the light of this massive emergency, the Security Council in its statement of 14 July also called on Member States, United Nations agencies and NGOs to mobilize all available resources to provide urgently needed humanitarian assistance.¹⁰¹

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166 On 17 July 1994, the town of Gisenyi fell to the RPF. The RPF reached the Zairian frontier on 18 July and unilaterally declared a cease-fire. With the exception of the humanitarian zone controlled by the French-led multinational force, the RPF controlled the entire country. The RPF established political control with the installation of a broad-based Government of National Unity on 19 July for a transitional period of five years. Representatives of all parties named in the Arusha Peace Agreement were allocated responsibilities in the new Government, with the exception of the Mouvement républicain pour la démocratie et développement (MRND), the former governing party. The openly anti-Tutsi party, the Coalition pour la défense de la république (CDR), was also excluded from the Government of National Unity.¹⁰²

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167 On 26 July 1994, the new President of Rwanda, Mr. Pasteur Bizimungu, and President Mobutu Sese Seko of Zaire issued a joint communiqué indicating their agreement on the return to Rwanda, in freedom and dignity, of all refugees who wished to do so. In addition, President Mobutu of Zaire confirmed that the territory of Zaire would never be used by Rwandans or by anyone else for the purpose of destabilizing Rwanda, that former RGA military personnel in Zaire would be disarmed and confined to barracks and that radio transmissions containing incitements to ethnic hatred would be stopped immediately.¹⁰³

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168 The humanitarian crisis had by this time reached catastrophic proportions (see Part VIII). Members of Operation Turquoise, in Rwanda and Zaire, attempted to provide humanitarian assistance. Despite its efforts, the operation was able to provide humanitarian assistance for only the most urgent cases. In a letter dated 4 August 1994, the

Government of France informed me that the resources available to Operation Turquoise were insufficient to cope with the massive flow of refugees into the humanitarian zone and into Zaire (S/1994/933). There was an extreme shortage of food and water, and cholera and dysentery were spreading through the camps. According to France, mitigation of the humanitarian disaster would be possible only when the long-awaited international assistance entered into full effect. Unfortunately, in late July 1994, UNAMIR II was as far from full deployment of its 5,500 troops as it had been at the time of the mission's creation more than two months earlier.¹⁰⁴

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UNAMIR II deployed

169 Although more than 5,000 troops had been pledged and were awaiting deployment, less than 500 UNAMIR troops were on the ground in Rwanda as of 25 July, apart from a number of military observers. Of 4,400 troops offered by eight African countries, nearly 3,000 were still in need of equipment.¹⁰⁵ In a letter to the Security Council dated 1 August, I urged Member States not to relent from efforts to support UNAMIR II's deployment. In my appeal, I emphasized that "Rwanda needs the help of the international community and will continue to need it for the foreseeable future. I am convinced that resources do exist. What is required is the political will in the countries around the world coalescing into a collective political will at the United Nations."¹⁰⁶ Several Member States responded by providing equipment which allowed for the long-awaited reinforcement of UNAMIR II in early August.

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170 As the scheduled departure of Operation Turquoise on 21 August 1994 neared, there were concerns that once the protection afforded by the force was gone, another wave of refugees would flow across the border into Zaire. As part of an international strategy to prevent this from happening, humanitarian agencies increased their presence and the delivery of assistance to the zone. For example, WFP worked to ensure the availability of substantial food stocks in northern Gikongoro and at sites in Cyangugu and Kibuye.¹⁰⁷

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171 Throughout early August 1994, UNAMIR II forces in Rwanda maintained close cooperation at all levels with Operation Turquoise and developed a detailed plan for the transition to UNAMIR control.¹⁰⁸ The mission had already adjusted its operational plans to allow it to ensure stability and security in the north-western and south-western regions of Rwanda; to stabilize and monitor the situation in all regions of Rwanda so as to encourage the return of internally displaced persons and refugees; to provide security and support for humanitarian assistance; and to promote national reconciliation through mediation

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and good offices.¹⁰⁹ On 10 August, the Security Council welcomed my decision to adapt the tasks of UNAMIR to the evolving situation.¹¹⁰ UNAMIR II began deploying troops in the safe humanitarian zone on 10 August, and on 21 August UNAMIR assumed responsibility for the zone.

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172 UNAMIR II quickly established a presence throughout south-western Rwanda, ensuring security and providing support for humanitarian relief efforts. As a result, a second major exodus of civilians to Zaire was averted. Of the 1.5 million displaced persons and refugees in the safe humanitarian zone, some 100,000 did, however, move into Zaire at Bukavu in the final days before the departure of French troops (S/1994/1100). By early October, UNAMIR II troop strength stood at 4,270, and the authorized strength of 320 military observers had been met.¹¹¹ I reported to the Security Council on 6 October that the remaining deployment to bring troop strength to the authorized level was expected to be completed within weeks.

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Rwanda's presidency of the Security Council

173 As the fighting in Rwanda progressed, the fluctuating political situation there had unexpected procedural repercussions on the work of the United Nations Security Council. At its forty-eighth session, the General Assembly had elected Rwanda to a two-year term as a non-permanent member of the Council beginning in January 1994. However, the failure of the "interim Government" to gain wide recognition, and the disarray which followed its departure from Kigali on 12 April 1994, eventually left Rwanda without an accredited permanent representative at the United Nations. According to rule 13 of the Provisional Rules of Procedure of the Security Council, credentials of a representative on the Council are to be issued either by the head of the State or Government concerned or by its Minister for Foreign Affairs. Without a recognized Government in place, Rwanda was unable to meet this requirement.

174 The issue of Rwanda's representation on the Security Council had to be addressed by Council members in August 1994. Rwanda was due to assume the Council presidency for the month of September, pursuant to rule 18 of the Provisional Rules of Procedure of the Security Council, which provides for a monthly rotation of the Council presidency according to English alphabetical order. Although by this time the RPF effectively controlled the country and had, on 19 July 1994, formed a Government of National Unity, Rwanda was still without an accredited representative at United Nations Headquarters.

175 Meeting on 25 August 1994, the Security Council, which under Article 30 of the Charter of the United Nations is master of its own

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procedure, decided to suspend rule 18 so as to allow the presidency of the Council in September 1994 to be held by Spain, bypassing Rwanda.¹¹² The Council, in a presidential statement, said that the timing of the presidency of the Council by Rwanda would be addressed later.

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176 On 28 August, I informed the Security Council that I had received credentials appointing a new Permanent Representative to be Rwanda's representative on the Security Council and that these credentials were, in my opinion, in order, having been signed by the Minister for Foreign Affairs and Cooperation of Rwanda (S/1994/1003). On 16 September, the Security Council returned to the issue of Rwanda's presidency of the Council and decided to suspend rule 18 once again so as to allow Rwanda to hold the presidency in December 1994.¹¹³

VII Violations of human rights and international humanitarian law

177 The genocide in Rwanda spared no one, not even infants or the elderly. As United Nations human rights investigators reported, the victims were hunted down even in their final places of refuge: orphanages, hospitals and churches. As it became clear that genocide was occurring yet again in the twentieth century, the global community struggled to recognize this reality while debating what concerted action could be taken to prevent further killings. In the immediate aftermath of such large-scale genocide of civilians, rapid and effective measures were needed to end the violence and terror raging throughout Rwanda. In the longer term, legal measures were required to investigate the events and impose penalties for those determined to have been responsible for violations of human rights, international humanitarian law and acts of genocide.

178 Towards these ends, several United Nations bodies took action. The General Assembly and the Commission on Human Rights kept the situation of human rights under constant review through the work of a Special Rapporteur. The Security Council established an International Tribunal for Rwanda. And the United Nations High Commissioner for Human Rights guided the work of the Human Rights Field Operation in Rwanda, an on-the-ground presence aimed at deterring further violations of human rights, promoting the rule of law and building confidence in general. Together, these efforts constitute the system's wide-ranging efforts to respond to the evil perpetrated in Rwanda and to ensure that such a tragedy is never repeated.

High Commissioner for Human Rights

179 On 4 May 1994, the United Nations High Commissioner for Human Rights called for the convening of an emergency session of the Commission on Human Rights. At this time, a mere month since the crisis began, at least 200,000 people — and possibly as many as 500,000, the majority of them innocent civilians, including children and women — were estimated to have been killed.¹¹⁴ The numbers estimated to have been killed by end-June were as high as 1 million. The High Commissioner visited Rwanda on 11 and 12 May, and in a subsequent report called for immediate action to stop the slaughter and urged the interna-

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tional community to condemn, in the strongest terms, the “wanton killing” which had occurred. He also called upon the parties to the conflict to respect all relevant human rights instruments, including the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, to which Rwanda was a party. Finally, the High Commissioner suggested that the Commission on Human Rights appoint a special rapporteur for Rwanda and that the Commission arrange for the Special Rapporteur to be supported by a field operation, staffed by human rights specialists, to assist in the collection and analysis of information on the genocide, to monitor the ongoing situation, to deter human rights violations and to promote national reconciliation.

180 The Commission on Human Rights subsequently convened the third special session in its history — the other two had been held in 1992 in response to the conflict in the former Yugoslavia — in Geneva on 24 and 25 May 1994. The Commission condemned all breaches of international law and all violations and abuses of human rights in Rwanda, and called upon all parties to cease such breaches immediately (E/1994/24/Add.2-E/CN.4/1994/132/Add.2). The Commission also endorsed the High Commissioner’s recommendations concerning the appointment of a Special Rapporteur assisted by a team of human rights officers. A first group of five officers was fielded during the period from June to August 1994, laying the foundation for the Human Rights Field Operation in Rwanda (see paragraphs 193-195 below).

Special Rapporteur

181 The Special Rapporteur of the Commission on Human Rights on the situation of human rights in Rwanda travelled to Rwanda and neighbouring States from 9 to 20 June 1994 and again from 29 to 31 July.¹¹⁵ In his report on the first of these two missions, he described the killings as having been “planned, systematic and atrocious”, and concluded that a campaign of incitement to ethnic hatred and violence had been orchestrated by the public authorities and the media belonging to the former Government, such as Radio Rwanda and Radio Télévision Libre des Mille Collines. Prior to the massacres, said the Special Rapporteur, arms had been distributed to the civilian population, particularly to members of the Hutu militia, and lists containing the names of Tutsis and of Hutu moderates had been used to determine who would be executed.

182 Although atrocities had been committed between April and July 1994 throughout Rwanda, the Special Rapporteur determined that the vast majority of the massacres had been carried out in areas held by the former Government.¹¹⁶ Most of these massacres were conducted by

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militia aligned to the Mouvement républicain pour la démocratie et le développement (MRND) — the *interahamwe*, or “those who attack together” — and militia affiliated with the Coalition pour la défense de la république (CDR) — the *impuzamugambi*, “those who have a single aim”. The media had referred to Tutsis as the main enemy, the *inyenzi* (“cockroach”) which had to be “crushed”, while Hutu moderates were labelled supporters of the enemy or traitors to the Hutu ethnic group. At training camps for the *interahamwe*, the Special Rapporteur found, young men had gone through three-week courses involving indoctrination in ethnic hatred against the Tutsis. The *impuzamugambi*, for their part, had been trained, armed and led by the Presidential Guard and other elements of the Rwandese Government Army (RGA). With regard to massacres that had occurred in areas controlled by the Rwandese Patriotic Front (RPF), the Special Rapporteur reported that these had been rather rare. In a later report, the Special Rapporteur stated that there was evidence that the minority Twas in some instances had participated in the massacres, mostly through coercion, but that this small ethnic group was mainly a victim, targeted by both Hutus and Tutsis; several thousand Twas were reported killed.¹¹⁷

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183 Following his first two visits to the area, the Special Rapporteur determined that the conditions specified by the 1948 Genocide Convention had been found to exist and that the term “genocide” was applicable to the killings of Tutsis in Rwanda in 1994. He called upon the United Nations to establish an international tribunal to hear the evidence and bring the guilty parties to trial.¹¹⁸ (For more on the work of the Special Rapporteur, see paragraphs 294-300 below.)

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Commission of Experts

184 In response to these reports and to events still occurring on the ground in Rwanda, the Security Council requested, in its resolution 935 (1994) of 1 July 1994, that I establish, as a matter of urgency, an impartial Commission of Experts to review the evidence of grave violations of international law committed in Rwanda, including possible acts of genocide.¹¹⁹ In late July, I appointed three members — from Guinea, Mali and Togo — to serve in their personal capacity.

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185 The Commission of Experts visited Rwanda and neighbouring countries from 29 August to 17 September 1994, met with Government officials and conducted investigations, including interviews with refugees in Goma and Dar es Salaam.¹²⁰ As the basis for its work, the Commission received from the Special Rapporteur on the situation of human rights in Rwanda a list of 55 persons he considered chiefly responsible for the massacres — individuals against whom there was

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sufficient evidence regarding massive human rights violations, in particular those involving genocide. The Office of the United Nations High Commissioner for Refugees (UNHCR), the Organization of African Unity (OAU), non-governmental organizations (NGOs) and private individuals also transmitted to the Commission of Experts information containing evidence relating to systematic killings and persecution.

186 The Commission prepared a preliminary report, which I conveyed to the Security Council on 1 October 1994, as well as a final report, dated 9 December 1994.¹²¹ It concluded that individuals from both sides of the armed conflict had perpetrated serious breaches of international humanitarian law and crimes against humanity. The Commission concurred with the Special Rapporteur that there existed “overwhelming evidence” indicating that the extermination of Tutsis by Hutu elements had been planned months in advance of its actual execution, that it had been carried out “in a concerted, planned, systematic and methodical way” and that it had been motivated by ethnic hatred. The Commission agreed with the Special Rapporteur that these mass exterminations were clearly in violation of the Genocide Convention. The Commission did not uncover any evidence to indicate that Tutsi elements had perpetrated acts committed with the intent to destroy the Hutu ethnic group as such.

187 The Commission strongly urged the Security Council to ensure that individuals responsible for human rights violations were brought to justice before an independent international criminal tribunal. Specifically, the Commission recommended that the Security Council amend the Statute of the International Criminal Tribunal for the former Yugoslavia — which the Council had established by resolutions 808 (1993) and 827 (1993) — to ensure that its jurisdiction covered crimes under international law committed during the armed conflict in Rwanda which had begun on 6 April 1994.¹²² Rwanda itself, in August 1994, had requested the creation of such a tribunal, saying among other things that an international presence would avoid any suspicion that the new Government would engage in speedy, vengeful justice.

International Tribunal for Rwanda

188 On 8 November 1994, the Security Council adopted resolution 955 (1994), by which, acting under Chapter VII of the Charter, it decided to establish an international criminal tribunal for the prosecution of persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and of Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States between

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1 January and 31 December 1994 (“the International Tribunal for Rwanda”).¹²³ The Statute of the Tribunal which was annexed to the resolution, was, with few exceptions, virtually identical to the Statute of the Tribunal for the former Yugoslavia. It set out the competence of the Tribunal for Rwanda (its subject-matter, territorial and temporal jurisdiction), principles of individual criminal responsibility, the organization and structure of the Tribunal and the procedure for pre-trial, trial and post-trial proceedings, including the principle of due process of law and the rights of the accused. The absence of the death penalty from the list of penalties which the Tribunal was empowered to impose was one of the reasons for which Rwanda voted against the resolution, although Rwanda’s Permanent Representative to the United Nations declared his country’s readiness to cooperate and work with the Tribunal.

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189 The International Tribunal for Rwanda was established as a subsidiary organ of the Security Council, with administrative and financial ties to the United Nations and organizational and institutional links with the International Tribunal for the former Yugoslavia (i.e., a common Appeals Chamber and a common Prosecutor), thereby ensuring a unity of legal approach, economy and efficiency.¹²⁴ As a judicial body, however, the International Tribunal for Rwanda was created with complete independence from any one particular State or group of States, including its parent body, the Security Council. The establishment of the International Tribunal under Chapter VII of the Charter was necessary to ensure not only the cooperation of Rwanda throughout the lifespan of the Tribunal, but the cooperation of all States in whose territory persons alleged to have committed serious violations of international humanitarian law and acts of genocide might be situated. The recourse to Chapter VII was also necessary to ensure a speedy and expeditious method of establishing the Tribunal.

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190 The Security Council asked that I implement resolution 955 (1994) urgently, stating that the prosecution of those responsible for violations of humanitarian law would contribute to national reconciliation and peace in Rwanda. On 13 February 1995, I submitted to the Security Council a report outlining a two-phased approach to the establishment of the Tribunal.¹²⁵ In the first phase, an investigative/prosecutorial unit would be established in Kigali under the supervision of a Deputy Prosecutor. In the second phase, the seat of the Tribunal was to be established. In recommending options for the seat of the Tribunal, I was guided by considerations of justice and fairness, as well as administrative efficiency, including access to witnesses, and economy, as laid down by the Security Council in its resolution 955 (1994). I was also guided by the preference expressed by the Council for an “African seat”. The Technical Mission sent to the region concluded that there was a severe shortage of premises in Kigali, that Nairobi might be appropriate, and

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that Arusha lacked adequate infrastructure but that the Government of the United Republic of Tanzania had indicated its willingness to support the Tribunal.¹²⁶ On the basis of these conclusions and given the position of Kenya that it would not host the Tribunal, I recommended to the Security Council that, subject to appropriate arrangements between the United Nations and the Tanzanian Government acceptable to the Council, Arusha be chosen as the seat of the International Tribunal for Rwanda.¹²⁷

191 The Security Council accepted my recommendation on 22 February 1995, in resolution 977 (1995).¹²⁸ Five days later, in its resolution 978 (1995), the Council urged States to arrest and detain persons found in their territory against whom there was sufficient evidence of responsibility for acts within the jurisdiction of the Tribunal.¹²⁹ The Council also urged States to arrest and detain persons suspected of violence in refugee camps within their territory.

192 Investigations into acts of genocide and other serious violations of international law began in May 1995.¹³⁰ On 25 May, six judges for the Tribunal's Trial Chambers were elected by the General Assembly, and at an extraordinary session of the Tribunal on 26 June in The Hague, rules and procedures for the Tribunal were adopted. (For more on the work of the International Tribunal for Rwanda, see paragraphs 301-304 below.)

Human Rights Field Operation in Rwanda

193 The idea for a human rights field operation in Rwanda was first proposed by the United Nations High Commissioner for Human Rights in May 1994, as the killings continued. With the exodus of millions of refugees into neighbouring countries in July, members of the international community felt that a larger field operation would enhance efforts to create conditions of law and order and the confidence necessary to encourage the return of refugees and internally displaced persons. Such an operation would have a broad mandate which would include efforts to prevent human rights violations, in addition to providing assistance to the Special Rapporteur in his investigation of human rights abuses.¹³¹

194 In August 1994, the High Commissioner reached agreement with the Rwandan Government on the objectives and functions of the Human Rights Field Operation in Rwanda (HRFOR): a mutually reinforcing range of activities embracing investigating violations of human rights and humanitarian law, including acts of genocide; monitoring the ongoing human rights situation; cooperating with other international agencies to restore confidence and facilitate repatriation and resettle-

ment; implementing programmes of technical assistance, particularly in the area of the administration of justice; and providing human rights education to all levels of Rwandan society.

195 The first human rights field officers were deployed in September 1994, and by November 1995, some 120 such specialists were in place at locations throughout the country, concentrated in areas receiving the largest number of returnees.¹³² The operation carried out genocide-related investigations and forwarded all information gathered to the High Commissioner, who channelled it to the Commission of Experts, the Special Rapporteur on the situation of human rights in Rwanda and, later, the International Tribunal for Rwanda. This factual information served as the primary basis for the conclusions drawn by both the Commission and the Special Rapporteur that the killings of Tutsis in Rwanda in 1994 had constituted genocide. (For more on the work of HRFOR, see paragraphs 294-300 below.)

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Post-conflict trauma

196 The trauma endured by all Rwandans as a result of the genocide has been particularly extreme for the thousands of women who were raped or forced to have incestuous intercourse. As reported by the Special Rapporteur on the situation of human rights in Rwanda, "Rape was systematic and was used as a 'weapon' by the perpetrators of the massacres."¹³³ Citing estimates of between 250,000 and 500,000 cases, the Special Rapporteur states that "rape was the rule and its absence the exception". The victims suffered physical injury and maiming, sexually transmitted diseases, severe psychological problems and social exclusion. Unmarried women have been unable to find husbands, and frequently flee to areas far from their homes where they can live anonymously. Those women who became pregnant as a result of rape and gave birth have also been stigmatized, making it difficult for them to accept their offspring. Many women have resorted to abortion or infanticide.

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197 The level of traumatization among children in Rwanda has been described by UNICEF as unparalleled in any other conflict in the last 10 years. Many children, including babies and infants, died in appalling circumstances. Those born to mixed Hutu-Tutsi couples, for example, were sometimes killed by their parents under threat from militia members. Many other children — perhaps as high as 96 per cent of those surviving — witnessed cruelties and atrocities, including the torture and massacre of parents, relatives and friends. And both parties to the conflict made extensive use of children as instruments for committing crimes against humanity, either as civilians or as soldiers. According

to the Special Rapporteur, the children who survived the massacres are in a state of trauma, frequently leading to depression, insomnia, nightmares, mistrust of those around them and an ever-present fear of being killed.

198 As of 31 December 1995, there were some 47,000 orphans or unaccompanied children in Rwanda, most of them being housed in foster homes, centres or orphanages. UNICEF, the ICRC and other organizations have been involved in the provision of material assistance, extensive counselling, and tracing programmes to reunite children with their relatives. None the less, the scale and nature of the trauma experienced by children and other vulnerable groups is certain to constitute a serious and enduring obstacle to efforts to bring about post-conflict reconciliation in Rwanda.

VIII Addressing the humanitarian crisis

199 The calamity that befell Rwanda as a result of the fighting and the genocide created a humanitarian crisis of unprecedented proportions, exacerbated by the rapidity with which it occurred. The United Nations system, in liaison with various Governments and non-governmental organizations, struggled to respond to a highly complex and rapidly evolving situation, both within and outside Rwanda. Humanitarian operations had to contend with extreme danger, huge logistical challenges and, often, a lack of immediate resources. Many lessons were learned with regard to the need for coordination; nevertheless, countless lives were saved and Rwanda was able to begin the arduous long-term task of rebuilding the shattered country and encouraging those who had fled to return and resume their lives.

The early stages of the crisis

200 During the early days of the emergency, in April 1994, UNAMIR, assisted by the International Committee of the Red Cross (ICRC), attempted to provide emergency assistance to the growing population at risk. Efforts focused on basic needs: food, water, health, sanitation and shelter. However, because of the deteriorating security situation, UNAMIR was unable to guarantee the safety of the large groups of Rwandan civilians seeking protection. International humanitarian personnel, including those from United Nations agencies, were evacuated, leading to the temporary suspension of humanitarian operations.

201 In the light of this dire situation, and to coordinate more comprehensive assistance, the Under-Secretary-General for Humanitarian Affairs led a team into Kigali on 23 April to assess overall needs and to determine priorities. Part of the team remained in Kigali to establish an advance humanitarian assistance office, which worked with UNAMIR in carrying out humanitarian assistance, primarily to camps for internally displaced persons, and oversaw, as the situation permitted, the progressive expansion of relief activities.

202 Subsequent to the Under-Secretary-General's mission, United Nations agencies established the United Nations Rwanda Emergency Office (UNREO), which led the overall coordination of humanitarian

relief efforts under the direction of a United Nations Humanitarian Coordinator. UNREO was a collaborative effort drawing together the varied expertise of United Nations humanitarian bodies, with the participation of the Department of Humanitarian Affairs of the Secretariat, the Food and Agriculture Organization of the United Nations (FAO), the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP) and the World Health Organization (WHO). Working first from Nairobi and then from Kigali as of July 1994, UNREO served as the nexus for information collection and dissemination throughout the area of operation. Following consultations among the participating organizations, UNAMIR and the ICRC, it was agreed that the Department of Humanitarian Affairs would take the lead role in organizing and overseeing the activities of UNREO and thus for supervising the work of the United Nations as well as Governments and NGOs.¹³⁴

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203 UNREO also developed basic operating principles for humanitarian assistance in Rwanda. After obtaining agreement from the two sides to the conflict, these principles were established as the broad guidelines for the delivery of emergency relief. With insecurity a major factor, one priority of the guidelines was to ensure the security of humanitarian personnel and of the beneficiaries of relief assistance. Other principles included close coordination between humanitarian organizations and the responsible local authorities, and the latter's acceptance of United Nations monitoring of the distribution and use of relief materials.

204 To broaden its base of operations, UNREO quickly established sub-offices in Kabale (Uganda), Ngara (United Republic of Tanzania), Bujumbura (Burundi) and Goma (Zaire), which focused on facilitating cross-border relief efforts into Rwanda. In support of this work, the United Nations launched an inter-agency "flash appeal" on 25 April 1994, calling for \$16 million to cover projected emergency needs to 31 May. UNHCR requested a further \$56 million to cover the needs of refugees for its existing Burundi and Rwanda emergency operations from January to July 1994, and WFP issued a request for \$3.6 million to meet the needs of refugees and internally displaced persons in Burundi, Rwanda, the United Republic of Tanzania and Zaire.

205 As relatively safe areas were identified in Rwanda, humanitarian agencies expanded their efforts to bring in relief supplies for the swelling population in need. Cross-border movements of supplies, particularly through Uganda, led these efforts. WFP was also able to carry out some food distribution from existing WFP stocks in southern Rwanda. In spite of great difficulties, the presence of United Nations agencies had increased significantly by early May, and NGOs also began

to return to the region.¹³⁵ Medical and nutritional supplies from UNICEF were distributed in Kigali. Médecins sans frontières began activities in the north, while Médecins du monde provided assistance in the south. With bodies decomposing in the streets and floating in the rivers, some of which flowed into Lake Victoria, WHO moved to contain the threat of water contamination and the spread of disease by working with other agencies, NGOs and the Ministry of Health of Uganda to bury the corpses and ensure the safety of water and food.

206 As the RPF strengthened its positions near Kigali in late May and early June 1994, thousands of people fled the city, with the majority heading west towards the town of Gitarama. By the end of May, the capital city of Rwanda was largely deserted, with most former Government forces having withdrawn and redeployed in the Gitarama area and other positions in the east and south. By this time it was estimated that from 1.5 to 2 million people had been displaced within Rwanda and that at least 400,000 had crossed into neighbouring countries.¹³⁶

207 Most of the displaced population had gathered in areas occupied by former Government forces. Because authority in these areas was uncertain, United Nations agencies were able only to make sporadic deliveries of assistance to these groups. In areas controlled by the RPF, more systematic humanitarian assistance programmes were begun, with Kabale, in southern Uganda, serving as the main staging point. Parallel to relief assistance, the humanitarian community worked to encourage and organize the return of displaced persons to their homes. Way stations and transit centres were established along return routes, with emergency facilities at each way station providing water, basic food packages, high-protein biscuits and medical assistance.

208 Overall, however, the highly unstable situation greatly inhibited the ability of the United Nations to provide humanitarian aid. This situation was only partially mitigated by the deployment of Operation Turquoise from 22 June to 21 August 1994, and its creation of the safe humanitarian zone in south-western Rwanda during July and August (see paragraphs 155-168).

Early refugee movements

209 During April 1994, the greatest refugee outflow occurred when Hutus in south-east Rwanda crossed into the United Republic of Tanzania. For a period of several days, more than 200,000 Rwandan refugees crossed into Tanzania's Ngara district. Rwandan refugees continued to pour into the district — which was already accommodating 60,000 refugees from Burundi — at a rate of 3,000 per day. UNHCR began coordinating food distribution to the Tanzanian camps, health

facilities were established and arrangements were made for the provision of water.

210 When the refugees swept into the United Republic of Tanzania, entire villages, with their social and administrative hierarchies intact, moved into the camps. These already established “communities” facilitated the organization of the camps and supported efficient food delivery. However, there was insecurity in the camps, with murders and other violence, some of it directed at aid workers. With the reported presence in the camps of refugees charged with responsibility for massacres in Rwanda, Tanzanian officials said they would take steps to arrest those alleged criminals and to strengthen a security force patrolling the camps.

211 The immediate flow of Rwandans into Burundi was somewhat smaller in scale; UNHCR estimated the number of refugees to that country at approximately 75,000. However, this influx was adding to the earlier caseload of 245,000 Rwandans who had begun arriving in the 1960s, the majority of whom were housed at camps, schools, hospitals and other points in the northern provinces of Burundi. Health conditions in the Burundi camps were a major concern, with cases of cholera developing quickly. While providing assistance to the Rwandan population in Burundi, UNHCR was working simultaneously to meet the needs of nearly 200,000 Burundians who had previously sought refuge in Rwanda from instability and violence in their own country but who now, with the outbreak of conflict in Rwanda, were fleeing back to Burundi.

212 With regard to refugee movements into Uganda, a comparatively small group of 10,000 Rwandans fled into two camps in the south of that country. In a third camp in Uganda were 11,000 Tutsi refugees who had been awaiting repatriation before conflict erupted in Rwanda. This latter group was part of the total of 100,000 Rwandan refugees remaining in Uganda who had fled Rwanda after 1960.

213 In early July, UNHCR made preparations for what was expected to be a large movement of Rwandans into Zaire. Emergency teams were deployed to areas where the greatest influx of refugees was anticipated. Overland convoys and airlifts helped to pre-position relief supplies. As the RPF advanced, propaganda continued to spread fear and radio broadcasts were used to incite people to flee. In addition, former government elements in the camps encouraged, and at times forced, people to cross into Zaire. With reports that hundreds of thousands of Rwandans were massing near the Zairian border, UNHCR began coordinating the preparation of emergency sites in Zaire to accommodate more refugees.

214 Also in July 1994, as the RPF began to secure areas along the borders of Rwanda, significant numbers of refugees who had left the country between 1959 and 1993 began to return.¹³⁷ Within a matter of

months, according to UNHCR estimates, some 450,000 of the long-exiled refugees returned to Rwanda, with 210,000 returning from eastern Zaire, nearly 100,000 from Uganda and 120,000 from Burundi. With these additional population movements, UNHCR was caring for more than 2 million refugees and returnees in the Great Lakes region.

Assistance to internally displaced persons

215 Access to Rwanda was not easily gained. Normally, relief cargo would be transported by rail to the region and taken into the country by truck — the most effective means of transporting goods over some 1,800 kilometres. However, to meet the sudden overwhelming demand for relief assistance created by the crisis, food and other goods were airlifted to Rwanda. UNHCR was the overall coordinating agency for all airlifts into Rwanda, with substantial assistance provided by the World Food Programme (WFP) and the air forces of Canada, Germany and the United States. WFP played a crucial role in the early establishment of an overland corridor, thereby releasing valuable air slots to other organizations providing non-food items. As overall coordinator for the land-transport operation, WFP established a transport coordination unit in Kigali in August 1994 to facilitate the distribution of aid. Most local transport capacity, however, had been destroyed, forcing relief agencies to mobilize some 300 trucks from neighbouring countries.

216 By July 1994, the majority of Rwanda's internally displaced persons were in camps in the safe humanitarian zone established under Operation Turquoise. During the latter part of 1994, with UNAMIR II in control of the zone following the withdrawal of the French-led contingents, displaced families and other vulnerable groups received extensive assistance in the areas of nutrition, health, water supply and sanitation. Educational programmes were also initiated, and some emergency support was provided to local and regional governments. In an attempt to strengthen the weakened agricultural system, a seed-protection programme was implemented in many areas. Approximately 400,000 households received seed packages together with food baskets supplied by WFP and the ICRC intended to help deter people from eating the distributed seed.

The refugee situation in Zaire

217 The massive flood of Rwandan refugees into the North Kivu region of Zaire in July 1994 has been called the largest and most sudden population movement in modern history. Between 13 and 18 July alone, approximately 850,000 refugees crossed the border and spread in enor-

mous numbers and great disorder into Goma and points north. Concerned over a lack of capacity of the basic infrastructure, such as potable water and sanitation, Zairian authorities encouraged the refugees to move further north, and many settled in camps in the Kibumba area, about 25 kilometres from Goma. Because there was no easy access to water in the Kibumba area, UNHCR and Zairian Government authorities identified two additional sites at Katale and Mugunga — to which groups of refugees were relocated. At this same time, 500,000 more refugees crossed the border through the town of Bukavu into the South Kivu region. Bukavu was quickly overwhelmed by the influx, with roads becoming impassable. In addition to the Rwandan refugees, 45,000 refugees from Burundi were also being accommodated in camps in South Kivu.

218 Humanitarian agencies responded quickly. Goma was immediately established as the logistical base for the humanitarian aid operation. Within hours, WFP was moving stockpiles of commodities from Entebbe and Nairobi to Goma and Bukavu. Aircraft were leased and the first flight arrived in Goma on 14 July 1994. Nevertheless, the pace of developments and the sheer number of people overwhelmed the capacities of the various relief organizations. The logistics of providing and distributing the 30 million litres of drinking-water and 1,000 metric tons of food needed daily in the camps were daunting.

219 WFP opened sub-offices, strengthened staffing levels in Goma, Bukavu and Uvira and initiated a food distribution programme in collaboration with UNHCR. The actual distribution was conducted by NGOs. However, food distribution difficulties arose, particularly in Goma, as a result of the vast numbers of people in need of assistance. UNICEF took on the support role in water, health and other relief activities in areas outside Rwanda, as well as supplementary feeding for refugee children, in cooperation with UNHCR and a number of NGOs.¹³⁸ UNICEF and UNHCR worked together to assist unaccompanied minors, estimated to number 60,000 at the end of September in all five countries of the emergency area.

220 With the unsanitary and overcrowded conditions in the refugee camps, a cholera epidemic broke out on 19 July 1994, followed by an outbreak of dysentery. The cholera epidemic also threatened the local population. A field hospital team was established in the Goma region to meet some of the emergency medical needs of the refugees and surrounding villages. Anti-malarial drugs and antibiotics were provided on a priority basis, and UNHCR undertook a basic health programme, with WHO providing technical support in special cases. While international efforts succeeded in containing the epidemics, it is estimated that 50,000 people may have died in the camps from these diseases.

221 In addition to the activities of United Nations organizations

and NGOs, the humanitarian effort was supported by civil defence and disaster response agencies from donor countries as well as several national military contingents. The United States, for example, carried out “Operation Support Hope”, which involved 1,900 United States personnel, with 1,600 deployed in the region to perform humanitarian functions.

Inter-agency appeal

222 On 22 July 1994, I launched the United Nations Consolidated Inter-Agency Appeal for Persons Affected by the Crisis in Rwanda. I urged the international community to address the “genocide” of hunger, thirst and disease occurring in Rwanda, and I stated: “Rwanda is today a human tragedy which concerns all of us. This disaster which is unfolding before our eyes is our collective responsibility, the responsibility of the international community as a whole.”¹³⁹ The appeal called for \$434.8 million to cover humanitarian requirements for the period from July to December 1994. On 2 August, the Under-Secretary-General for Humanitarian Affairs chaired a pledging conference in Geneva that resulted in pledges amounting to \$137 million. By November 1994, the overall requirements had risen to \$585 million, with contributions against the appeal amounting to \$483.5 million, or 83 per cent, of the revised requirements.

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223 From 24 to 28 July 1994, the Under-Secretary-General for Humanitarian Affairs led a second mission to Rwanda, accompanied by senior representatives of all principal United Nations humanitarian organizations and other agencies, to assess the situation and to ensure that the necessary field coordination arrangements were in place.¹⁴⁰ These arrangements included a clear division of responsibility among the organizations of the United Nations system and an overall strategy to meet the extraordinary humanitarian challenge. Together with my Special Representative, the Under-Secretary-General discussed with the new Government in Kigali how humanitarian aid could be delivered to all parts of the country and the urgent steps required to re-establish a climate conducive to the safe return of the refugees and displaced persons. The new Government indicated its commitment to encourage Rwandan refugees to return to their country, to ensure their safety and to permit full access to all those in need throughout the country.¹⁴¹

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IX Crisis in the camps

224 Following his second visit to Rwanda in July 1994, the Special Rapporteur on the situation of human rights in Rwanda told the Commission on Human Rights that, in his view, the chief concern of the international community should be the voluntary return of refugees and displaced persons.¹⁴² Indeed, their return was vital to the resumed functioning of normal economic and social systems in Rwanda, and the key to long-term political stability throughout the Great Lakes region. At that time, most Rwandan exiles and displaced persons were living in precarious conditions, the camps in Zaire being particularly insecure owing to the presence of several thousand former Rwandese Government, army and militia elements. These elements, among other things, stoked fears that the new authorities in Rwanda were carrying out reprisal killings. The international community and the countries of asylum — Burundi, Uganda, the United Republic of Tanzania and Zaire — sought to secure the camps, while the new Government of Rwanda worked to create a domestic environment — based on the rule of law, the revitalization of the economy and the reconstruction of vital infrastructure — conducive to repatriation and resettlement.

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Rehabilitation to support repatriation and return

225 Conditions in Rwanda in July 1994 were appalling. The war and massacres had wreaked havoc on every aspect of the country's life.¹⁴³ The entire structure of government had collapsed, and government offices had been looted. The health system was completely destroyed, access to safe drinking-water had decreased and sanitation levels had fallen sharply. The education system was paralysed, with schools standing empty or destroyed. Agricultural and pastoral activities — the backbone of Rwanda's economy — had been severely disrupted, with fields abandoned and a noticeable absence of livestock in the countryside. Crops planted in February 1994 had gone unharvested, and it seemed possible that the next planting season would be missed in many areas, necessitating the provision of international food aid for a second season.¹⁴⁴

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226 The presence of between 50,000 and 60,000 land-mines was another major obstacle to the resumption of normal life. Although mine-clearance assistance plans had been in place in conjunction with the mandate of UNAMIR prior to April 1994, the resumption of hostili-

ties halted all provision of such assistance. In addition, Radio Télévision Libre des Mille Collines (RTLM), using mobile communications equipment, continued its campaign of incitement to ethnic hatred and violence. RTLM also continued to call on the Hutus to leave Rwanda and take refuge outside the country, particularly in Zaire, saying that they would be massacred by the new authorities if they remained.¹⁴⁵

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227 The new Government of Rwanda, which took control in mid-July 1994, had to address all of these matters while dealing with the daunting task of restoring law and order and fostering national reconciliation. The Government suffered from a dire lack of basic resources, including cash reserves to pay the salaries of its civil servants. To assist with these efforts, and to finance humanitarian relief and rehabilitation programmes in Rwanda, on 14 July 1994 I established a Trust Fund for Rwanda and made repeated appeals to donor countries for contributions to the fund. Without support for the country's civil foundations, I stressed, there would be no hope of social reconstruction or lasting peace.

228 From the early stages of the crisis, UNHCR undertook efforts to support the return of refugees to their communities in conditions of safety and dignity. In May 1994, UNHCR opened a base office in Kigali, and UNHCR staff monitored the return of refugees and provided direct material assistance to returnees.¹⁴⁶ UNHCR closely coordinated activities with UNAMIR, mainly on security issues, as well as on convoy escorts and communications.

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229 UNDP reopened its office in Kigali on 5 August 1994 and resumed its rehabilitation and development activities, including a comprehensive programming mission for reconstruction and rehabilitation. For immediate purposes, UNDP approved a \$1 million project with the Government aimed at enabling seven key ministries to begin operations by providing them with essential equipment and logistical support, and another \$1 million project designed to assist local administrations in resuming their services. On 26 August, my Special Representative presented the Rwanda Emergency Normalization Plan, under which priority was given to the areas of water, sanitation, electricity generation and communication.

230 The United Nations Centre for Human Settlements (Habitat) and the United Nations Environment Programme (UNEP) also undertook reconstruction programmes. Following a joint programming mission to Kigali from 7 to 14 September 1994, experts from Habitat and UNEP drew up plans of action for housing and infrastructure reconstruction and efforts relating to urban management.¹⁴⁷ A team was sent by the World Bank to Rwanda to assist the Government in formulating plans for economic and social recovery, and to serve as a liaison between the Government and the donor community.

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231 By September 1994, steady progress was being made towards normalizing the situation in Rwanda. Basic services such as water, electricity and communications facilities were gradually re-established, particularly in Kigali.¹⁴⁸ The Government had also started to put in place civilian administrative structures at the central, provincial and local levels. Following a request from the Government for assistance in establishing a police force, the United Nations civilian police initiated a training programme in basic routine and investigative police work. In this way, the activities of the civilian police developed from liaison with local authorities to direct assistance to the Government. After an additional request from the Rwandan judicial authorities, the civilian police became involved in efforts to restore and reform the penal system by providing technical and financial assistance.

Insecurity in the refugee camps

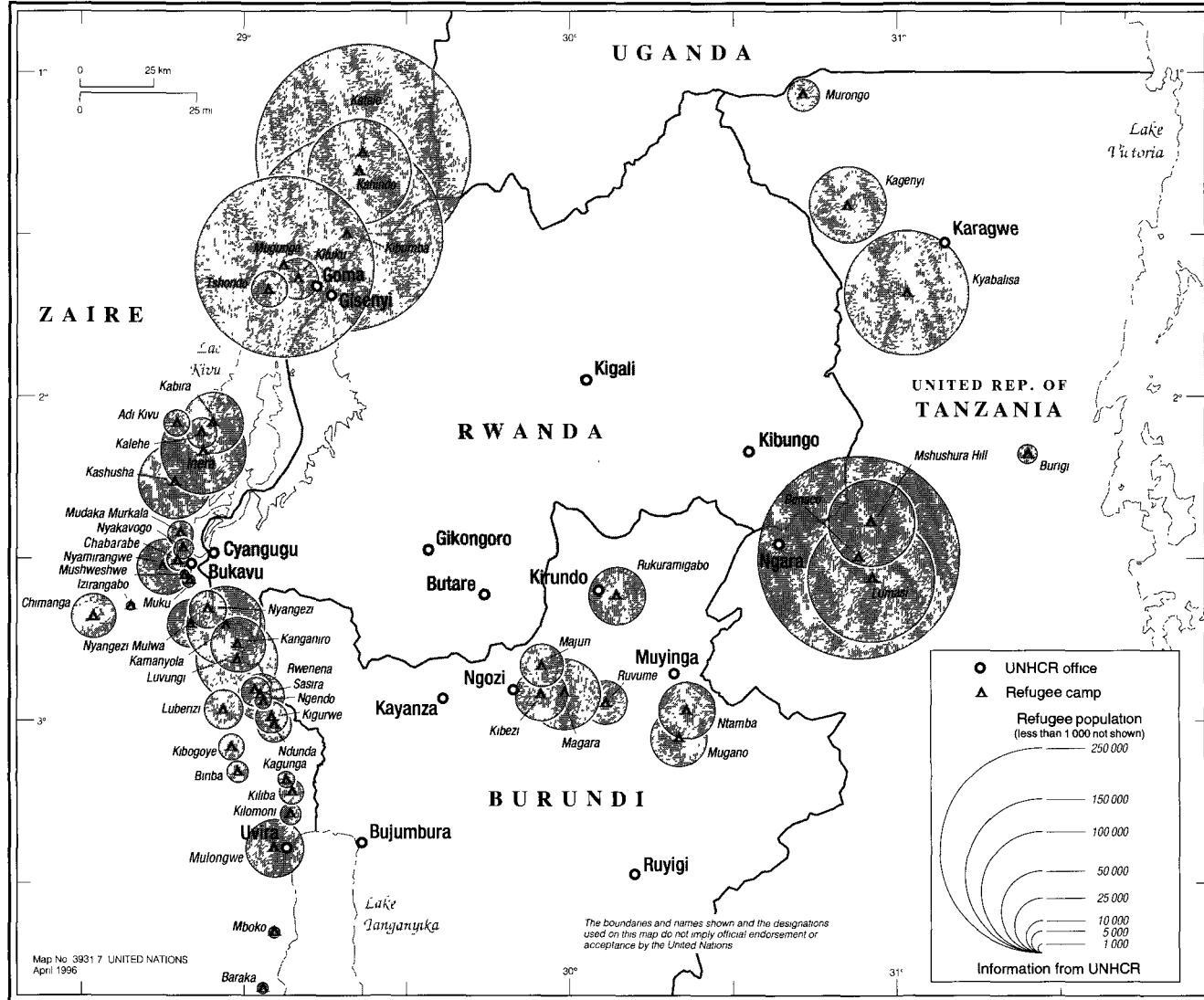
232 The plight of the 2 million Rwandans in exile remained acute. The refugee camps in Zaire were particularly overcrowded and chaotic. Approximately 1.4 million Rwandan refugees were living in the camps in Zaire, with about half congregated in or near Goma, in the North Kivu region, and the other half in camps located primarily in the region to the south of Lake Kivu. Refugees lived in makeshift huts and were completely dependent upon the United Nations and relief agencies for their basic needs. The Zairian camps were also increasingly insecure. A much higher ratio of former Government, army and militia members had gone to the Zairian camps than to those in neighbouring countries. These militiamen, who had not been disarmed and who reportedly often acted at the instigation of former civilian leaders, used intimidation and threats to maintain control over the refugee population, prevent repatriation and benefit from the distribution of assistance.¹⁴⁹

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233 Camps in the United Republic of Tanzania were relatively more secure and better organized than those in Zaire. International relief organizations were present in the United Republic of Tanzania before the large influx of refugees and were able quickly to assist the 600,000 Rwandan refugees who moved into eight camps.¹⁵⁰ In the United Republic of Tanzania, assistance was delivered directly to refugees. In that way, the unsuccessful practice used in camps in Zaire of employing refugee leaders to distribute assistance was avoided and cases of misuse or sale of supplies were greatly reduced. The Government of the United Republic of Tanzania, working with UNHCR, deployed a security force of several hundred police personnel to enhance camp security. A small number of Rwandan refugees, who had first fled to Burundi, crossed into

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Refugee camp populations as of December 1994



the United Republic of Tanzania hoping to find better conditions. However, close to 200,000 Rwandan refugees remained in Burundi, mostly in camps in the north of the country. In Uganda, the comparatively small group of 10,000 Rwandan refugees presented far fewer problems in terms of security and delivery of assistance.

234 My Special Representative travelled to Zaire from 12 to 14 September 1994 and to the United Republic of Tanzania on 16 September to discuss what steps could be taken to encourage the repatriation of refugees to Rwanda.¹⁵¹ Based on his consultations, he recommended that international attention be focused on the camps in Zaire, where problems were significantly more acute.¹⁵² I subsequently informed the Security Council that the Zairian authorities and my Special Representative had agreed that the only effective way of ensuring the safety of the refugees in the camps and their freedom to exercise their right to return to Rwanda would be to separate the destabilizing elements from the general refugee population.¹⁵³

235 However, such an operation would be a difficult and complex undertaking, especially as those to be separated would be likely to resist, and might incite others to resist, any attempt to relocate them. In order to address more fully the problems associated with the proposal, a joint Zairian/United Nations working group was established, composed of officials of the Government of Zaire, UNHCR and UNDP. The working group visited several sites in Zaire, where it was joined by a UNAMIR technical team, and subsequently participated in a high-level meeting I convened in Geneva on 8 November 1994 which focused on various aspects of the crisis in Rwanda and, most importantly, on the situation in the refugee camps.

Proposed peace-keeping in the camps

236 On 18 November 1994, I issued the first in a series of reports to the Security Council on security in the Rwandan refugee camps.¹⁵⁴ By this time, security in the Zairian camps was being further undermined by general lawlessness, extortion, banditry and gang warfare. As a result, some NGOs responsible for the distribution of relief supplies in the camps had begun to withdraw. Against this background, I proposed the deployment of a United Nations peace-keeping force to the camps in Zaire to provide security for international relief workers, protection for the storage and delivery of humanitarian assistance and safe passage to the Rwandan border for refugees who wished to return.

237 I presented the Council with three options for such an operation. Under the first option, a United Nations peace-keeping operation, established under Chapter VI of the Charter, would create security

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progressively in the camps, over a period of time. To accomplish this goal, the force would create secure areas within the large camp sites and then escort refugees to the Rwandan border. I estimated that approximately 3,000 troops would be required to carry out these tasks in the refugee camps to the north of Lake Kivu, and that an additional 2,000 troops would be needed for a parallel operation in the camps south of Lake Kivu, where conditions were marginally more secure.

238 A second option provided for the separation of the former Rwandese Government political leaders, soldiers and militia from the rest of the camp population. This would be a phased operation, during which military and militia elements would be moved to new camps away from the existing camps, and former political leaders would be relocated in third countries. Given the likelihood that forcible action would be required to separate these elements, I estimated that a force of 10,000 to 12,000 soldiers would be required, and that the force should be mandated under Chapter VII of the Charter and be under the command of the United Nations.

239 The third option was identical to the second option, except that the Security Council would authorize a Member State, or a group of Member States, rather than the United Nations, to take the lead in organizing and leading a Chapter VII operation. In presenting this option to the Council, I recalled how difficult it had been for the United Nations to obtain the necessary troops for the expansion of UNAMIR. It was clear, I stated, that the United Nations could not be assured of quickly obtaining the personnel needed for a force to undertake the operation described in the second option. I therefore told the Council that, under the circumstances, and based on information from my Special Representative and on the preparatory work which had been undertaken by the Secretariat, it was my view that the first option was the most realistic way of achieving a progressive improvement of security in the camps.

240 On 30 November 1994, the Security Council chose not to endorse any of the three options but instead requested that I consult with potential troop contributors on their willingness to participate in a possible peace-keeping operation as spelt out in the first option.¹⁵⁵ The Council also requested that I provide detailed descriptions of the objectives, rules of engagement and cost of such an operation. In a separate action that day, the Council adopted resolution 965 (1994), expanding UNAMIR II's mandate to include the protection of personnel of the International Tribunal for Rwanda, which had been established earlier that month, and to assist in the establishment and training of a new, integrated police force in Rwanda, which was necessary because no real police force or gendarmerie remained in place when the new Government was established in July.¹⁵⁶

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241 I immediately began consultations with troop-contributing countries, and in mid-December 1994 I dispatched a technical team on a fact-finding mission to Rwanda, the United Republic of Tanzania and Zaire. The team, made up of representatives of the Department of Peace-keeping Operations and UNHCR, determined that the operation as described in option one would require more than the 3,000 to 5,000 troops originally estimated.¹⁵⁷ According to the team, the tasks in the North Kivu region alone would require a force of 4,100, including military logistic support units, while a similar mission in the South Kivu region would require a substantially stronger force than originally anticipated.

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242 During a meeting with my Special Representative in late December 1994, Zairian officials indicated that the Government of Zaire would be willing to deploy a force of between 1,500 and 2,000 troops in the camps. Under this plan, Zairian security forces would assume responsibility for improving security, aided by 150 to 200 United Nations civilian police monitors and 30 to 50 military observers. Nearly 50 Member States were contacted to determine their willingness to provide police monitors, but only four agreed to do so. Moreover, troop-contributing countries providing military observers to UNAMIR II were reluctant to transfer these observers to the proposed operations in the camps. And by late January 1995, despite my contacts with approximately 60 troop-contributing countries, only one country had formally offered a unit for the proposed United Nations peace-keeping operation in the camps.¹⁵⁸

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243 In letters dated 17 and 25 January 1995 to Prime Minister Kengo wa Dondo of Zaire¹⁵⁹ and President Ali Hassan Mwinyi of the United Republic of Tanzania,¹⁶⁰ respectively, I informed them that, on the basis of my consultations with Member States, it appeared that the international community was not in a position to implement the various proposals I had made for an operation to provide security in the refugee camps. I informed them that under the current circumstances, it was my belief that the best way to provide security in the camps was for UNHCR to address the issue under its refugee protection and humanitarian assistance programmes. I told the President and the Prime Minister that UNHCR would be contacting their administrations in order to pursue the matter.

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244 I reported the results of my consultations with troop contributors, as well as the conclusions of the technical team, to the Security Council on 25 January 1995 in my second report on security in the camps.¹⁶¹ It was clear, I told the Council, that the deployment of a peace-keeping operation to improve security in the camps was not feasible. I also informed the Council that since the various options had not appeared possible, I had decided that

UNHCR would continue negotiations with the Government of Zaire in hopes of concluding an appropriate arrangement within the context of UNHCR's mandate for refugee protection and humanitarian assistance.

Measures to enhance security in the camps

245 On 27 January 1995, the Zairian Ministers of Defence and Justice and a Special Envoy of UNHCR signed an *aide-mémoire* outlining a number of measures aimed at improving security in the camps (S/1995/127). The Government of Zaire committed itself to deploying 1,500 experienced military and police security personnel in the camps at Goma, Bukavu and Uvira. These personnel would assist in the maintenance of law and order and take measures to prevent intimidation of the refugees or acts of violence against them. The security personnel would also protect relief workers and supplies of humanitarian assistance and escort refugees wishing to be repatriated to the border. UNAMIR II would provide assistance in escorting refugees from the border to their home communities. UNHCR would establish a civilian liaison support group, composed of experienced security advisers, which would be deployed in field offices to ensure communication between UNHCR and commanders of the Zairian security units.

246 The Security Council welcomed this agreement on 10 February 1995, and urged Member States to provide UNHCR with the resources needed to implement the plan.¹⁶² One month after the agreement was signed, the first group of 100 personnel of the Zairian Camp Security Contingent arrived in Goma.¹⁶³ By June, the force had reached its full strength of 1,500 personnel. As a result, the security situation in the camps was greatly improved.¹⁶⁴

247 A parallel international effort was undertaken to counter the misinformation being propagated within the refugee camps and in Rwanda. Without newspapers or television in Rwanda, radio was the only medium for providing information to people inside the country and to refugees in neighbouring States. In October 1994, UNAMIR II began developing broadcasting capabilities in order to provide the Rwandan people with factual information on the situation in their country, to assist in explaining the mission's mandate and to disseminate information on humanitarian programmes.¹⁶⁵ The Security Council, on 30 November, by its resolution 965 (1994), welcomed UNAMIR II's efforts in this area and expressed the hope that arrangements would be concluded soon with the Government to facilitate that effort. Delays were encountered in receiving a frequency allocation as well

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as formal authorization from the Government to broadcast.¹⁶⁶ But in February 1995, using a transmitter in the United Nations compound in Kigali, Radio UNAMIR commenced broadcasting seven days a week in three languages to the Rwandan people throughout the region.¹⁶⁷

Further efforts to promote the return of refugees

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248 To strengthen the means of addressing problems affecting the Great Lakes region, and the potentially destabilizing refugee situation in particular, a seven-nation regional summit was convened in Nairobi on 7 January 1995. During the meeting, the heads of State of Burundi, Kenya, Rwanda, Uganda and the United Republic of Tanzania, as well as the Prime Minister of Zaire, urged the Government of Rwanda to put in place additional confidence-building measures to encourage the voluntary return of refugees. The Government of Rwanda at this time reiterated its position that it considered the peaceful resettlement of all returnees to be an indispensable step towards genuine reconciliation and lasting peace.¹⁶⁸

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249 On 6 February 1995, the Security Council decided that its mission to Burundi — undertaken in response to ongoing turmoil in that country — would make a stopover in Rwanda on 12 and 13 February 1995 for consultations with the Government on national reconstruction and the problems relating to the return of refugees.¹⁶⁹ Following its visit to Rwanda, the mission called upon the Government to continue cooperation with UNAMIR II and recommended specific steps to encourage repatriation, including the reinvigoration of the political process and establishment of an effective judiciary and mechanism to protect property rights.

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250 From 15 to 17 February 1995, a Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region was held in Bujumbura under the auspices of UNHCR and the OAU.¹⁷⁰ In my message to the Conference, I stressed that there were both short-term and long-term solutions to the refugee problem. Among the former were increased security in the camps and eradication of intimidation and blackmail of refugees. Solving the refugee problem in the long term would require the combined efforts of African Governments and the international community with the full involvement of the civil society.

251 The Conference adopted a plan of action focusing on voluntary repatriation of refugees, and also discussed the impact of the situation on countries receiving refugees — countries which despite their limited resources were providing substantial assistance to refugees

while experiencing rising social tension and suffering nearly irreparable environmental degradation. Conference participants also requested that UNDP convene a meeting of international donors to coordinate actions to assist areas affected by the presence of refugees.

252 The weakness of the Rwandan economy and lack of public revenue were slowing the Government's rehabilitation efforts, which, if successful, could encourage the return of refugees. To increase international support for rehabilitation and development, UNDP, in cooperation with the Government of Rwanda, organized a round-table conference in Geneva from 18 to 19 January 1995. There, the Government presented its Programme of National Reconciliation and Socio-Economic Rehabilitation and Recovery, which included \$764 million in projects.¹⁷¹ After the Geneva round-table conference, pledges received totalled \$598.8 million from the bilateral and \$773.2 million from the multilateral donors. Following the Geneva meeting, the World Bank, the International Monetary Fund and UNDP began to work with the Government of Rwanda to increase its capacity to manage its economic, financial and human resources.

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Camps for the internally displaced

253 Problems were also encountered in encouraging the remaining internally displaced persons in Rwanda to return home.¹⁷² While most internally displaced persons had returned to their homes by the beginning of 1995, there were still some 300,000 remaining in 20 camps, mostly in south-western Rwanda.¹⁷³ Many of these individuals, although only a short walk from their homes, were reluctant to return because of continuing insecurity and the fear of being accused of complicity in the genocide.

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254 As was the case in the refugee camps, the presence of armed groups in the camps for the internally displaced, made up of elements of the former Rwandese Government, was heightening insecurity and disrupting resettlement efforts. This led the Government of Rwanda to urge that the camps be closed immediately, even by force, for security reasons. The Kibeho camp in particular, which was by far the largest, appeared to be a centre of hostilities and security threats. From 13 to 15 December, UNAMIR undertook an operation to enhance security in the Kibeho and N'dago camps. The operation included the screening of disruptive elements in the camps in the presence of human rights officers and representatives of ICRC. As a result, 47 individuals suspected of criminal activity were detained, registered by the ICRC and turned over to Government authorities. In addition, UNAMIR II confiscated some

1,000 weapons, mostly machetes and spears. Following the operation, two UNAMIR II companies remained in the camps.

255 The success of this operation supported the launching of *Opération Retour*, on 29 December 1994. Undertaken by UNAMIR II and United Nations agencies, and facilitated by the United Nations Rwanda Emergency Office (UNREO), *Opération Retour* provided security for people returning to their homes as well as protection and relief aid once they arrived there. Within the first two months of the operation, 40,000 displaced persons were transported back to their homes and thousands of others left the camps spontaneously. Security problems, however, continued to hinder the programme. By March 1995, the number of people willing to return voluntarily had declined considerably, particularly because of fear that soldiers of the Rwandese Patriotic Front had engaged in systematic killing of members of the Hutu community in Rwanda. With 250,000 internally displaced remaining in the camps — 120,000 in the Kibeho camps alone — the Government continued to urge that the camps be closed, reiterating its view that they were being used as sanctuaries by elements of the former Rwandese Government and thus were destabilizing and represented a security threat.

256 In April 1995, the Government of Rwanda and the United Nations began talks aimed at arranging for the voluntary closure of the camps. On the night of 17/18 April, however, without notifying or consulting with the United Nations, the Government of Rwanda commenced action to cordon off and close eight camps in the south-western Gikongoro region.¹⁷⁴ Seven of the camps were closed without serious incident. However, at Kibeho an estimated 80,000 people attempted to break out of the camp on 22 April, after spending five days crowded on a single hill without adequate food, shelter or sanitation. A large number of deaths resulted from gunfire by Government forces, now called the Rwanda Patriotic Army, trampling and crushing during the stampede, and machete attacks by hard-liners in the camp who assaulted and intimidated those wishing to leave.

257 When the Rwanda Patriotic Army launched its operation, the international community reacted immediately to address the developing situation. Within 24 hours, senior UNAMIR II officials visited the camps to assess the situation and help coordinate the response of UNAMIR II and relief agencies. Trucks were deployed to transport internally displaced persons, two casualty collection posts were established by medical units and a UNAMIR II command post with communication facilities was set up. The sick and the injured were evacuated by peace-keepers to NGO medical facilities in Butare. The UNAMIR II response was coordinated with UNREO, United Nations agencies and intergovernmental organizations, in particular the International Organization for Migration (IOM).

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258 After the incident, it was unclear exactly what had triggered the event and who bore responsibility for the deaths. I immediately dispatched a Special Envoy to Rwanda to convey my concern and to urge the Government to allow unhindered and safe movement of humanitarian convoys and provide protection for people leaving the camps to return home. On 27 April 1995, the Government announced the establishment of an Independent International Commission of Inquiry to investigate the incident.¹⁷⁵ That same day, the Security Council condemned the killing of civilians in the camp and welcomed the establishment of the Commission.¹⁷⁶

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259 The Commission was composed of representatives of the Governments of Belgium, Canada, France, Germany, the Netherlands and Rwanda, and of the OAU and the United Nations. On the basis of numerous interviews of witnesses, several visits to the site and forensic investigation, the Commission submitted a report to the President of Rwanda on 18 May. In the opinion of the Commission, 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."¹⁷⁷ The Commission also determined that there was sufficient evidence that unarmed internally displaced persons had been subjected to serious human rights abuses committed by both the RPA and armed elements in the camps.

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Militarization of the refugee camps

260 A further sign of serious security problems in the refugee camps came with reports of arms shipments into Goma, allegedly for the purpose of arming former Rwandese Government forces.¹⁷⁸ There were also reports that training of the former Government forces was being carried out on Zairian territory. At the February 1995 Bujumbura Conference, the Minister for Foreign Affairs of Zaire requested that an independent commission of inquiry be established to investigate and report on the matter, and on 6 April, the Chargé d'affaires of the Permanent Mission of Zaire to the United Nations rejected the allegations. However, there were reports that the training and rearming of the former Government forces in Zaire continued.¹⁷⁹ There were also reports that armed soldiers of the former Rwandese Government Army had been apprehended inside Rwanda. As a result, the Rwanda Patriotic Army tightened security along its border with Zaire. On 14 April, I informed the Security Council of the increasing concern with which the Government of Rwanda and members of the international community viewed these reports.¹⁸⁰

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261 In a statement of 27 April 1995, the Security Council took

note of the allegations with deep concern and called upon all States, especially those neighbouring Rwanda, to refrain from any action that would further exacerbate the security situation in Rwanda. On 9 June, in its resolution 997 (1995), the Security Council reaffirmed that the provisions of Council resolution 918 (1994), which established an arms embargo against Rwanda and its neighbouring States under Chapter VII of the Charter, applied to the sale or supply of arms and *matériel* to persons in the States neighbouring Rwanda, if such weapons were to be used within Rwanda.¹⁸¹ The Council also requested that I consult the Governments of neighbouring countries on the possibility of deploying United Nations military observers to the area, and to consult, as a matter of priority, the Government of Zaire on the deployment of observers, including at airfields located in eastern Zaire, to monitor the sale or supply of arms and *matériel*.

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262 Addressing another aspect of the arms embargo on 17 July, the Security Council noted that safe and successful mine-clearance programmes in Rwanda would require the supply of a quantity of explosives and, as a humanitarian measure, decided in resolution 1005 (1995) to ease the arms embargo to allow for the sale and delivery of the required amount of explosives.¹⁸²

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263 Pursuant to resolution 997 (1995), I dispatched a Special Envoy to visit countries neighbouring Rwanda from 20 to 28 June 1995.¹⁸³ In his meetings, my Special Envoy emphasized the Security Council's great concern over increasing reports of military activities that threatened to destabilize Rwanda. The reactions of Governments to the proposal to deploy military observers to their countries were mixed. The Government of Burundi welcomed the initiative. The Government of the United Republic of Tanzania refused to consider such a deployment on its territory, suggesting instead that the United Nations strengthen its military presence in Rwanda. Uganda did not object, but expressed doubts over what such a deployment could achieve. The Government of Zaire, while expressing support for effective action that could prevent the destabilization of Rwanda, reiterated its strong denial of recent accusations that the country was providing arms and training to the former Rwandese Government forces. In a note verbale of 10 August 1995 to the President of the Security Council, the Government of Zaire reiterated its support for the establishment of an international commission to investigate the allegations (S/1995/683). Two days earlier, in a report to the Council on the progress of UNAMIR II, I stated that I was preparing to present recommendations on the possible establishment of an international commission for this purpose.

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264 Reports of military preparations in the camps in Zaire continued, accompanied by reports that incursions into Rwanda by elements of the former regime were increasing. Security deteriorated in areas of

Zaire adjacent to Rwanda and tensions increased along the border.¹⁸⁴ Rwanda again increased security, especially in the border area. The Government of Rwanda also addressed a letter to the Security Council on 5 July 1995, requesting that the arms embargo be lifted to ensure the security of the Rwandan population (S/1995/547). On 16 August 1995, the Security Council adopted resolution 1011 (1995), in which it took note of the Rwandan request and underlined the need for effective measures to ensure that Rwandan nationals in neighbouring countries, including those in camps, did not undertake military activities aimed at destabilizing Rwanda or receive arms supplies. Recalling that the prohibition on the delivery of arms and *matériel* to Rwanda was originally aimed at stopping the use of such arms and equipment in the massacre of innocent civilians, the Council decided to suspend immediately the arms embargo against Rwanda until 1 September 1996.¹⁸⁵ The embargo would be terminated on 1 September unless the Council decided otherwise. The Council further decided to continue the embargo on the sale or supply of weapons to non-governmental forces for use in Rwanda. The Council also requested that I make recommendations on the establishment of a commission to investigate allegations of arms flows into the Great Lakes region.

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265 On 17 August 1995, the Prime Minister of Zaire sent me a letter in which he noted that resolution 1011 (1995) lifting the embargo on Rwanda had serious political implications within Zaire.¹⁸⁶ The Zairian Government was under sustained internal pressure, particularly from the Parliament, to resolve the refugee issue and to restore security along the border, the Prime Minister stated. The lifting of the arms embargo had, in addition to heightening internal pressure on the Government, created a national security threat at a time when, said the Minister, he possessed “reliable and consistent reports” pointing to a “concentration of the armed forces of Rwanda and Burundi on the borders of Zaire”.¹⁸⁷ For that reason, stated the letter, the Government of Zaire planned to relocate the Rwandan and Burundian refugees in its territory to other countries of asylum or evacuate them to their country of origin. In my reply dated 18 August, I urged the Government of Zaire to continue to provide assistance to the Rwandan and Burundian refugees, pending the reaction of the Security Council to the situation.¹⁸⁸

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266 However, on 19 August 1995, Zairian authorities commenced the forcible repatriation of Rwandan refugees from Goma to Rwanda.¹⁸⁹ By 25 August, approximately 14,000 Rwandan refugees and 2,000 Burundian refugees had been expelled, and five of the 11 camps being run in the Uvira area of Zaire by UNHCR, with a population of approximately 84,000, were emptied after the refugees fled to the surrounding hills to escape forced repatriation. The Security Council, on 23 August, voiced its deep concern over the forcible repatriations

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and called on the Government of Zaire to stand by its humanitarian obligations and halt its declared policy of forcible repatriation.¹⁹⁰ The following day, Zaire stopped the forced expulsion of refugees, considerably easing the situation. By 28 August, the majority of refugees had returned to the camps from the surrounding hills and UNHCR had resumed the provision to them of regular assistance.

X Ongoing United Nations role in Rwanda

267 One year after Rwanda was shaken by renewed civil war and acts of genocide, international rehabilitation efforts had helped to bring about an overall improvement of conditions in the country. At the same time, the international community remained troubled by several aspects of the situation, among them the slow return of refugees and displaced persons and continuing insecurity in the refugee camps; slow progress in the process of national reconciliation; and severe deficiencies in the Rwandan justice and police systems. With the emergency over, however, the Government of Rwanda requested that the mandate of UNAMIR II be amended to reflect the changing circumstances. Consultations led to the gradual phasing out of the mission, and the creation of a United Nations political presence in Kigali to continue the process of healing and recovery and to pursue the goal of long-term peace and stability in Rwanda and the Great Lakes region.

Economic rehabilitation

268 By the first half of 1995, the international response to the crisis in Rwanda and the atmosphere of relative security had helped in the revival of some aspects of the country's economy. Markets, shops and small business had sprung up, agricultural activities had resumed and schools had reopened.¹⁹¹ The World Food Programme (WFP) had implemented seed protection programmes during planting seasons, and agricultural materials such as seeds, tools and fertilizers had been distributed to farmers by the Food and Agriculture Organization of the United Nations (FAO).¹⁹² Actions had also been taken by FAO to support disease control and livestock management. The United Nations Children's Fund (UNICEF) had helped some 95,000 children who were separated from their families, accommodating many of them in children's centres. More than 1 million Rwandan children had been able to attend school owing to the efforts of UNICEF and the United Nations Educational, Scientific and Cultural Organization (UNESCO). A climate of relative stability prevailed in Rwanda and the country was largely at peace.¹⁹³

269 However, as long as 2 million Rwandans remained in camps in or outside the country, the goals of long-term stability, national

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reconciliation and reconstruction would remain elusive. Indeed, a number of tensions were being felt inside Rwanda. Former Rwandese Government forces were staging increasingly organized incursions into Rwanda. The prisons were grossly overcrowded. The International Tribunal for Rwanda was experiencing delays in its work, and the national judicial system was severely short of personnel and resources. There were cases of arbitrary arrest and disputes over property rights among returnees.

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270 The international community was slow in turning the \$598.8 million pledged bilaterally and the \$773.2 million pledged multilaterally in connection with the January 1995 UNDP round-table conference into actual support. Contributions in response to the inter-agency humanitarian assistance appeal also launched in January 1995 amounted to less than 10 per cent of the \$229 million sought.¹⁹⁴ By April 1995, the frustrations of the Rwandan Government and public were growing over the lack of implementation on the ground, particularly in vital areas such as the repair of roads, bridges and power facilities, and the training of a police force. I repeatedly urged the international community to assure rapid financial and technical assistance to the Government of Rwanda.

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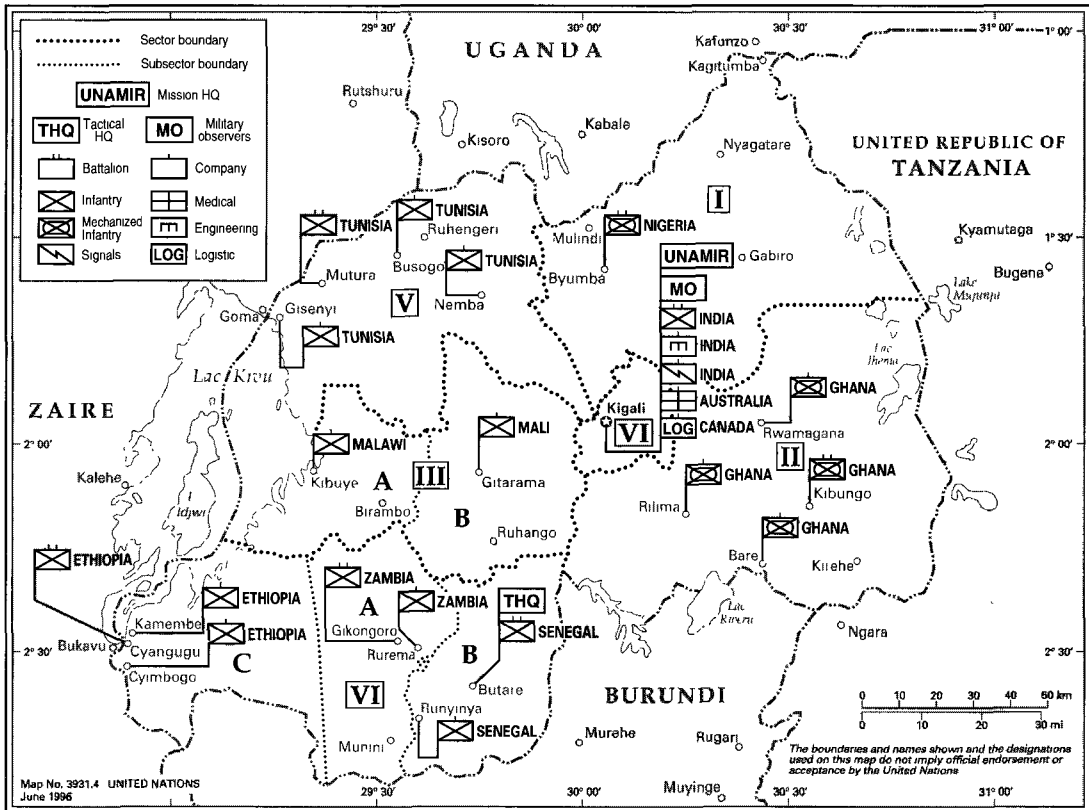
271 UNAMIR II's presence in Rwanda had helped create conditions conducive to the resettlement of refugees and displaced persons. None the less, the public frustration with the difficulties of the rehabilitation process led to criticism of the international community in general and of UNAMIR II in particular. At the middle and lower levels of the Rwandan Government, an attitude of non-cooperation, and even hostility, had become common. There was a growing resentment among some Government officials due to a perception that the Government could not exercise its sovereign authority as long as a UNAMIR military presence remained.¹⁹⁵ Radio Rwanda began a propaganda campaign against UNAMIR II, broadcasting unfounded allegations of misconduct by the mission's personnel. Radio Rwanda reverted to a more balanced attitude towards UNAMIR II only after a protest was lodged by my Special Representative.

Decision to reduce UNAMIR II

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272 The new Government had been in place for almost nine months and the circumstances in Rwanda had improved considerably when I informed the Security Council on 9 April 1995 that senior Rwandan officials had requested a review of the mandate and role of the United Nations.¹⁹⁶ Accordingly, I asked my Special Representative to consider, in consultation with the Government, adjustments which could be made to the mission's mandate, with a view to achieving a common

UNAMIR Sectors of Operation and Deployment as of 31 March 1995



understanding of the role that the United Nations could usefully play in the future. I submitted a further report on the matter on 4 June.¹⁹⁷

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273 At the outset of these consultations, the Government made it clear that it would insist on a sharp reduction in the scope of UNAMIR II's tasks and in its troop levels. My Special Representative discussed with the Government a new mandate comprising tasks which would shift the focus of UNAMIR II's activities from peace-keeping to confidence-building. In such a role, the mission would provide assistance to the Government in fostering a climate conducive to stability and the return of refugees and displaced persons. The specific tasks would involve military and police observers and human rights monitors; help with the distribution of humanitarian assistance; and the provision of expertise in engineering, logistics, medical care and mine clearance. Following consultations with my Special Representative and the Force Commander, it was estimated that, in order to carry out these functions, UNAMIR II would require approximately 2,330 troops, 320 military observers and 65 civilian police. This would constitute a substantial reduction from the authorized strength of 5,500 troops, 320 military observers and 120 civilian police.

274 However, the Government proposed a different and more limited role for UNAMIR II. The Government took the position that most of the peace-keeping functions discharged by UNAMIR II had become redundant, and that the concept of promoting security and confidence through the presence of the mission could no longer be accepted, since the Government had assumed responsibility for national security throughout the country. The Government further conveyed its view that the protection of humanitarian convoys was also the responsibility of the Government. In short, the Government proposed that UNAMIR II be reduced from a force level of 5,500 to 1,800, and that the mission's mandate be extended for six months, on the understanding that there would be no further extensions and that troop reductions would begin immediately.

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275 An analysis of the Government's proposal indicated that 1,800 troops would not have the strength to carry out the mandate outlined by my Special Representative. In a 4 June 1995 report to the Security Council, I expressed my conviction that UNAMIR II remained an essential component of the international community's efforts to assist Rwanda, and that it must be able to carry out its effort effectively.¹⁹⁸ None the less, as a peace-keeping operation established under Chapter VI of the Charter, the mission's continued presence in Rwanda depended on the Government's consent and cooperation. I therefore decided to continue consultations with the Government on the future United Nations role and recommended that, pending my report on these further consultations, the Council extend the UNAMIR II mandate until 8 December 1995, adjusted to accomplish the tasks my Special Representative had spelled out.

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276 On 9 June 1995, the Security Council adopted resolution 997 (1995), extending the UNAMIR II mandate until 8 December and authorizing a reduction of the force level to 2,330 troops within three months and to 1,800 within four months.¹⁹⁹ The Council also adjusted the mandate so that the mission would provide good offices to help achieve national reconciliation, within the frame of reference of the Arusha Peace Agreement; assist the Government in facilitating the voluntary and safe return of refugees; and support the provision of humanitarian aid. The mission would assist in training a national police force, while contributing to the security of personnel and premises of the United Nations and of the International Tribunal.

Visit to Rwanda

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277 During the next two months, the security situation in Rwanda began to improve markedly.²⁰⁰ Working relations between the Rwandan

Government and UNAMIR II improved and a spirit of cooperation with United Nations agencies and programmes was emerging. A mid-term review of the UNDP round-table conference was held in Kigali from 6 to 7 July 1995, at which time the donor community was again asked to provide financial assistance to sustain Rwanda's rehabilitation and development. During the meeting, \$128 million was pledged over and above contributions announced earlier in Geneva.²⁰¹ Also, donor countries pledged \$268 million for aid and humanitarian assistance to Rwanda. Disbursements of pledges made at the round-table conferences gathered momentum during the third quarter of 1995, and as of 22 February 1996 \$528 million had been disbursed.²⁰²

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278 To help strengthen these positive trends, I visited Rwanda on 13 and 14 July 1995. During my stay, I held detailed discussions with senior Government officials, including the President, the Vice-President and the Prime Minister of Rwanda. In these talks, and in a statement to the transitional National Assembly, I emphasized the need for national reconciliation and for conditions that would instil the confidence and trust necessary to encourage the return of refugees.²⁰³ I also emphasized that, at a time of donor fatigue, a lack of progress in national reconciliation would put an end to assistance from the international community. And I explained that regardless of the level of international assistance, any effort towards peace would be fruitless unless the authorities of Rwanda and Burundi facilitated the return of refugees and adopted positive attitudes towards reconciliation.

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279 In my progress report of 8 August 1995, I pointed out to the Security Council that the fragility of the economic recovery and the lack of public revenue to run an effective administration continued to frustrate efforts to stabilize the country.²⁰⁴ I called upon the international community to intensify its efforts during this critical period to help stabilize the country and avert a resumption of violence. Addressing operational matters, I informed the Council that UNAMIR II was taking the necessary steps to draw down its military presence in Rwanda and to implement the new mandate outlined in June by resolution 997 (1995). UNAMIR II's troop strength in early August stood at 3,570. In line with the adjusted mandate, the mission's activities had shifted from providing security to peace-building activities. Following a bilateral agreement between the United States and Rwanda, a national mine-clearance office had been established in July to serve as the focal point for mine-awareness programmes and the provision of training to Government officers.

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Regional conference

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280 I had addressed letters on 17 July 1995 to President Daniel arap Moi of Kenya and President Ali Hassan Mwinyi of the United Republic of Tanzania, respectively, informing them of my activities during my trip to Rwanda.²⁰⁵ Through my communications with the Presidents, I called upon the countries of the region to agree to hold a regional conference on peace, security and development.

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281 Reporting to the Security Council on 8 August 1995, I stressed that, in my view, convening a regional meeting would be useful in developing concrete means of addressing shared problems in the region.²⁰⁶ I dispatched a Special Envoy to the region in August 1995 to pursue the idea of convening such a summit (S/1995/735). My Special Envoy held high-level consultations on the subject with the OAU and the Governments of Burundi, Ethiopia, Kenya, Rwanda, Uganda and the United Republic of Tanzania.²⁰⁷ I informed the Security Council on 10 November 1995 that most Governments had expressed support for the idea of a regional conference. The Government of Rwanda had, however, expressed strong opposition to such a conference. The Government of Uganda was also not supportive of the United Nations activity in this regard. I told the Council that I would, none the less, continue to monitor the regional situation and report to the Council if conditions existed for convening a regional conference under United Nations auspices.

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208/Document 159
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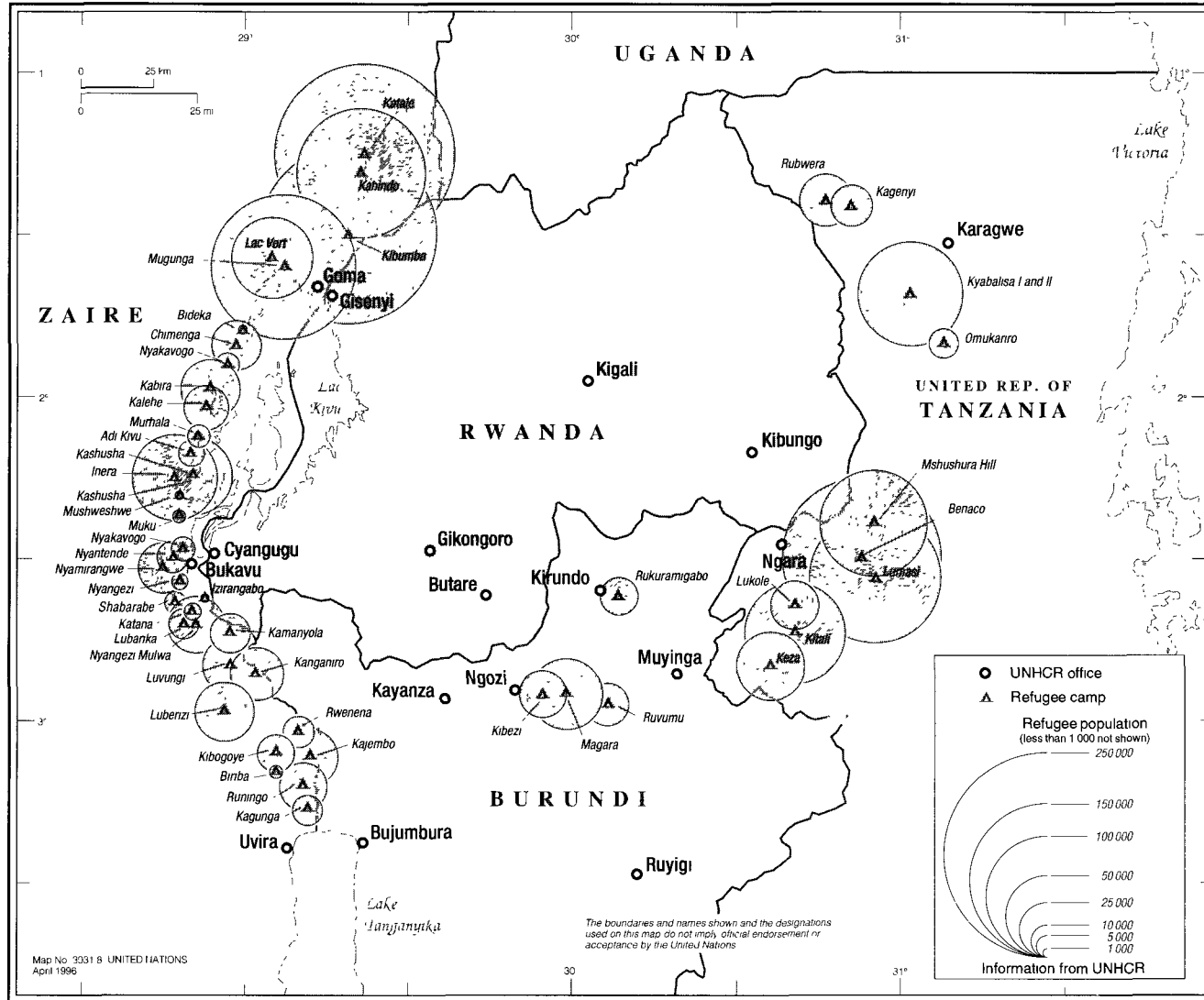
282 Acting on an initiative of African Governments, former United States President Jimmy Carter had begun efforts to organize a regional summit to advance peace, justice, reconciliation, stability and development.²⁰⁸ This regional summit was convened in Cairo on 29 November 1995 and was attended by the heads of State of Burundi, Rwanda, Uganda and Zaire and a representative of the United Republic of Tanzania. Participants issued the Cairo Declaration condemning the genocide committed in Rwanda in 1994 and other incidents of mass killing.²⁰⁹ Each Government pledged that its territory would not be used by armed groups to launch military incursions or attacks against the other countries party to the Cairo Declaration, and to prevent military training and delivery of weapons to militia groups among the refugees. The parties to the Declaration commended UNHCR for assisting the refugees in camps throughout the region and requested that future efforts be focused on the safe return of refugees to their homes.

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The enduring refugee problem

283 At the end of July 1995, some 1.75 million refugees remained in camps in neighbouring countries. The refugee camps in Zaire held

Refugee camp populations as of May 1996



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more than 1 million refugees, including 727,000 in Goma and 372,000 in Bukavu/Uvira. The United Republic of Tanzania hosted another 566,000, and Burundi some 180,000.²¹⁰ Following an August 1995 visit to the region, the United Nations High Commissioner for Refugees estimated that, in part as a result of the limited absorption capacity in Rwanda, a realistic target for voluntary repatriation would be between 500,000 and 600,000 persons by the year's end, less than half the total refugee population.

284 In order to pre-empt drastic measures by the countries of asylum and to avoid the chaos and probable violence that massive forced repatriation would trigger inside Rwanda, UNHCR continued to encourage organized, large-scale voluntary repatriation. These efforts included enlarging existing reception and transit facilities and opening new facilities; providing direct assistance to returnees, such as transportation and food; assisting Government ministries; and supporting the construction of shelters and new rural settlements. UNHCR also used Radio UNAMIR broadcasts to strengthen the mass information campaign in support of return.

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285 During September and October 1995, a total of 32,190 refugees returned to Rwanda, mainly in UNHCR-organized convoys.²¹¹ UNHCR estimated that between January 1995 and October 1995, 150,000 refugees had returned to Rwanda. Of that number, however, the vast majority were refugees who had left Rwanda between 1959 and 1993, with only 30,000 being of the group that had fled after April 1994. The return rate of the latter group remained low, with that situation attributed to the continuing campaign of intimidation and misinformation in the refugee camps. In a progress report to the Security Council on 30 January 1996, I stated that despite the intense efforts of UNHCR, supported by UNAMIR II, to facilitate the voluntary return of refugees, the repatriation process had slowed to a trickle.²¹² This continued into May 1996 when, with 1.6 million Rwandan refugees still in neighbouring countries, the Governments of Burundi, Rwanda, the United Republic of Tanzania and Zaire agreed to increase efforts to encourage the return of refugees. Meeting in Geneva on 24 May 1996, under the chairmanship of UNHCR and OAU, the regional countries agreed to accelerate efforts to separate intimidators from the general refugee population and to expand the campaign to counter propaganda and misinformation, which continued to thwart repatriation efforts.

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Commission of Inquiry

286 In a letter dated 25 August 1995 to the President of the Security Council, I outlined the structure and possible mandate of a

commission which would be established to investigate the allegations of arms and military training being supplied to members of the former Rwandese Government forces residing in refugee camps in Zaire.²¹³ On 7 September, the Council adopted resolution 1013 (1995), instructing me to establish the commission as a matter of urgency, with five to 10 impartial and internationally recognized military, legal or police experts as members. I informed the Council in a letter dated 16 October of my decision to appoint six such experts from the following countries: Canada, Egypt, Germany, the Netherlands, Pakistan and Zimbabwe.

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287 The International Commission visited the region between November and December 1995 and assembled detailed and voluminous information suggesting that arms deliveries had been made to Goma airport in violation of the arms embargo.²¹⁴ This information came primarily from the NGO Human Rights Watch. The International Commission's interviews with men captured by the Rwanda Patriotic Army strongly indicated that certain Rwandan elements who sought refuge in Zaire were receiving training the purpose of which was to conduct incursions into Rwanda. Owing to difficulties experienced by the Commission in the course of its investigations, particularly in Zaire, the Commission stated that its findings, submitted to the Security Council in an interim report dated 17 January 1996, were inconclusive. The Commission decided to devote particular attention during its subsequent activities to allegations concerning the involvement of certain officials in the Seychelles in arms deliveries to Goma in June 1994.

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288 On 26 January 1996, I informed the Security Council that unless substantial progress could be made towards resolving the difficulties encountered by the Commission during its initial investigations, I would request that the Commission submit its final report by the end of February 1996. The Government of Rwanda, in a letter to the Security Council on 2 February, stated that the interruption of the Commission's work would be tantamount to encouraging violations of the embargo.²¹⁵ The President of the Security Council, in a letter to me dated 13 February, underlined the importance the Council members attached to the work of the Commission, noted the particular importance of the cooperation of the Government of Zaire for the successful completion of the Commission's work, and stressed their expectation that such cooperation would be provided.²¹⁶ The Government of Zaire sent a letter to the Security Council on 23 February in which it rejected the accusation of lack of cooperation levelled at it by the Commission and expressed outrage that the Commission's members had accused Zaire of obstruction of its investigation.²¹⁷

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See page 664

289 Following two months of additional investigations, the Commission submitted its final report on 14 March 1996.²¹⁸ The Commission concluded that it was highly probable that a violation of the United

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Nations embargo had taken place during June 1994 involving the supply of rifles, grenades and ammunition. Those shipments had been transported in two consignments flown to Goma airport and subsequently transferred to former Rwandese Government forces inside Rwanda. The Commission determined that officials of the Government of Seychelles, acting on the basis of an end-user certificate apparently issued by the Government of Zaire, had authorized the sale of these weapons.²¹⁹ Negotiation of the sale had been conducted between senior Seychelles Government officials and a high-ranking officer of the former Rwandese Government forces, with the participation of a South African national. According to reports, the two consignments of arms and ammunition had been transported by Air Zaire aircraft from Seychelles to Goma.

290 Responding to queries from the Commission, the Government of Zaire challenged the assertions that those aircraft had been transporting weapons and said it had no knowledge of the issuance of an end-user certificate for arms transported from Seychelles. Senior Seychelles officials told the Commission that the Government had been approached by a South African national claiming to represent the Government of Zaire. The Government of Seychelles had believed that the officer involved in negotiations represented the Government of Zaire and learned only later that he was an officer of the former Rwandese government forces. When an official of Seychelles Civil Aviation objected to the transport of weapons on a civilian plane, a document was presented which bore the seal of the Republic of Zaire and the letterhead of the Defence Ministry, certifying that the plane had been chartered for military use. The South African Government was questioned by the Commission about the involvement of one of its nationals in the arms sale. The Government responded that a South African national, "in his private capacity, could have brokered the arms transaction in question".

291 The Commission also reported on its investigation of French activities in Goma and Rwanda, particularly during the time of Operation Turquoise. The General commanding the French troops of Operation Turquoise reported that only arms required for their own use had been brought to the region and all had been removed after the operation. Also, all weapons confiscated from the retreating former Government forces had been turned over to UNAMIR II. In addition, two leading French arms dealers who had supplied weapons and material to Rwanda in the past stated that they had not done so since 1992.

292 The Commission recommended that Governments, particularly Zaire, intensify efforts to ensure that their territory not be used for the training of Rwandan refugees or as a base for armed groups. To deter further violations, the Commission suggested that the Government of Zaire consider stationing United Nations observers on its territory to monitor compliance with the embargo. As an interim measure, the Com-

mission recommended that it or a similar body maintain contact with Governments of the region. More broadly, with an eye towards future arms embargoes decided upon by the Security Council, the Commission suggested that the Council, when imposing an arms embargo on a State under Chapter VII of the Charter, consider urging neighbouring States to establish an office with the necessary legal, political, military, police, customs and border-guard personnel needed to enforce the embargo.

293 The Government of Rwanda welcomed the Commission's final report and forwarded a number of recommendations concerning its future, among them that the Security Council should strengthen and further extend the Commission's mandate.²²⁰ The Government of Zaire contended that the report had levelled serious accusations "without providing the slightest irrefutable proof", again denied having been involved in any attempt to destabilize Rwanda and stated that the Commission had failed to comply with the mandate assigned to it and that the procedures it had followed had been of a discriminatory character.²²¹ On 23 April 1996, the Security Council adopted resolution 1053 (1996), requesting me to maintain the Commission of Inquiry in order for it to follow up its earlier investigations and to stand ready to pursue any further allegations of violations.²²² The Council also urged all States, in particular those in the region, to intensify their efforts to prevent military training and the sale or supply of weapons to militia groups or former Rwandese Government forces.

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221/Document 183
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222/Document 186
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Human rights situation

294 During 1995 and early 1996, the United Nations, through activities of its High Commissioner for Human Rights, Human Rights Field Operation in Rwanda (HRFOR) and Special Rapporteur on the situation of human rights in Rwanda, continued to assist the Government of Rwanda in its efforts to build the foundations of a society based on full respect for human rights and the rule of law. In December 1995, the General Assembly encouraged the Government of Rwanda to intensify its efforts in these areas, specifically by rebuilding the social, legal, economic and human rights infrastructure.²²³

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295 HRFOR continued to focus much of its attention on ensuring that the basic human rights of refugees and displaced persons were not violated at any stage of return, resettlement and reintegration. This work was carried out through monitoring conditions at principal frontier crossing points, processing in transit centres, treatment of refugees while awaiting transfer to home regions, treatment of those placed in interim detention and all aspects of reintegration. Another priority of HRFOR

has been improvement of the serious situation in prisons and local detention centres (see paragraphs 298-300 below).

296 The Special Rapporteur on the situation of human rights in Rwanda reported in January 1996 that the inquiry into the genocide and the other gross and flagrant violations of human rights had made very definite progress, for example with the identification of new sites of massacres and mass graves.²²⁴ However, there were delays in bringing proceedings against the presumed perpetrators at the national level through the courts and at the international level through the International Tribunal. The human rights situation in general, he reported, appeared to be deteriorating, owing in particular to violations of property rights and the right to freedom of expression.

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See page 628

297 In the light of this situation, and given the existence of troubling human rights situations in neighbouring Burundi and Zaire as well, the High Commissioner for Human Rights, on 18 and 19 January 1996, convened a meeting in Geneva of the Special Rapporteurs assigned to each country to discuss increased coordination of their activities.²²⁵ The Special Rapporteurs concluded that the most important types of human rights violations affecting Burundi, Rwanda and Zaire were the serious and massive infringements of the right to life, physical integrity and personal security and the right to own property — violations which were, they said, the direct consequence of conflicts related to the struggle for political and economic power. The Special Rapporteurs also forwarded a number of recommendations on ways to overcome this situation.

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Conditions in Rwanda's prisons

298 One of the most serious aspects of the human rights situation in Rwanda in 1995 and 1996 related to conditions of detention. In fact, the effort by the Government of Rwanda to arrest and detain those accused of responsibility for the massacres — so-called *genocidaires* — led to a humanitarian crisis in and of itself. According to the Special Rapporteur on the situation of human rights in Rwanda, the conditions under which these prisoners were held were deplorable, characterized by overcrowding and by inhuman and degrading treatment. Overcrowding was the most serious problem; by March 1996, it was estimated that 70,000 people were incarcerated in 12 prisons having a normal capacity of 12,250. Mistreatment had taken the form of “necklacing”, rape and other physical assaults, as well as denial of food, medical treatment, beds and other basic needs.

299 To address this growing problem, a United Nations mission visited Rwanda in August 1995 for consultations on both the crisis in the prisons and the inability of Rwanda's justice system to process the

cases of those incarcerated.²²⁶ The mission proposed a two-pronged strategy. On the one hand, the strategy would facilitate the provision of humanitarian assistance to the prisoners and expand the prison capacity by up to 21,000. At the same time, the Government of Rwanda would receive assistance to strengthen its justice system. HRFOR's efforts in implementation of this strategy included the organization of seminars on arrest and detention procedures and on the rights of women, children and journalists; training at the National Gendarmerie School on the role of the armed forces and law-enforcement officials; and technical support to prosecutors and the courts.

300 HRFOR has also kept the situation under constant review, undertaking regular visits to prisons and detention centres to monitor the treatment of detainees. The field operation, which coordinates its work with that of the International Committee of the Red Cross and the Special Rapporteur on the situation of human rights in Rwanda, has expressed concern to the Government about the ill-treatment of prisoners in many local detention centres, which had resulted in a number of deaths. As of early 1996, transfers to new or expanded detention centres — some of them constructed with assistance from the United Nations Development Programme — had alleviated some overcrowding, while another UNDP project had been addressing rehabilitation of living conditions in prisons. However, the overall situation remained a cause for concern.

International Tribunal for Rwanda

301 Investigations carried out by the International Tribunal during the second half of 1995 focused on a small number of individuals who were suspected of being principally responsible for planning, inciting or committing crimes.²²⁷ Investigators assessed and analysed a large volume of material that had been collected by various bodies, and witnesses were interviewed in Africa, Europe and North America.

302 The Tribunal issued its first indictments on 12 December 1995. On 8 January 1996, the Tribunal held its first plenary session in Arusha, at which time a Trial Chamber examined an application presented by the Prosecutor concerning the deferral of ongoing investigations and prosecutions by Belgium of three suspects currently detained in that country.²²⁸ On 11 January, the Trial Chamber formally requested Belgium to defer to the competence of the International Tribunal the investigations and prosecutions of the three suspects.

303 In May 1996, three accused charged with having committed genocide and crimes against humanity were transferred by the Zambian authorities to the jurisdiction of the Tribunal. Georges Anderson

Nderubumwe Rutuganda, Jean Paul Akayesy and Clément Kayishema as of June 1996 were held in the detention facility in Arusha. Two of the accused appeared before a Trial Chamber on 30 May 1996, and the third on 31 May. The three accused were assigned a defence counsel by the Tribunal, and trial proceedings are expected to begin in the autumn of 1996. Other presumed perpetrators of genocide and crimes against humanity were arrested in Canada, Switzerland, Kenya, Zaire and Cameroon. With regard to the latter, the Prosecutor of the Rwanda Tribunal as of June was engaged in negotiations with the Cameroonian authorities to secure the surrender of Colonel Théoneste Bagosora, then detained in Cameroon. Colonel Bagosora, who at the relevant time was the Director of the Cabinet of the Ministry of Defence in Rwanda and a close associate of President Habyarimana, is alleged to have masterminded the massacres of Rwandan civilians and 10 Belgian United Nations soldiers. His extradition has also been requested by Rwanda and Belgium. On 17 May 1996, the Trial Chamber formally requested the Government of Belgium to defer to the International Tribunal all investigations and criminal proceedings conducted in that country against Colonel Bagosora.

304 On 19 April 1996, the Legal Counsel of the United Nations notified the six Trial Chamber judges of the Tribunal that in two months, namely on 19 June 1996, they should assume their judicial functions on a full-time basis. In deciding on the date for the taking up of judicial functions on a full-time basis, the Legal Counsel took account of the progress of the investigation, the approximate date when persons indicted by the Tribunal would be surrendered to the jurisdiction of the Tribunal and the availability of the relevant detention facilities at the Headquarters of the Tribunal in Arusha.

Ongoing humanitarian assistance and reconstruction efforts

305 The United Nations Rwanda Emergency Office (UNREO) headquarters at Kigali was officially closed in October 1995, with central coordination of the relief and reconstruction effort passing to the United Nations Humanitarian Coordinator/Resident Coordinator, supported by a small Department of Humanitarian Affairs office in Kigali. In early 1996, contingency plans were being prepared should mass repatriation of refugees from the United Republic of Tanzania and/or Zaire occur. At this time, disbursements of funds from donors for the resettlement of refugees and for rehabilitation, reconstruction and development were showing a remarkable improvement over 1995. Commitments by donors were estimated at \$878.5 million, the largest coming

from the European Union (\$360.2 million), the World Bank (\$227.7 million), the United States (\$125.9 million) and Germany (\$120 million). Another UNDP round-table conference was held in Geneva on 2 and 3 May 1996, focusing on the Government's priority areas: justice and security, capacity-building and the transition from humanitarian assistance to development. Parallel to these continuing efforts in Rwanda, the United Nations developed systems to accelerate the Organization's response to the early warning signs of a crisis in order to minimize, or even prevent, a humanitarian emergency. The Department of Humanitarian Affairs made great progress in compiling a database for use in anticipation of reacting to humanitarian emergencies ranging from political upheavals to natural disasters. Similar efforts were expanded across various disciplines — such as political and societal trends and economic and social development indicators. One such initiative was the Organization's Integrated Regional Information Network (IRIN) to allow for cross-border inter-agency flows of information and analyses of an in-country crisis in a regional context.

Determining the future role of the United Nations

306 Reporting to the Security Council on 7 October 1995, I again stated that, while Rwanda had made visible progress towards normalization and stability, the country still had a long road to travel in its search for reconciliation and recovery.²²⁹ Noting that the UNAMIR II mandate would expire on 8 December, I encouraged the Government of Rwanda and the international community to give serious consideration to the future role of the United Nations in Rwanda. As of 30 September, the UNAMIR II force stood at 1,836; 288 military observers were also deployed. The Council, in a statement by its President on 17 October 1995, welcomed the progress made by the Government of Rwanda in the reconciliation process; expressed its concern about uncontrolled arms flows, cross-border infiltrations and the appalling situation in the Rwandan prisons; and underlined the need for the voluntary return of all Rwandan refugees and for ongoing international support for Rwanda's rehabilitation process.²³⁰

307 On 1 December 1995, I recommended that the Security Council authorize a future United Nations presence in Rwanda.²³¹ Donor countries, most UNAMIR II troop contributors, UNHCR, the International Tribunal for Rwanda, the High Commissioner for Human Rights, the Secretary-General of the OAU and Governments of the region had all indicated to me their view that the United Nations should not abandon Rwanda at such a critical juncture. However, the Government of Rwanda had officially informed me that it would not agree to an

229/Document 150
See page 543

230/Document 151
See page 550

231/Document 159
See page 602

extension of UNAMIR II's mandate beyond 8 December, although it would be receptive to a continued United Nations presence with the purpose of assisting Rwanda in its tasks of rehabilitation and reconstruction. Accordingly, I informed the Security Council that I would initiate the draw-down of the operation as of 8 December 1995, and I recommended that a United Nations political office, headed by my Special Representative, be established in Rwanda to continue efforts to achieve a lasting solution to the tensions in the Great Lakes region.

232/Document 160
See page 609

233/Document 161
See page 610

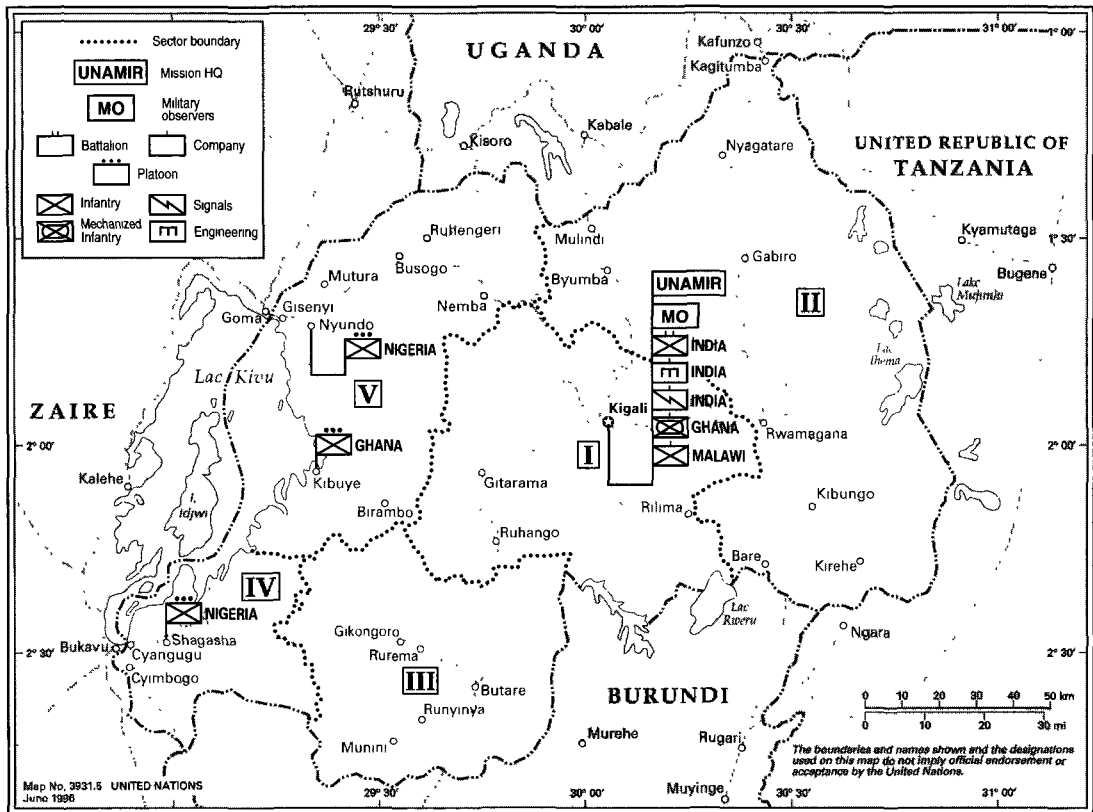
308 In a procedural action on 8 December, the Security Council adopted resolution 1028 (1995), extending the UNAMIR II mandate until 12 December.²³² On that day, in resolution 1029 (1995), the Council decided to extend the mandate of the operation for a final period until 8 March 1996 and to reduce its strength to 1,200 troops and 200 military observers.²³³ The Council adjusted the mandate for the remaining three months so as best to support efforts to restore peace and stability through the voluntary and safe repatriation of refugees. Towards that end, the mission would exercise its good offices to assist in achieving the repatriation of Rwandan refugees; support the Government of Rwanda in its efforts to promote a climate of confidence and trust through the performance of monitoring tasks; assist UNHCR and other international agencies in the provision of logistical support for repatriation; and contribute to the protection of the International Tribunal. Following termination of the UNAMIR II mandate, security arrangements for the Office of the Prosecutor in Kigali were to be arranged between the Tribunal and the Government of Rwanda.

234/Document 175
See page 665

309 With the UNAMIR II mandate expiring in a matter of months, I reiterated, in a report to the Security Council of 29 February 1996, my view that the United Nations still had a useful role to play in Rwanda.²³⁴ In that connection, my Special Representative was exploring with the Government of Rwanda the possible nature of a continued United Nations presence. Three options were under discussion: the retention of a small political office to support the Government's efforts to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure; the retention of a political office on the above lines along with a component of military observers to monitor the return of refugees, specialized units to provide logistic support for their return and troops to ensure security for the logistic units; or the establishment of a regional office to support peace and stability in the Great Lakes region. In this context, I informed the Council that the Rwandan authorities continued to express strong reservations about the retention of United Nations troops in Rwanda after the expiration of UNAMIR II's mandate.

310 In a letter dated 1 March 1996, the Minister for Foreign Affairs and Cooperation of Rwanda informed me that his Government

UNAMIR Sectors of Operation and Deployment as of 23 February 1996



accepted my proposal to maintain the office of the Special Representative in Kigali for a period of six months.²³⁵ On 8 March, the Security Council adopted resolution 1050 (1996), in which it encouraged me to maintain a United Nations office in Rwanda in order to support the efforts of the Government to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure. The office in Rwanda would be headed by my Special Representative and would include the existing United Nations communications system and radio station. The Council also took note of my arrangements for the withdrawal of UNAMIR II, which was to start on 9 March.

235/Document 176

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United Nations Office in Rwanda (UNOR)

311 As discussions continued between the Rwandan Government and the United Nations during the final period of UNAMIR's mandate, several peripheral issues delayed a final agreement for an ongoing United

Nations presence in Rwanda. The first concerned the disposition of UNAMIR II equipment and assets, which Rwandan authorities had requested be turned over to the Government. In the light of this request, the Security Council had asked me, in resolution 1029 (1995) of 12 December 1995, "to examine, in the context of existing United Nations regulations, the feasibility of transferring UNAMIR II non-lethal equipment" for use in Rwanda.²³⁶ In addition, the President of the Security Council urged me, in a letter of 13 February 1996, "to employ flexibility, while staying within the bounds of the regulations established by the General Assembly," in resolving the question of the disposition of this equipment.²³⁷

236/Document 161
See page 610

237/Document 171
See page 660

312 On 25 March 1996, I submitted a report to the General Assembly on the disposition of UNAMIR II assets, indicating that the estimated inventory value of the Mission's assets as of 19 October 1995 (at original purchase price, not reflecting depreciation) amounted to approximately \$62.5 million.²³⁸ Taking into account standing General Assembly guidelines which give priority to transferring such equipment to other United Nations operations, I recommended that \$9.2 million worth of non-lethal UNAMIR assets, or 14.7 per cent of the total value of UNAMIR II assets, be donated to the Government of Rwanda. I further recommended that Rwanda receive an additional \$6.1 million worth of UNAMIR II assets which were deemed unserviceable but could be a source of spare parts. These arrangements were accepted by the Rwandan Government in late April 1996.²³⁹

238/Document 180
See page 693

239/Document 187
See page 716

313 My proposal that the United Nations continue radio broadcasts on the UNAMIR II frequency was not accepted by the Rwandan Government, which instead offered to make air time available to the United Nations on the Government's radio station. In addition, long-term arrangements for the security and protection of the staff of the International Tribunal remained to be finalized. Unfortunately, it was not possible to resolve a disagreement between the United Nations and the Rwandan Government over the Government's claim for taxes against corporations which had come into the country as contractors to UNAMIR II.²⁴⁰

240/Document 185
See page 709;
Document 187
See page 716

314 Although the negotiations on these and other issues relating to a continuing United Nations presence in Rwanda were admittedly difficult, agreement was finally reached on the setting up of the United Nations Office in Rwanda (UNOR) shortly after the last elements of UNAMIR II left Rwanda on 19 April 1996. By a letter of 31 May 1996, the President of the Security Council conveyed to me the support of the Council for the establishment of the United Nations Office in Rwanda for an initial period of six months.²⁴¹ As I stated in my report to the Security Council on UNOR, I remain convinced that the United Nations Office in Rwanda will enhance the ability of the United Nations system

241/Document 188
See page 716

as a whole to provide the support Rwanda needs for its efforts to solve the grievous problems that still confront it.²⁴²

242/Document 187

See page 714

315 On 6 April 1996, the second anniversary of the genocide in Rwanda, I stated, "The deep expression of grief and the demonstration of solidarity towards the people of Rwanda constitute a glimmer of hope for the future. The international community, particularly non-governmental organizations and the specialized agencies of the United Nations, and the Government and people of Rwanda are working side by side . . . This effort constitutes the most appropriate and the most lasting tribute we can pay to the memory of those who lost their lives in the course of this tragedy. . . . I wish to give here an assurance of the continuing support of the Organization for any action undertaken with a view to building a new Rwandan society based on tolerance, harmony and justice."²⁴³

243/Document 184

See page 708

XI Conclusion

316 As a result of the genocide in Rwanda in 1994, the expectation that the international community, in a new global era, could and would act swiftly and resolutely in the name of peace, justice and global solidarity suffered a distinct setback. Early signs of a volatile human rights situation and deteriorating security conditions should have provoked greater international involvement in Rwanda. When massive killings and chaos eventually erupted throughout the country, a clear, resolute stand by the international community could have significantly curbed the violence. Instead, lives that could have been saved were lost. Despite efforts by some countries, such as France, to deploy forces after the massacres had erupted, the situation spun out of control, leaving in its wake an enormous and complex calamity which made greater international involvement inevitable. The international community continues to grapple with the consequences of these events.

317 At the same time, to view the Rwanda experience only as a failure on the part of the international community to prevent genocide is not to understand the complete story. Once the extraordinary scale of the catastrophe became apparent, the entire United Nations system was mobilized to act to help stabilize the situation, alleviate the suffering of the survivors and assist the country in its return to the path of reconciliation, reconstruction and development.

318 A number of the Organization's notable achievements in Rwanda were made in the area of human rights. The ongoing work of the United Nations Human Rights Field Operation in Rwanda (HRFOR) is contributing significantly to the protection of human rights in post-conflict Rwanda. HRFOR is also helping Rwanda rebuild its judicial system and improve conditions in its overcrowded prisons and detention centres. In view of this important work, it is regrettable that Member States have not provided the operation with a stable financial base. The Security Council's establishment of an international tribunal to prosecute alleged perpetrators of the genocide is only the second time since the Second World War that such a body has been created. With the proceedings at Arusha beginning as this publication went to press, redress for serious violations of international humanitarian law is nearer at hand, as is the prospect that justice will contribute to national reconciliation and the restoration and maintenance of peace.

319 In the area of humanitarian assistance, United Nations agencies mounted a massive programme of emergency assistance, disbursing more than \$500 million by the middle of 1996 for projects inside

Rwanda and relief aid for Rwandan refugees in Burundi, Tanzania, Uganda and Zaire. And once deployment difficulties were overcome, United Nations peace-keepers — reaching a peak force level of more than 5,800 troops, military observers and civilian police in March 1995 — helped to provide security throughout Rwanda, undertook mine-clearance and mine awareness activities, and assisted in other post-conflict peace-building activities, including the return of refugees and internally displaced persons and the rebuilding of essential infrastructure.

320 By the middle of 1996 these efforts had helped to return stability to Rwanda and improve greatly overall living conditions in the country. Clearly, however, major obstacles remained to the restoration of peace in Rwanda. Among these were the presence of 1.6 million Rwandan refugees in neighbouring States; the slow progress in national reconciliation; the urgent need to revitalize the economy; and the formidable task of collective and individual healing following a period of unspeakable horror and communal violence. Also to be overcome was the legacy of bitterness left by the inadequate international response during the period of the genocide.

321 Following the Government's decision to request the withdrawal of UNAMIR, the United Nations continues to assist Rwanda's leaders and citizens in facing the challenges of recovery. In this endeavour, the United Nations is guided by several key principles. First is the central importance of justice and the rule of law, which is being emphasized by the International Tribunal and the human rights field operation. Second is the vital need for the return of refugees and for national reconciliation, to help promote the peaceful coexistence of Hutus and Tutsis.

322 These efforts will take time and will require significant amounts of external assistance. Governments in the region, the Organization of African Unity and multilateral and non-governmental organizations continue to offer valuable support and, just as importantly, to coordinate their humanitarian and diplomatic activities. Funding continues to flow from the international aid community. The tragedy in Rwanda has dealt a devastating blow to its development, and a persistent lack of progress in economic and social conditions may feed still further violence. Despite the many difficulties still to be surmounted, the United Nations remains fully committed to the search for lasting peace in Rwanda.

323 Although responsibility for the genocide lies directly with certain elements of the Rwandan people, the international community must also bear some of the burden for allowing the disaster to reach such horrendous proportions. We owe it to the victims and the survivors of the Rwandan genocide to face this uncomfortable truth and to ensure that such evil never recurs, in Rwanda or anywhere else.

BOUTROS BOUTROS-GHALI

Section Two
**Chronology
and Documents**



I Chronology of events

1 October 1990

The Rwandese Patriotic Front (RPF), made up largely of Tutsi refugees, invades Rwanda from Uganda. The following week, hundreds of Tutsis are killed in reprisal attacks for the RPF invasion. Towards the end of October, Rwandese Government forces push the RPF back to the border area.

26 October 1990

The Government of Rwanda and the RPF, meeting in Gbadolite, Zaire, agree to a cease-fire, but it is repeatedly violated.

20 November 1990

The Government of Rwanda and the RPF, meeting in Goma, Zaire, confirm and extend the Gbadolite cease-fire accord and agree to the presence of military observers of the Organization of African Unity (OAU).

19 February 1991

The OAU, the United Nations High Commissioner for Refugees (UNHCR) and the Presidents of Rwanda, Burundi, Uganda, the United Republic of Tanzania and Zaire adopt the Dar es Salaam Declaration, which commits the Government of Rwanda to offering voluntary repatriation to Rwandan refugees.

29 March 1991

After months of discussions, the Government of Rwanda and the RPF sign the more comprehensive N'sele cease-fire agreement.
See Document 19, page 169

16 September 1991

In the light of repeated cease-fire violations, the N'sele cease-fire agreement is amended at Gbadolite.
See Document 6, page 153

November 1991

Hostilities increase significantly between Rwanda's two main ethnic groups.

12 July 1992

Meeting in Arusha, the United Republic of Tanzania, the Government of Rwanda and the RPF accept amendments to the N'sele cease-fire agreement which provide for deployment of a Neutral Military Observer Group (NMOG) in a buffer zone between the two armies.
See Document 19, page 169

18 August 1992

At the conclusion of negotiations in Arusha coordinated by the OAU, the Government of Rwanda and the RPF sign a Protocol of Agreement on the Rule of Law. Over the course of a year, five additional protocols will be signed.
See Document 19, page 169

January 1993

After investigations in Rwanda, 10 independent human rights experts comprising the International Commission of Inquiry allege serious and widespread human rights abuses in Rwanda.

8 February 1993

After months of escalating violence, the RPF attacks the Ruhengeri-Gisenyi region in northern Rwanda. With the collapse of the cease-fire, ongoing negotiations in Arusha between the Government of Rwanda and the RPF are suspended.
See Document 63, page 285

21 February 1993

The RPF issues a Declaration of Cease-fire. The following day, the Government of Rwanda issues a Declaration on the Restoration of the Cease-fire.
See Document 6, page 153

22 February 1993

In separate letters to the Security Council, Uganda and Rwanda request deployment of United Nations military observers along their common border. RPF control of the border area is now extensive.
See Document 4, page 151; and Document 5, page 152

4 March 1993

The Government of Rwanda requests an immediate meeting of the Security Council to consider ways of restoring the cease-fire.
See Document 6, page 153

4-19 March 1993

The Secretary-General dispatches a goodwill mission to Rwanda and Uganda to examine all aspects of the peace process, including the possibility of deploying United Nations military observers along the Uganda-Rwanda border.
See Document 21, page 217

7 March 1993

The Government of Rwanda and the RPF, meeting in Dar es Salaam, agree to reinstate the cease-fire on 9 March and to resume peace talks.

See Document 7, page 154

12 March 1993

The Security Council adopts resolution 812 (1993), calling on the Government of Rwanda and the RPF to respect the 9 March cease-fire and asking the Secretary-General to look into the question of deploying military observers along the Uganda-Rwanda border.

See Document 8, page 156

16 March 1993

Peace talks resume in Arusha, and will continue until June 1993.

18-25 March 1993

An inter-agency mission coordinated by the United Nations Department of Humanitarian Affairs (DHA) visits Rwanda to prepare a consolidated appeal for emergency relief projects.

2-6 April 1993

The Secretary-General sends a technical mission to Rwanda and Uganda to examine conditions for the possible deployment of military observers along their common border.

See Document 21, page 217

8 April 1993

The Secretary-General, in the light of reports that talks in Arusha are at an impasse and fighting may resume, strengthens his goodwill mission, now in Arusha, with three military advisers.

See Document 12, page 160

8-17 April 1993

The Special Rapporteur on extrajudicial, summary or arbitrary executions of the United Nations Commission on Human Rights visits Rwanda in response to allegations of human rights violations and ethnically related massacres.

See Document 20, page 202

15 April 1993

The United Nations launches an inter-agency appeal for \$78 million to meet the emergency needs of those displaced by the war in Rwanda.

13 May 1993

Two military experts, dispatched by the Secretary-General to assist the OAU in its establishment of a

Neutral Military Observer Group in Rwanda, arrive in Addis Ababa.

See Document 15, page 162

18 May 1993

Uganda informs the Security Council that it has no objections to the deployment of a United Nations monitoring team on the Ugandan side of the border with Rwanda.

See Document 14, page 161

20 May 1993

The Secretary-General proposes establishment of the United Nations Observer Mission Uganda-Rwanda (UNOMUR) along the Ugandan side of the border.

See Document 15, page 162

9 June 1993

In Arusha, the Government of Rwanda and the RPF sign a Protocol of Agreement on the repatriation of Rwandan refugees and resettlement of displaced persons.

See Document 19, page 169

14 June 1993

The Government of Rwanda transmits to the United Nations a joint request by the Government and the RPF for the stationing of a neutral international force in Rwanda upon the signing of a peace agreement.

See Document 16, page 165

22 June 1993

The Security Council adopts resolution 846 (1993), establishing UNOMUR on the Uganda side of the Uganda-Rwanda border for an initial period of six months.

See Document 17, page 167

4 August 1993

The President of Rwanda and the Chairman of the RPF sign a Peace Agreement in Arusha, by which they agree to the establishment of a 22-month broad-based transitional Government within 37 days and elections by the end of 1995. The Agreement calls for a neutral international force to maintain peace in Rwanda.

See Document 19, page 169

11 August 1993

Reporting on his mission to Rwanda of 8-17 April 1993, the Special Rapporteur on extrajudicial, summary or arbitrary executions details widespread human rights violations, possibly including acts of genocide.

See Document 20, page 202

18 August 1993

UNOMUR's advance team arrives in Uganda.
See Document 25, page 233

19-31 August 1993

The Secretary-General dispatches a reconnaissance mission to Rwanda to assess the possibility of deploying a United Nations force to facilitate implementation of the Arusha Peace Agreement. Its findings, including the need for a United Nations assistance mission in Rwanda, are reported by the Secretary-General on 24 September.

See Document 23, page 221

10 September 1993

When the two sides fail to meet the original deadline set by the Arusha Peace Agreement for establishing a transitional Government, the Security Council urges the Government of Rwanda and the RPF to honour the Arusha accords and cooperate with the NMOG.

See Document 22, page 221

15 September 1993

The Secretary-General meets with a joint delegation of the Government of Rwanda and the RPF at United Nations Headquarters and urges that, pending deployment of an international force, they respect the commitments undertaken in Arusha.

24 September 1993

The Secretary-General presents an operational plan for a United Nations Assistance Mission for Rwanda (UNAMIR), to maintain security while the transitional Government is being set up, and recommends that UNOMUR be integrated into UNAMIR.

See Document 23, page 221

30 September 1993

UNOMUR becomes fully operational at its authorized strength of 81 military observers.

See Document 25, page 233

5 October 1993

The Security Council adopts resolution 872 (1993), authorizing the establishment of UNAMIR for six months and providing that its mandate end following national elections and installation of a new Government, planned for October 1995, or no later than December 1995.

See Document 24, page 231

21 October 1993

A *coup d'état* takes place in Burundi and hundreds of thousands of refugees begin to flee into Rwanda.

22 October 1993

UNAMIR's Force Commander arrives in Kigali, followed on 27 October by an advance party of 21 military personnel.

November 1993

Sixty civilians are brutally killed in attacks in the northern demilitarized zone.

See Document 29, page 237

23 November 1993

The Secretary-General's Special Representative, designated to head UNAMIR, establishes his headquarters in Kigali.

10 December 1993

At a meeting convened by the Secretary-General's Special Representative at Kinihira, the Government of Rwanda and the RPF issue a joint declaration by which they commit themselves to set up a broad-based transitional Government before 31 December 1993.

See Document 29, page 237

20 December 1993

Accepting a recommendation by the Secretary-General, the Security Council adopts resolution 891 (1993), extending UNOMUR's mandate for another six months until 22 June 1994.

See Document 26, page 233; and Document 27, page 235

21 December 1993

The General Assembly adopts resolution 48/211 calling for an intensification of emergency assistance for the socio-economic rehabilitation of Rwanda.

See Document 28, page 236

31 December 1993

The Government of Rwanda and the RPF fail to meet the second target date for establishing the transitional institutions.

1 January 1994

Rwanda becomes a non-permanent member of the Security Council for a two-year term.

5 January 1994

The incumbent head of State, Major-General Juvénal Habyarimana, is sworn in as President of Rwanda. However, establishment of the transitional Government and Transitional National Assembly is again delayed because the parties fail to agree on the composition of these bodies and because of the deteriorating security situation.

6 January 1994

The Security Council adopts resolution 893 (1994), reaffirming approval for deployment of UNAMIR as outlined by the Secretary-General in his 24 September 1993 report on the establishment of UNAMIR, including the early deployment of a second battalion to the demilitarized zone (DMZ).

See Document 23, page 221; and Document 30, page 241

11 January 1994

In a series of communications, the UNAMIR base in Kigali informs United Nations Headquarters in New York of reports that Hutu militia known as the *interahamwe* were formulating a plot to kill large numbers of Tutsis in Kigali using stockpiled weapons. In response, that same day the United Nations Department of Peace-keeping Operations (DPKO) instructs UNAMIR to inform the President of Rwanda and representatives of three Western embassies in Kigali of these reports and to request the President of Rwanda to ensure that these activities be discontinued.

27 January 1994

The Secretary-General writes to the President of Rwanda conveying the strong expectations of the international community that the transitional institutions will be promptly established.

See Document 32, page 242

28 January 1994

As tensions increase in Rwanda, UNAMIR redeploys 200 troops from the northern DMZ to Kigali.

3 February 1994

DPKO authorizes UNAMIR to assist the Government of Rwanda in the recovery of illegal arms.

7, 10 and 13 February 1994

The Secretary-General's Special Representative convenes a series of all-party consultations in Rwanda, at which a new deadline of 14 February is set for establishing the transitional institutions.

17 February 1994

The Security Council, expressing concern that delays in establishing the transitional Government are having adverse effects on the humanitarian situation in Rwanda, calls for the prompt installation of the provisional institutions outlined in the Arusha Peace Agreement.

See Document 33, page 243

18 February 1994

After the parties fail to meet the 14 February target date for establishing the transitional institutions, a new date of 22 February is set.

21 February 1994

An outbreak of violence in Kigali, including the assassination of Rwanda's Public Works Minister, disrupts attempts to meet the new deadline of 22 February for a transitional Government.

25 February–1 March 1994

Successive efforts by the President of Rwanda, the Secretary-General and the Secretary-General's Special Representative fail to break the impasse in establishing the transitional institutions.

18 March 1994

The Prime Minister-designate announces the proposed composition of a broad-based transitional Government.

19 March 1994

The incumbent Prime Minister announces the names of deputies to serve in the Transitional National Assembly, but the list is not acceptable to all parties.

22 March 1994

With a troop strength of 2,539, UNAMIR effectively completes phase one of its operational plan.

See Document 35, page 244

25 March 1994

Despite further initiatives by the Secretary-General's Special Representative, the Tanzanian Foreign Minister and others, the scheduled inauguration of the transitional institutions fails to take place.

30 March 1994

The Secretary-General reports on the deteriorating security situation in Rwanda, particularly in Kigali.

See Document 35, page 244

5 April 1994

The Security Council adopts resolution 909 (1994), conditionally extending UNAMIR's mandate until 29 July 1994.

See Document 36, page 251

6 April 1994

Returning from a regional summit in Dar es Salaam, the Presidents of Burundi and Rwanda are killed in a plane crash just outside Kigali airport, setting off widespread violence, including the murder the following day of Rwanda's Prime Minister, three opposition party leaders and 10 Belgian peace-keepers.

See Document 37, page 253

7 April 1994

The Security Council condemns the horrific acts of violence in Rwanda and appeals to all Rwandans to desist from any actions or threats of violence.

Document 39, page 254

8 April 1994

As RPF units move from the demilitarized zone into Kigali and order collapses in Rwanda, UNAMIR attempts to secure a cease-fire, protect civilians and United Nations staff, and provide humanitarian assistance within the limits of its peace-keeping mandate.

9 April 1994

A self-proclaimed "interim Government" takes office in Rwanda, but the RPF rejects the new Government's proposal for a cease-fire and the massacre of civilians continues.

See Document 43, page 257

12 April 1994

The "interim Government" leaves Kigali as fighting between its forces and the RPF intensifies. About this same time, United Nations humanitarian personnel are evacuated from Kigali.

See Document 48, page 262

12 April 1994

Stating that the continued presence in Rwanda of Belgian peace-keepers would expose them to unacceptable risks, Belgium informs the United Nations of its decision to withdraw the Belgian battalion from UNAMIR without delay.

See Document 44, page 258; and Document 47, page 261

12-19 April 1994

Separate appeals for UNAMIR to remain deployed in Rwanda are addressed to the United Nations by the African Group at the United Nations, the "interim Government" of Rwanda, the OAU and the President of Uganda.

See Document 42, page 256; Document 43, page 257; Document 46, page 260; Document 50, page 266; and Document 51, page 267

15 April 1994

A direct meeting between the "interim Government" and the RPF is held at the initiative of the Special Representative of the Secretary-General.

See Document 48, page 262

15 April 1994

The Foreign Minister of Belgium recommends to the Security Council that UNAMIR be suspended.

See Document 47, page 261

20 April 1994

The Secretary-General presents to the Security Council three options for adjusting UNAMIR's mandate in the light of the highly unstable situation prevailing in Rwanda.

See Document 48, page 262

21 April 1994

The Security Council adopts resolution 912 (1994), adjusting UNAMIR's mandate and authorizing a reduction in its strength.

See Document 52, page 268

23 April 1994

The Under-Secretary-General for Humanitarian Affairs leads a humanitarian team into Kigali, where several of the team remain to establish an advance humanitarian assistance office. Shortly thereafter, the United Nations Rwanda Emergency Office (UNREO) is established in Nairobi to coordinate the work of DHA, the Food and Agriculture Organization of the United Nations (FAO), the United Nations Development Programme (UNDP), UNHCR, the World Food Programme (WFP) and the World Health Organization (WHO).

See Document 95, page 371

25 April 1994

The United Nations launches an emergency "flash appeal" for Rwanda of \$16 million to cover projected emergency needs until 31 May 1994.

29 April 1994

As the RPF advances towards south-east Rwanda, approximately 250,000 Rwandan refugees pour across the Rusumo Falls border into the United Republic of Tanzania in a single day, the most rapid exodus of this scale ever recorded.

29 April 1994

The Secretary-General urges the Security Council to consider what action, including forceful action, could be taken to restore law and order in Rwanda and end the massacres, which have killed an estimated 200,000 people in three weeks.

See Document 54, page 270

30 April 1994

The Security Council condemns the slaughter of civilians in Rwanda and requests that the Secretary-General, in consultation with the OAU Secretary-General, report further on possible action to restore law and order in Rwanda and provide security for displaced persons.

See Document 55, page 271

2 May 1994

The Government of Rwanda urges the Security Council to strengthen UNAMIR and to authorize it to ensure respect for the cease-fire.

See Document 58, page 274

4 May 1994

The United Nations High Commissioner for Human Rights calls for an emergency session of the Commission on Human Rights to address violations of international humanitarian law in Rwanda.

6 May 1994

The Security Council requests that the Secretary-General prepare contingency plans for the delivery of humanitarian assistance to Rwandan refugees.

See Document 60, page 276

11-12 May 1994

The United Nations High Commissioner for Human Rights conducts a mission to Rwanda in response to reports of serious violations of international humanitarian law.

See Document 77, page 313

13 May 1994

The Secretary-General reports that for UNAMIR to provide safe conditions for persons in need and to assist in the provision of humanitarian assistance, the mission would need to be expanded to at least 5,500 troops and be rapidly deployed.

See Document 61, page 277

17 May 1994

The Security Council adopts resolution 918 (1994), expanding UNAMIR to 5,500 troops and mandating it to provide security to displaced persons, refugees and civilians at risk, as well as to support relief efforts. The resolution also imposes an arms embargo on Rwanda.

See Document 62, page 282

Mid-May 1994

UNHCR opens a base office in Kigali and expands its programme monitoring the return of refugees and providing them with direct material assistance.

21 May 1994

The RPF takes over Kigali airport and refuses to relinquish its control to UNAMIR II as called for in resolution 918 (1994).

See Document 64, page 290

22-27 May 1994

The Secretary-General sends a special political mission to Rwanda to try to move the warring parties towards a cease-fire.

See Document 64, page 290

24-25 May 1994

In the third special session in its history, the Commission on Human Rights authorizes the appointment of a Special Rapporteur on Rwanda and calls upon all

parties in Rwanda to cease immediately all violations and abuses of human rights.

See Document 64, page 290; and Document 154, page 569

31 May 1994

The Secretary-General repeats his appeal for urgent deployment of UNAMIR II and recommends that the Security Council authorize the expanded mandate for a period of six months.

See Document 64, page 290

8 June 1994

The Security Council adopts resolution 925 (1994), extending UNAMIR's mandate until 9 December 1994 and authorizing the deployment of additional battalions.

See Document 66, page 300

9-20 June 1994

The Special Rapporteur of the Commission on Human Rights conducts his first field mission to Rwanda and neighbouring States to study possible violations of human rights and breaches of international humanitarian law, including crimes against humanity and genocide.

See Document 154, page 569

16 June 1994

The Secretary-General recommends that the Security Council extend UNOMUR's mandate for three more months until 21 September 1994, by which time the mission would be phased out.

See Document 67, page 302

19 June 1994

The Secretary-General suggests that the Security Council consider France's offer to undertake a multinational operation to assure the security and protection of civilians at risk in Rwanda until UNAMIR II is brought up to strength.

See Document 68, page 304; and Document 70, page 307

20 June 1994

The Security Council adopts resolution 928 (1994), extending UNOMUR's mandate to 21 September 1994 and providing for the mission to be phased out by that date.

See Document 69, page 306

22 June 1994

The Security Council adopts resolution 929 (1994), which authorizes Member States to conduct a multinational operation for humanitarian purposes in Rwanda until UNAMIR is brought up to strength. That same

day in Rwanda, French and Senegalese troops begin Operation Turquoise.
See Document 71, page 308

Late June 1994

As Rwandese government forces weaken, the RPF intensifies its offensive to take control of Kigali and to seize other government-controlled land between the capital and the border with Zaire.

1 July 1994

France informs the United Nations of its intention to organize a safe humanitarian zone in the Cyangugu-Kibuye-Gikongoro triangle in south-western Rwanda.
See Document 73, page 310

1 July 1994

The Security Council adopts resolution 935 (1994), calling on the Secretary-General to establish a Commission of Experts to investigate violations of humanitarian law and possible acts of genocide in Rwanda.
See Document 72, page 309

4 July 1994

Taking over from the Secretary-General's outgoing Special Representative, the newly appointed Special Representative arrives in Kigali. That same day, the RPF takes full control of Kigali.

9 July 1994

Operation Turquoise troops begin deployment into the safe humanitarian zone in south-western Rwanda.

14 July 1994

The Security Council, warning of a pending humanitarian disaster as a result of continued fighting and a massive exodus of the population, demands an immediate cease-fire and urges the resumption of the political process in the framework of the Arusha Peace Agreement.
See Document 74, page 311

14 July 1994

The Secretary-General establishes a trust fund to finance humanitarian relief and rehabilitation programmes.

Mid-July 1994

Over a two-week period, 1.5 million Rwandan refugees cross into Zaire.

15 July 1994

The United Nations High Commissioner for Refugees urgently appeals for supplies as stockpiled relief supplies for half a million people have already run out.

18 July 1994

Having established military control over most of Rwanda, the RPF unilaterally declares a cease-fire, effectively bringing the civil war to an end.

19 July 1994

The RPF forms a Government of National Unity, composed of Tutsis and representatives of a number of Hutu political parties. In Goma, a cholera epidemic breaks out among Rwandan refugees.

22 July 1994

The Secretary-General, launching the United Nations Consolidated Inter-Agency Appeal for victims of the crisis in Rwanda, calls for a \$434.8 million Trust Fund to cover humanitarian requirements for the period July-December 1994.

24-28 July 1994

The Under-Secretary-General for Humanitarian Affairs leads a second mission to Rwanda which effects the relocation of UNREO from Nairobi to Kigali.

26 July 1994

The Commission of Experts is established pursuant to resolution 935 (1994) to examine and analyse information concerning grave violations of humanitarian law committed in Rwanda.

26 July 1994

The Presidents of Rwanda and Zaire issue a joint communiqué stating their agreement to allow refugees to return freely to Rwanda and confirming Zaire's intention to disarm Rwandan military personnel who are in Zaire and to confine them to barracks.
See Document 80, page 323

29-31 July 1994

The Special Rapporteur of the Commission on Human Rights, making a second visit to Rwanda to assess the situation since his preliminary visit in June, urges the deployment of field experts to help in Rwanda's reconstruction and the return of refugees to their homes.
See Document 154, page 569

31 July 1994

France begins the withdrawal of Operation Turquoise.

1 August 1994

The Secretary-General informs the Security Council that the need for reinforcements for UNAMIR II remains urgent.
See Document 81, page 323

2 August 1994

In Geneva, the Under-Secretary-General for Humanitarian Affairs chairs a pledging conference for Rwanda at which \$137 million is pledged towards the \$434.8 million July appeal.

3 August 1994

The Secretary-General, stressing the magnitude of the humanitarian problems confronting Rwanda, reports that the failure of Member States to reinforce the military component of UNAMIR II has severely limited its capacity to reduce the suffering in Rwanda.

See Document 82, page 325

5 August 1994

The OAU adopts a special resolution in which it categorically reaffirms Africa's readiness to contribute troops to UNAMIR II, requests the Secretary-General of the United Nations at least to urgently deploy available troops from Ethiopia, Nigeria and Tunisia by 21 August, and urgently appeals to the international community to provide the necessary logistical support.

See Document 83, page 331

10 August 1994

The Security Council calls on all concerned to facilitate the rapid return of Rwandan refugees and displaced persons to their homes and welcomes the Secretary-General's decision to adapt the tasks of UNAMIR II to the evolving situation.

See Document 84, page 332

10 August 1994

UNAMIR II begins deploying troops in the safe humanitarian zone. That same day, UNDP reopens its office in Kigali and resumes its rehabilitation and development activities.

21 August 1994

UNAMIR II assumes responsibility for security in the safe humanitarian zone as France and other participating countries conclude Operation Turquoise.

25 August 1994

The Security Council acts to allow the presidency of the Council to be held in September 1994 by Spain and decides that the timing of the presidency of the Council by Rwanda will be addressed later.

See Document 86, page 334

26 August 1994

The Secretary-General's Special Representative presents the Rwanda Emergency Normalization Plan, under which priority is given to water, sanitation, electricity generation and communications.

29 August-17 September 1994

The Commission of Experts visits Rwanda and neighbouring countries to investigate evidence of grave violations of international law committed in Rwanda, including possible acts of genocide.

See Document 92, page 345

31 August 1994

The United Nations Emergency Office in Rwanda sends a task force to facilitate the resettlement of refugees.

7-14 September 1994

Experts from the United Nations Centre for Human Settlements (Habitat) and the United Nations Environment Programme (UNEP) conduct a programming mission to Rwanda.

Mid-September 1994

With the concurrence of the Government of Rwanda, the United Nations High Commissioner for Human Rights begins to deploy field officers in Rwanda to help create conditions conducive to the early return of refugees and internally displaced persons.

12-16 September 1994

The Secretary-General's Special Representative visits Zaire and the United Republic of Tanzania to address problems concerning Rwandan refugees. At about the same time, the Secretary-General dispatches a mission to the Central African region to identify measures to strengthen coordination of United Nations humanitarian efforts to deal with the impact of the Rwandan crisis on neighbouring countries.

See Document 93, page 361

28 September 1994

Rwanda contends that UNHCR has made unfounded allegations against the Government and requests that aid for Rwandan refugees be directed inside the country to encourage refugees to return.

See Document 91, page 343

1 October 1994

The interim report of the Commission of Experts concludes that both sides to the armed conflict have perpetrated serious breaches of international humanitarian law in Rwanda, including possible acts of genocide, and recommends that the jurisdiction of the International Tribunal for the former Yugoslavia be expanded to cover international crimes committed in Rwanda from 6 April 1994.

See Document 92, page 345

6 October 1994

The Secretary-General reports that the reinforcement of UNAMIR II in early August has contributed significantly to improvement of the security situation in Rwanda and urges Member States to contribute to the Trust Fund for Rwanda's relief and rehabilitation.
See Document 93, page 361

14 October 1994

The Security Council approves a revised deployment schedule for UNAMIR II to promote security and create conditions conducive to the return of refugees.
See Document 94, page 370

14-25 October 1994

The Special Rapporteur of the Commission on Human Rights makes a third visit to Rwanda and reports on the problems of bringing those responsible for the genocide to justice and the role this will play in re-establishing security and encouraging the return of refugees.
See Document 154, page 569

24 October 1994

Rwanda, Zaire and UNHCR sign a tripartite agreement on the repatriation of refugees.
See Document 96, page 382

8 November 1994

The Security Council adopts resolution 955 (1994), establishing an International Tribunal to prosecute persons responsible for genocide and other violations of international humanitarian law committed in Rwanda between 1 January and 31 December 1994.
See Document 97, page 387

18 November 1994

The Secretary-General reports that conditions are worsening in the camps for Rwandan refugees and outlines three military options to ensure security: a United Nations peace-keeping operation, a United Nations force set up under Chapter VII of the Charter, or a multinational force.
See Document 99, page 395

30 November 1994

The Security Council requests the Secretary-General to consult potential troop contributors concerning their willingness to participate in a possible peace-keeping operation to secure areas within refugee camps.
See Document 102, page 409

30 November 1994

The Security Council adopts resolution 965 (1994), extending UNAMIR II's mandate until 9 June 1995 and expanding the mandate to include contributing to the security in Rwanda of International Tribunal and hu-

man rights personnel and assisting in establishing a new national police force.

See Document 103, page 410

9 December 1994

The Commission of Experts issues its final report, concluding that there is overwhelming evidence that Hutu elements committed genocide against the Tutsi ethnic group.
See Document 107, page 415

19-20 December 1994

The Prosecutor of the International Tribunal conducts his first visit to Rwanda.

29 December 1994

UNAMIR II and UNREO begin Opération Retour to provide security and relief aid to Rwandans returning home.

7 January 1995

A seven-nation regional summit is held in Nairobi during which heads of State urge the Government of Rwanda to increase efforts to encourage the voluntary repatriation of refugees and the Government of Rwanda reiterates its support for the peaceful resettlement of refugees.
See Document 121, page 472

18-19 January 1995

After a UNDP round-table conference is held in Geneva, pledges are received totalling \$598.8 million from bilateral and \$773.2 million from multilateral donors. However, over the next months, donors are slow to implement these pledges.

20 January 1995

The United Nations launches a consolidated Inter-agency Humanitarian Assistance Appeal for Rwanda and the subregion, seeking \$710 million.

25 January 1995

The Secretary-General reports to the Security Council that deployment of a peace-keeping operation to improve security in refugee camps is not feasible and that consequently he has asked UNHCR to negotiate an appropriate arrangement with the Government of Zaire.
See Document 111, page 443

27 January 1995

The Zairian Ministers of Defence and Justice and the UNHCR Special Envoy sign an *aide-mémoire* outlining specific measures to improve security in the refugee camps.
See Document 112, page 449

10 February 1995

The Security Council welcomes the 27 January *aide-mémoire* and urges Member States to provide UNHCR with the resources needed to implement the plan.
See Document 116, page 459

12-13 February 1995

A Security Council mission travels to Rwanda for consultations with the Government on national reconstruction and the problem of the return of refugees, and subsequently issues its recommendations in a report of 28 February 1995.
See Document 121, page 472

15-17 February 1995

The OAU/UNHCR Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region adopts a plan of action focusing on voluntary repatriation of refugees.
See Document 125, page 485

16 February 1995

Radio UNAMIR begins full broadcasts aimed at presenting objective information to Rwandans at home and in refugee camps outside the country.
See Document 124, page 479

22 February 1995

Accepting the recommendation of the Secretary-General, the Security Council adopts resolution 977 (1995), establishing Arusha as the seat of the International Tribunal for Rwanda.
See Document 117, page 460; and Document 119, page 470

27 February 1995

The Security Council adopts resolution 978 (1995), urging States to arrest and detain persons in their territory against whom there is sufficient evidence of responsibility for acts within the jurisdiction of the International Tribunal.
See Document 120, page 471

1 March 1995

The Deputy Prosecutor of the International Tribunal for Rwanda assumes his duties.

9 April 1995

The Secretary-General informs the Security Council that Rwandan officials have requested a review of the United Nations role in Rwanda and that, accordingly, he has asked his Special Representative to discuss with the Government possible adjustments to the mandate of UNAMIR II, due to expire on 9 June 1995.
See Document 124, page 479

14 April 1995

The Secretary-General reports the increasing concern of the Government of Rwanda and of members of the international community about reports of arms shipments into Goma airport in violation of the arms embargo.
See Document 125, page 485

17-18 April 1995

The Government of Rwanda cordons off and closes eight camps for internally displaced persons in the south-western Gikongoro region. Seven of the camps are closed without serious incident.
See Document 129, page 496

22 April 1995

After 80,000 internally displaced persons attempt to break out of the Kibeho camp, a large number of deaths occur from gunfire by government troops, stampeding and machete attacks from within the camp. Within 24 hours, UNAMIR II initiates measures, coordinated with UNREO, United Nations agencies and intergovernmental organizations, to transport camp residents and to treat or evacuate the sick and injured.
See Document 129, page 496

27 April 1995

The President of Rwanda announces the establishment of an Independent International Commission of Inquiry to investigate the outbreak of violence at Kibeho camp, a development welcomed by the Security Council that same day.
See Document 127, page 488; and Document 128, page 490

May 1995

Investigations into human rights violations and acts of genocide are now being conducted by the International Tribunal offices.

18 May 1995

The Independent International Commission of Inquiry issues its report, concluding that the tragedy of Kibeho was neither premeditated nor an accident that could not have been prevented.
See Document 128, page 490

4 June 1995

Reporting that the Government of Rwanda has proposed a more limited role for UNAMIR II, the Secretary-General recommends that the Security Council renew UNAMIR II's mandate to 9 December 1995 and authorize a shift in its mandate 'from peace-keeping to confidence-building'.
See Document 129, page 496

9 June 1995

The Security Council adopts resolution 997 (1995), by which it extends UNAMIR II's mandate until 8 December 1995, authorizes the troop reductions and shift in focus recommended by the Secretary-General on 4 June, and requests the Secretary-General to consult with neighbouring countries on the possible deployment of United Nations military observers to Zaire to help prevent violations of the arms embargo on Rwanda.

See Document 130, page 505

20-28 June 1995

In implementation of resolution 997 (1995), the Secretary-General dispatches a Special Envoy to visit countries neighbouring Rwanda to emphasize the Security Council's great concern over increasing reports of military activities which threaten to destabilize Rwanda and to hold consultations on the possibility of deploying United Nations observers in the area.

See Document 133, page 509

13-14 July 1995

The Secretary-General visits Rwanda and holds detailed discussions with senior officials focusing on national reconciliation and efforts to expedite the repatriation of refugees, the maintenance of security within the country and along its borders, and reconstruction.

See Document 137, page 518

17 July 1995

The Security Council adopts resolution 1005 (1995), deciding to ease the arms embargo to allow explosives to be supplied to Rwanda for mine-clearance programmes.

See Document 134, page 512

16 August 1995

The Security Council adopts resolution 1011 (1995), requesting the Secretary-General to make recommendations on the establishment of a commission to investigate allegations of arms flows to forces of the former Government of Rwanda and, acting under Chapter VII of the Charter, providing that the arms embargo against Rwanda would be lifted with conditions until 1 September and then terminated on that date, while sanctions would continue against non-government forces.

See Document 139, page 525

17 August 1995

The Prime Minister of Zaire informs the Secretary-General that his Government intends to relocate Rwandan and Burundian refugees within its territory to other countries.

See Document 140, page 527

19 August 1995

According to UNHCR reports, Zairian authorities forcibly repatriate 181 Rwandan refugees from Goma to Rwanda.

See Document 141, page 528

23 August 1995

Following reports that more than 15,000 Rwandan and Burundian refugees have now been expelled from Zaire, the Security Council calls on the Government of Zaire to reconsider and halt its declared policy of forcible repatriation.

See Document 142, page 528

24 August 1995

Zaire ends its programme of forcible repatriation.

31 August 1995

The Secretary-General reports to the Security Council that a mission he sent that month to address the crisis of prison conditions in Rwanda has developed a strategy to facilitate the provision of humanitarian assistance to prisoners, to expand prison capacity and to assist the Government in strengthening its justice system.

See Document 145, page 532

31 August–7 September 1995

The United Nations High Commissioner for Refugees visits Burundi, Rwanda, the United Republic of Tanzania and Zaire and receives each Government's commitment to expedite the safe, accelerated, organized and voluntary return of Rwandan refugees.

See Document 150, page 543

7 September 1995

Acting on recommendations by the Secretary-General, the Security Council adopts resolution 1013 (1995), calling for the establishment of an international commission of inquiry to investigate allegations that arms are being supplied to forces of the former Government of Rwanda in violation of the arms embargo.

See Document 144, page 531; and Document 146, page 534

9 September 1995

1,200 former members of the Rwandese Government forces are formally integrated into the Rwanda Patriotic Army (RPA), bringing to 2,000 the number of former government troops now serving in the RPA.

See Document 150, page 543

12 September 1995

After 110 villagers are killed at Kanama, the Government immediately acknowledges excesses by the RPA and promises punishment of the guilty.

See Document 150, page 543

25 September 1995

Meeting for the first time since its creation in October 1994, the Tripartite Commission involving Zaire, Rwanda and UNHCR issues a joint communiqué affirming specific commitments to create conditions for repatriation of refugees to Rwanda in a safe and organized manner. A total of 32,190 refugees return to Rwanda during September and October, mainly in UNHCR-organized convoys.

See Document 150, page 543; and Document 159, page 602

7 October 1995

With UNAMIR II's mandate due to expire on 8 December 1995, the Secretary-General calls on the Government of Rwanda and the international community to give serious consideration to the future role of the United Nations in Rwanda and informs the Security Council that he has instructed his Special Representative to study the possibility of a substantial troop reduction.

See Document 150, page 543

17 October 1995

The Security Council welcomes progress made by the Government of Rwanda in the reconciliation process, expresses concern about uncontrolled arms flows, cross-border infiltrations and the appalling situation in Rwandan prisons and underlines the need for the voluntary return of all refugees.

See Document 151, page 550

30 October 1995

Responding to a request contained in resolution 1011 (1995), the Secretary-General reports that, according to the Special Envoy he sent to study the possibility of convening a regional conference on security, stability and development in the Great Lakes region, the OAU and most Governments support such a conference, but Rwanda is strongly opposed and Uganda has reservations.

See Document 153, page 568

4 November–16 December 1995

Members of the International Commission of Inquiry visit Kenya, Rwanda and Zaire to gather evidence on possible violations of the arms embargo.

See Document 169, page 656

29 November 1995

At a regional summit held in Cairo, the heads of State of Burundi, Rwanda, Uganda and Zaire and a representative from the United Republic of Tanzania pledge not to allow their territory to be used by armed groups to launch attacks against other parties to the Declara-

tion and to prevent delivery of weapons and military training among refugees.

1 December 1995

After the Government of Rwanda indicates it will not agree to an extension of UNAMIR II's mandate beyond 8 December 1995, the Secretary-General informs the Security Council that he will initiate a draw-down of UNAMIR II as of that date, and he recommends the establishment of a United Nations political office in Rwanda.

See Document 159, page 602

8 December 1995

The Security Council adopts resolution 1028 (1995), extending, as a procedural matter, the UNAMIR II mandate until 12 December 1995.

See Document 160, page 609

12 December 1995

The Security Council adopts resolution 1029 (1995), extending UNAMIR II's mandate for a final time until 8 March 1996, reducing its strength and adjusting its mandate to enable the mission to support efforts to restore peace and stability.

See Document 161, page 610

12 December 1995

The International Tribunal for Rwanda issues its first indictment.

See Document 168, page 650

22 December 1995

The General Assembly adopts resolution 50/58 L, calling on the international community to continue to support Rwanda's rehabilitation process and to translate these pledges into urgent concrete assistance.

See Document 163, page 613

22 December 1995

The General Assembly adopts resolution 50/200, calling on the Government of Rwanda to intensify efforts to protect and promote respect for human rights and condemning all violence and intimidation against persons in refugee camps in neighbouring countries.

See Document 164, page 614

5-12 January 1996

Members of the International Commission of Inquiry visit camps in the Kivu Province of Zaire but, after Zairian authorities demand a modification of the Commission's procedures, the delegation considers it has no alternative but to depart.

See Document 166, page 618

8 January 1996

The International Tribunal for Rwanda holds its first plenary session in Arusha.

18-19 January 1996

The Special Rapporteurs on the situation of human rights in Burundi, Rwanda and Zaire, respectively, hold a coordination meeting in Geneva.

See Document 173, page 661

19 January 1996

The International Tribunal for Rwanda charges two persons in the custody of Zambian authorities with having committed genocide and crimes against humanity.

26 January 1996

In transmitting to the Security Council the interim report of the International Commission of Inquiry detailing the investigations it has conducted thus far, the Secretary-General states that, unless substantial progress can soon be made towards resolving some of the difficulties encountered by the Commission, he intends to request it to submit its final report by the end of February 1996.

See Document 166, page 618

13 February 1996

Responding to the Secretary-General's letter of 17 January concerning the International Commission of Inquiry, the Security Council writes to him underlining the importance it attaches to the work of the Commission and emphasizing the need for Governments to respond to the Commission's inquiries.

See Document 172, page 661

29 February 1996

In his final report on UNAMIR II, the Secretary-General suggests three possible options for a future United Nations presence in Rwanda.

See Document 175, page 665

1 March 1996

The Minister for Foreign Affairs and Cooperation of Rwanda informs the Secretary-General that his Government accepts the establishment of a United Nations political office for a period of six months.

See Document 176, page 672

8 March 1996

The Security Council adopts resolution 1050 (1996), encouraging the Secretary-General to maintain in

Rwanda a United Nations office to support the efforts of the Government to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure.

See Document 177, page 674

9 March 1996

UNAMIR II begins its withdrawal from Rwanda.

14 March 1996

The International Commission of Inquiry submits its final report, concluding that it is highly probable that during June 1994 officials of the Government of Seychelles, negotiating with a South African national, authorized weapons shipments via Air Zaire aircraft to forces of the former Government of Rwanda in violation of the arms embargo.

See Document 178, page 676

19 April 1996

UNAMIR II completes its withdrawal from Rwanda.

See Document 185, page 709

23 April 1996

The Security Council adopts resolution 1053 (1996), requesting the Secretary-General to maintain the Commission of Inquiry to follow up its earlier investigation and to stand ready to pursue any further allegation of violations of the arms embargo, and urging all States to prevent the provision of military training and weapons to militia groups or forces of the former Government of Rwanda.

See Document 186, page 713

24 April 1996

The Government of Rwanda agrees to the establishment of a United Nations Office in Rwanda (UNOR).

30 May 1996

The International Tribunal for Rwanda arraigns two defendants on charges including genocide, murder and crimes against humanity and sets their respective trial dates for the autumn.

31 May 1996

The Security Council approves the establishment of the United Nations Office in Rwanda (UNOR) for an initial period of six months.

See Document 188, page 716

II List of reproduced documents

The documents reproduced on pages 149-716 include resolutions of the General Assembly and of the Security Council, statements by the President of the Security Council, reports and letters of the Secretary-General, reports on human rights and humanitarian assistance, communications from Rwanda and other States Members of the United Nations, communications from regional organizations and other materials.

1992

Document 1

Letter dated 28 July 1992 from the Secretary-General to the President of Rwanda, General Juvénal Habyarimana, welcoming the cease-fire agreement signed by the Government of Rwanda and the Rwandese Patriotic Front (RPF) on 14 July 1992.

Not issued as a United Nations document.

See page 149

Document 2

Letter dated 6 August 1992 from the Secretary-General of the Organization of African Unity (OAU), Salim Ahmed Salim, to the Secretary-General of the United Nations concerning implementation of the 14 July 1992 cease-fire agreement.

Not issued as a United Nations document.

See page 149

Document 3

Letter dated 13 August 1992 from the Secretary-General of the United Nations to the Secretary-General of the Organization of African Unity expressing full support and cooperation for OAU efforts to help achieve a comprehensive and lasting peace in Rwanda.

Not issued as a United Nations document.

See page 151

1993

Document 4

Letter dated 22 February 1993 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council, requesting establishment of a United Nations observer force on the Uganda side of the border with Rwanda.

S/25356, 3 March 1993

See page 151

Document 5

Letter dated 28 February 1993 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, requesting circulation of his letter of 22 February 1993 requesting deployment of United Nations military observers to the Rwanda-Uganda border.

S/25355, 3 March 1993

See page 152

Document 6

Letter from the Chargé d'affaires a.i. of the Permanent Mission of Rwanda to the United Nations addressed to the President of the Security Council, requesting an immediate meeting of the Council and transmitting the N'sele cease-fire agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front as amended at Gbadolite, 16 September 1991, and at Arusha, 12 July 1992; the Declaration of cease-fire issued by the Rwandese Patriotic Front, 21 February 1993; and the Declaration by the Government of Rwanda on the restoration of the cease-fire, 22 February 1993.

S/25363, 4 March 1993

See page 153

Document 7

Note verbale from the Permanent Mission of Rwanda to the United Nations addressed to the Secretary-General, transmitting the joint communiqué issued at the end of the meeting held in Dar es Salaam from 5 to 7 March 1993 between the Government of Rwanda and the Rwandese Patriotic Front. [The joint communiqué was also transmitted by the Permanent Representative of Senegal to the United Nations to the Secretary-General by a letter dated 10 March 1993 (S/25401, 11 March 1993).]

S/25385, 9 March 1993

See page 154

Document 8

Security Council resolution calling on the Government of Rwanda and the Rwandese Patriotic Front to respect the cease-fire effective 9 March 1993 and inviting the Secretary-General both to examine in consultation with the Organization of African Unity what contribution the United Nations could make to the peace process in Rwanda and to examine the request by Rwanda and Uganda for the deployment of observers at their common border.

S/RES/812 (1993), 12 March 1993

See page 156

Document 9

Letter dated 29 March 1993 from the Secretary-General of the Organization of African Unity to the Secretary-General of the United Nations concerning cooperation between the United Nations and the OAU pursuant to Security Council resolution 812 (1993).

Not issued as a United Nations document.

See page 158

Document 10

Letter dated 1 April 1993 from the Secretary-General of the United Nations to the Secretary-General of the Organization of African Unity concerning cooperation between the United Nations and the OAU pursuant to resolution 812 (1993).

Not issued as a United Nations document.

See page 159

Document 11

Letter dated 8 April 1993 from the Secretary-General of the Organization of African Unity to the Secretary-General of the United Nations concerning the task of monitoring the cease-fire in Rwanda.

Not issued as a United Nations document.

See page 159

Document 12

Letter from the Secretary-General to the President of the Security Council proposing to strengthen the goodwill mission to Rwanda by adding three military observers.

S/25561, 8 April 1993

See page 160

Document 13

Letter from the President of the Security Council to the Secretary-General approving his proposal of 8 April 1993 (S/25561).

S/25592, 13 April 1993

See page 161

Document 14

Letter dated 18 May 1993 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council, expressing no objection to the deployment of a United Nations monitoring team on the Uganda side of the Uganda-Rwanda border.

S/25797, 19 May 1993

See page 161

Document 15

Interim report of the Secretary-General on Rwanda, recommending the establishment of a United Nations Observer Mission Uganda-Rwanda (UNOMUR).

S/25810, 20 May 1993, and addendum: S/25810/Add.1, 2 June 1993

See page 162

Document 16

Letter dated 14 June 1993 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, transmitting a joint request by the Government of Rwanda and the RPF concerning the stationing of a neutral international force in Rwanda.

S/25951, 15 June 1993

See page 165

Document 17

Security Council resolution establishing the United Nations Observer Mission Uganda-Rwanda (UNOMUR), to be deployed on the Ugandan side of the Uganda-Rwanda border for an initial period of six months.

S/RES/846 (1993), 22 June 1993

See page 167

Document 18

Letter dated 10 August 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Rwanda to the United Nations addressed to the Secretary-General, transmitting a letter dated 3 August 1993 from the President of Rwanda on the signing of the Arusha Peace Agreement.

A/48/308-S/26295, 12 August 1993

See page 168

Document 19

Letter from the Permanent Representative of the United Republic of Tanzania to the United Nations addressed to the Secretary-General, transmitting the Peace Agreement signed at Arusha on 4 August 1993, the N'sele cease-fire agreement and related Protocols of Agreement.

A/48/824-S/26915, 23 December 1993

See page 169

Document 20

Report by the Special Rapporteur on extrajudicial, summary or arbitrary executions on his mission to Rwanda, 8-17 April 1993, including as annex II the statement of 7 April 1993 of the Government of Rwanda concerning the final report of the independent International Commission of Inquiry on human rights violations in Rwanda since 1 October 1990.

E/CN.4/1994/7/Add.1, 11 August 1993

See page 202

Document 21

Further report of the Secretary-General on Rwanda, concerning the Arusha Peace Agreement and the possible role of the United Nations in its implementation.

S/26350, 24 August 1993

See page 217

Document 22

Statement by the President of the Security Council urging the Government of Rwanda and the RPF to honour the Arusha Peace Agreement.

S/26425, 10 September 1993

See page 221

Document 23

Report of the Secretary-General on Rwanda, requesting establishment of a United Nations Assistance Mission for Rwanda (UNAMIR) and the integration of UNOMUR into UNAMIR.

S/26488, 24 September 1993, and addendum: S/26488/Add.1, 29 September 1993

See page 221

Document 24

Security Council resolution establishing UNAMIR for a six-month period and approving the integration of UNOMUR into UNAMIR.

S/RES/872 (1993), 5 October 1993

See page 231

Document 25

Report of the Secretary-General on UNOMUR for the period from 22 June to 22 October 1993.

S/26618, 22 October 1993

See page 233

Document 26

Second report of the Secretary-General on UNOMUR for the period from 22 October to 15 December 1993.

S/26878, 15 December 1993

See page 233

Document 27

Security Council resolution extending the mandate of UNOMUR for a period of six months.

S/RES/891 (1993), 20 December 1993

See page 235

Document 28

General Assembly resolution on emergency assistance for the socio-economic rehabilitation of Rwanda.

A/RES/48/211, 21 December 1993

See page 236

Document 29

Report of the Secretary-General on UNAMIR.

S/26927, 30 December 1993

See page 237

1994**Document 30**

Security Council resolution reaffirming approval for deployment of UNAMIR as outlined in the Secretary-General's report of 24 September 1994 (S/26488 and S/26488/Add.1), including the early deployment of a second battalion to the demilitarized zone (DMZ).

S/RES/893 (1994), 6 January 1994

See page 241

Document 31

Letter dated 6 January 1994 from the President of Rwanda to the Secretary-General concerning delays in establishing the transitional institutions outlined in the Arusha Peace Agreement.

Not issued as a United Nations document.

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Document 32

Letter dated 27 January 1994 from the Secretary-General to the President of Rwanda expressing concern over delays in establishing a transitional Government and national assembly in Rwanda.

Not issued as a United Nations document.

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Document 33

Statement by the President of the Security Council expressing concern over delays in establishing a transitional Government and the deteriorating security situation in Rwanda.

S/PRST/1994/8, 17 February 1994

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Document 34

Letter dated 14 March 1994 from the Minister for Foreign Affairs of Belgium to the Secretary-General expressing concern that the worsening situation in Rwanda may impede UNAMIR's capacity to fulfil its mandate.

Not issued as a United Nations document.

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Document 35

Second progress report of the Secretary-General on UNAMIR for the period from 30 December 1993 to 30 March 1994, requesting an extension of its mandate for a period of six months.

S/1994/360, 30 March 1994

See page 244

Document 36

Security Council resolution regretting the delay in implementing the Arusha Peace Agreement and extending UNAMIR's mandate until 29 July 1994.

S/RES/909 (1994), 5 April 1994

See page 251

Document 37

Letter from the Chargé d'affaires a.i. of the Permanent Mission of the United Republic of Tanzania to the United Nations addressed to the Secretary-General, transmitting a communiqué issued at a regional summit meeting held at Dar es Salaam on 6 April 1994.

S/1994/406, 7 April 1994

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Document 38

Statement by the Secretary-General expressing grief over the deaths of the Presidents of Burundi and Rwanda.

UN Press Release SG/SM/5259, 7 April 1994

See page 254

Document 39

Statement by the President of the Security Council regretting the deaths of the Presidents of Rwanda and Burundi and condemning all acts of violence in Rwanda, particularly the deaths of 10 Belgian peace-keepers.

S/PRST/1994/16, 7 April 1994

See page 254

Document 40

Statement by the Secretary-General condemning all violent acts in Rwanda, particularly the killing of the Prime Minister and of 10 Belgian peace-keepers.

UN Press Release SG/SM/5260, 8 April 1994

See page 255

Document 41

Letter dated 8 April 1994 from the Secretary-General to the President of the Security Council concerning the role of UNAMIR in the crisis situation in Rwanda.

Not issued as a United Nations document.

See page 255

Document 42

Letter from the Permanent Representative of Cameroon to the United Nations addressed to the President of the Security Council, transmitting a statement of the African Group at the United Nations, dated 11 April 1994, concerning the situation in Rwanda.

S/1994/420, 12 April 1994

See page 256

Document 43

Letter from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, transmitting a note from the Minister for Foreign Affairs and Cooperation of Rwanda explaining the political situation in Rwanda since the assassination of its President on 6 April 1994.

S/1994/428, 13 April 1994

See page 257

Document 44

Letter from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council, stating the view of the Belgian Government that it is imperative to suspend the activities of UNAMIR forces without delay.

S/1994/430, 13 April 1994

See page 258

Document 45

Letter dated 13 April 1994 from the Secretary-General to the President of the Security Council concerning developments which may necessitate the withdrawal of UNAMIR.

Not issued as a United Nations document.

See page 259

Document 46

Letter from the Executive Secretary of the Organization of African Unity to the President of the Security Council transmitting a letter from the OAU Secretary-General and a statement by the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution.

S/1994/440, 14 April 1994

See page 260

Document 47

Letter from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council, transmitting similar letters dated 15 April 1994 to the President of the Security Council and to the Secretary-General from the Deputy Prime Minister and Minister for Foreign Affairs of Belgium recommending the suspension of UNAMIR and conveying the decision of the Belgian Government to immediately withdraw the Belgian battalion.

S/1994/446, 15 April 1994

See page 262

Document 48

Special report of the Secretary-General on UNAMIR, containing a summary of the developing crisis in Rwanda and proposing three options for the role of the United Nations in Rwanda.

S/1994/470, 20 April 1994

See page 262

Document 49

Letter from the Permanent Representative of Bangladesh to the United Nations addressed to the President of the Security Council, assessing the risks to Bangladeshi troops serving in UNAMIR.

S/1994/481, 21 April 1994

See page 265

Document 50

Letter dated 21 April 1994 from the Secretary-General of the Organization of African Unity to the Secretary-General of the United Nations expressing concern over the possible withdrawal of UNAMIR from Rwanda.

Not issued as a United Nations document.

See page 266

Document 51

Letter from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council, conveying an appeal by the President of Uganda that UNAMIR maintain its presence in Rwanda.

S/1994/479, 21 April 1994

See page 267

Document 52

Security Council resolution adjusting UNAMIR's mandate and authorizing a reduction in its strength.

S/RES/912 (1994), 21 April 1994

See page 268

Document 53

Letter dated 27 April 1994 from the Secretary-General of the United Nations to the Secretary-General of the Organization of African Unity concerning the adjustment to UNAMIR's mandate.

Not issued as a United Nations document.

See page 269

Document 54

Letter from the Secretary-General to the President of the Security Council requesting that the Council re-examine the revised mandate given to UNAMIR in resolution 912 (1994) and consider what action it could take in order to restore law and order in Rwanda and end the massacres.

S/1994/518, 29 April 1994

See page 270

Document 55

Statement by the President of the Security Council condemning the slaughter of civilians in Kigali and other parts of Rwanda.

S/PRST/1994/21, 30 April 1994

See page 271

Document 56

Letter from the Chargé d'affaires a.i. of the Permanent Mission of the United Republic of Tanzania to the United Nations addressed to the President of the Security Council, transmitting a statement by the Tanzanian President, dated 1 May 1994, on the situation in Rwanda.

S/1994/527, 2 May 1994

See page 272

Document 57

Letter dated 2 May 1994 from the Secretary-General of the United Nations to the Secretary-General of the Organization of African Unity concerning requests to African countries for support in restoring law and order in Rwanda.

Not issued as a United Nations document.

See page 274

Document 58

Letter dated 2 May 1994 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, urging the strengthening of UNAMIR and other steps to help stabilize the situation in Rwanda.

S/1994/531, 3 May 1994

See page 274

Document 59

Letter from the Secretary-General to the President of the Security Council informing the Council that the Secretary-General has requested the OAU Secretary-General and leaders of African countries which previously contributed troops to United Nations military operations to consider ways in which they could assist in the restoration of law and order in Rwanda.

S/1994/530, 3 May 1994

See page 276

Document 60

Letter from the President of the Security Council to the Secretary-General requesting that he provide contingency plans for the delivery of humanitarian assistance and support for displaced persons in Rwanda.

S/1994/546, 6 May 1994

See page 276

Document 61

Report of the Secretary-General on the situation in Rwanda, noting that for UNAMIR to provide safe conditions for persons in need and to assist in the provision of humanitarian assistance, the mission would need to be expanded to at least 5,500 troops and be rapidly deployed.

S/1994/565, 13 May 1994

See page 277

Document 62

Security Council resolution expanding UNAMIR to 5,500 troops and mandating UNAMIR II to provide security to displaced persons, refugees and civilians at risk and to support relief efforts, and imposing an arms embargo on Rwanda.

S/RES/918 (1994), 17 May 1994

See page 282

Document 63

Report of the United Nations High Commissioner for Human Rights on his mission to Rwanda of 11-12 May 1994.

E/CN.4/S-3/3, 19 May 1994

See page 285

Document 64

Report of the Secretary-General on the situation in Rwanda, reporting on the political mission he sent to Rwanda to move the warring parties towards a cease-fire and recommending that the expanded mandate for UNAMIR be authorized for an initial period of six months.

S/1994/640, 31 May 1994

See page 290

Document 65

Letter dated 8 June 1994 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, transmitting a note verbale dated 1 June 1994 from the Ministry of Foreign Affairs and Cooperation of Rwanda concerning the situation in Rwanda.

S/1994/691, 9 June 1994

See page 299

Document 66

Security Council resolution extending the mandate of UNAMIR until 9 December 1994 and authorizing deployment of two additional battalions.

S/RES/925 (1994), 8 June 1994

See page 300

Document 67

Second progress report of the Secretary-General on UNOMUR for the period from 22 December 1993 to 21 June 1994, recommending that its mandate be extended for three months until 21 September 1994 and that the mission be phased out by that date.

S/1994/715, 16 June 1994

See page 302

Document 68

Letter dated 19 June 1994 from the Secretary-General to the President of the Security Council, suggesting that the Council consider France's offer to undertake a multinational operation to assure the security and protection of civilians at risk in Rwanda until UNAMIR is brought up to strength.

S/1994/728, 20 June 1994

See page 304

Document 69

Security Council resolution extending the mandate of UNOMUR to 21 September 1994 and providing for the mission's phase-out by that date.

S/RES/928 (1994), 20 June 1994

See page 306

Document 70

Letter dated 20 June 1994 from the Permanent Representative of France to the United Nations addressed to the Secretary-General, requesting adoption of a resolution under Chapter VII of the Charter as a legal framework for the deployment of a multinational force to maintain a presence in Rwanda until the expanded UNAMIR is deployed.

S/1994/734, 21 June 1994

See page 307

Document 71

Security Council resolution, invoking Chapter VII of the Charter, authorizing Member States to conduct a multinational operation for humanitarian purposes in Rwanda until UNAMIR is brought up to strength.

S/RES/929 (1994), 22 June 1994

See page 308

Document 72

Security Council resolution requesting the Secretary-General to establish a Commission of Experts to examine information on grave violations of international humanitarian law and possible acts of genocide in Rwanda.

S/RES/935 (1994), 1 July 1994

See page 309

Document 73

Letter dated 2 July 1994 from the Secretary-General to the President of the Security Council, transmitting a letter from the Permanent Representative of France to the United Nations dated 1 July 1994 concerning the establishment of a safe humanitarian zone in Rwanda.

S/1994/798, 6 July 1994

See page 310

Document 74

Statement by the President of the Security Council expressing alarm over the massive exodus of the Rwandan civilian population and demanding an immediate cease-fire and the resumption of the political process in the context of the Arusha Peace Agreement.

S/PRST/1994/34, 14 July 1994

See page 311

Document 75

Letter dated 17 July 1994 from the Chargé d'affaires a.i. of the Permanent Mission of France to the United Nations addressed to the President of the Security Council, reporting on the deteriorating situation in Rwanda and in Goma, Zaire.

S/1994/834, 18 July 1994

See page 312

Document 76

Letter dated 19 July 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Zaire to the United Nations addressed to the President of the Security Council, reporting armed incidents involving the Rwandese Patriotic Front (RPF) in the town of Goma.

S/1994/861, 22 July 1994

See page 312

Document 77

Letter dated 21 July 1994 from the Secretary-General to the President of the Security Council transmitting the report on violations of international humanitarian law in Rwanda during the conflict, prepared on the basis of the visit of the United Nations High Commissioner for Human Rights to Rwanda (11-12 May 1994).

S/1994/867, 25 July 1994

See page 313

Document 78

Opening address by the Secretary-General launching the United Nations inter-agency appeal for victims of the crisis in Rwanda.

UN Press Release SG/SM/5375-IHA/528, 22 July 1994

See page 319

Document 79

Report of the Secretary-General on the establishment of the Commission of Experts on Rwanda pursuant to resolution 935 (1994).

S/1994/879, 26 July 1994

See page 321

Document 80

Letter dated 28 July 1994 from the Permanent Representative of Mauritius to the United Nations addressed to the Secretary-General, transmitting the joint communiqué on Rwanda issued on 26 July 1994 by the Presidents of Rwanda and Zaire during their meeting in Mauritius.

S/1994/901, 30 July 1994

See page 323

Document 81

Letter dated 1 August 1994 from the Secretary-General to the President of the Security Council reporting his urgent request to Governments to provide the reinforcements and equipment necessary to bring UNAMIR to the strength authorized by the Council in resolution 918 (1994).

S/1994/923, 3 August 1994

See page 323

Document 82

Report of the Secretary-General on the situation in Rwanda, indicating that the failure of Member States to reinforce the military component of UNAMIR has severely limited the mission's capacity to reduce human suffering in Rwanda.

S/1994/924, 3 August 1994

See page 325

Document 83

Letter dated 5 August 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Tunisia to the United Nations addressed to the President of the Security Council, transmitting a special resolution of the Central Organ of the Organization of African Unity, on the deployment of African troops in Rwanda with UNAMIR II.

S/1994/945, 9 August 1994

See page 331

Document 84

Statement by the President of the Security Council calling on all concerned to facilitate the rapid return of refugees and displaced persons to their homes and reaffirming that the Arusha Peace Agreement constitutes a basis for promoting national reconciliation in Rwanda.

S/PRST/1994/42, 10 August 1994

See page 332

Document 85

Letter dated 15 August 1994 from the Prime Minister of Zaire, Kengo wa Dondo, to the Secretary-General concerning refugees from Rwanda in Zaire.

Not issued as a United Nations document.

See page 333

Document 86

Statement by the President of the Security Council concerning the postponement of Rwanda's presidency of the Council.

S/PRST/1994/48, 25 August 1994

See page 334

Document 87

Letter dated 9 September 1994 from the Secretary-General to the Prime Minister of Zaire concerning efforts to address the situation of Rwandan refugees in Zaire.

Not issued as a United Nations document.

See page 334

Document 88

Statement by the President of the Security Council announcing that Rwanda will hold the presidency of the Council in December 1994.

S/PRST/1994/55, 16 September 1994

See page 335

Document 89

Third progress report of the Secretary-General on UNOMUR for the period from 16 June 1994 to 19 September 1994.

S/1994/1073, 19 September 1994

See page 335

Document 90

Update on the Rwanda emergency by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees.

A/AC.96/825/Add.1, 26 September 1994

See page 337

Document 91

Letter dated 28 September 1994 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, transmitting a statement dated 28 September 1994 of the Government of Rwanda on the establishment of an International Tribunal for the prosecution of persons responsible for genocide and other serious violations of international humanitarian law in relation to Rwanda.

S/1994/1115, 29 September 1994

See page 343

Document 92

Letter dated 1 October 1994 from the Secretary-General to the President of the Security Council transmitting the interim report of the Commission of Experts on the evidence of grave violations of international humanitarian law in Rwanda, including possible acts of genocide.

S/1994/1125, 4 October 1994

See page 345

Document 93

Progress report of the Secretary-General on UNAMIR for the period from 3 August to 6 October 1994.

S/1994/1133, 6 October 1994

See page 361

Document 94

Statement by the President of the Security Council approving the revised deployment schedule for UNAMIR II.

S/PRST/1994/59, 14 October 1994

See page 370

Document 95

Report of the Secretary-General to the General Assembly on emergency assistance for the socio-economic rehabilitation of Rwanda.

A/49/516, 14 October 1994

See page 371

Document 96

Letter dated 15 November 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Zaire to the United Nations addressed to the Secretary-General, transmitting the Tripartite agreement of 24 October 1994 between Rwanda, Zaire and UNHCR on the repatriation of Rwandan refugees and the joint communiqué of 24 October 1994 by the Prime Ministers of Zaire and Rwanda.

S/1994/1305, 17 November 1994

See page 382

Document 97

Security Council resolution establishing an International Tribunal to prosecute those responsible for genocide and other serious violations of international humanitarian law committed in Rwanda between 1 January 1994 and 31 December 1994.

S/RES/955 (1994), 8 November 1994

See page 387

Document 98

Letter dated 14 November 1994 from the Minister for Foreign Affairs of Canada to the Secretary-General concerning the worsening security situation in camps for Rwandan refugees.

Not issued as a United Nations document.

See page 394

Document 99

Report of the Secretary-General outlining three options for a possible peace-keeping operation to enhance security in camps for Rwandan refugees.

S/1994/1308, 18 November 1994

See page 395

Document 100

Progress report of the Secretary-General on UNAMIR for the period from 7 October to 25 November 1994, recommending the extension of UNAMIR's mandate to 9 June 1995.

S/1994/1344, 25 November 1994

See page 401

Document 101

Letter dated 30 November 1994 from the Secretary-General to the Minister for Foreign Affairs of Canada concerning efforts to improve security in the camps for Rwandan refugees and to promote rehabilitation and reconstruction in Rwanda.

Not issued as a United Nations document.

See page 408

Document 102

Statement by the President of the Security Council on the situation of Rwandan refugees.

S/PRST/1994/75, 30 November 1994

See page 409

Document 103

Security Council resolution extending UNAMIR's mandate until 9 June 1995 and expanding the mandate to include contributing to the security in Rwanda of International Tribunal and human rights personnel and assisting in establishing a new national police force.

S/RES/965 (1994), 30 November 1994

See page 410

Document 104

General Assembly resolution on emergency international assistance for a solution to the problem of refugees, the restoration of total peace, reconstruction and socio-economic development in war-stricken Rwanda.

A/RES/49/23, 2 December 1994

See page 411

Document 105

General Assembly resolution on special assistance to countries receiving refugees from Rwanda.

A/RES/49/24, 2 December 1994

See page 413

Document 106

Letter dated 8 December 1994 from the President of Ireland, Mary Robinson, to the Secretary-General concerning the President's visit to the Great Lakes region (12-13 October 1994).

Not issued as a United Nations document.

See page 413

Document 107

Letter from the Secretary-General to the President of the Security Council transmitting the final report of the Commission of Experts.

S/1994/1405, 9 December 1994

See page 415

Document 108

General Assembly resolution on the situation of human rights in Rwanda, requesting that the Secretary-General take steps to ensure the deployment of human rights field officers.

A/RES/49/206, 23 December 1994

See page 438

1995**Document 109**

Letter dated 6 January 1995 from the Secretary-General to the President of Ireland concerning measures to encourage the return of Rwandan refugees.

Not issued as a United Nations document.

See page 441

Document 110

Letter dated 17 January 1995 from the Secretary-General to the Prime Minister of Zaire concerning the cooperation of the Government of Zaire in enhancing security in Rwandan refugee camps (a similar letter was addressed by the Secretary-General to the President of Tanzania, Ali Hassan Mwinyi, on 23 January 1995).

Not issued as a United Nations document.

See page 442

Document 111

Second report of the Secretary-General on security in the Rwandan refugee camps, indicating that deployment of a United Nations peace-keeping operation to enhance camp security does not appear feasible.

S/1995/65, 25 January 1995

See page 443

Document 112

Letter dated 1 February 1995 from the Secretary-General to the President of the Security Council reporting that on 27 January 1995 UNHCR and the Government of Zaire signed an *aide-mémoire* outlining specific measures for improving camp security.

S/1995/127, 9 February 1995

See page 449

Document 113

Progress report of the Secretary-General on UNAMIR for the period from 25 November 1994 to 6 February 1995, reporting on the steps taken by the Government of Rwanda towards national reconciliation.

S/1995/107, 6 February 1995, and addendum: S/1995/107/Add.1, 16 February 1995

See page 450

Document 114

Note by the President of the Security Council indicating that the Security Council has decided to send a mission of Council members to Burundi and Rwanda.

S/1995/112, 6 February 1995

See page 457

Document 115

Letter from the President of the Security Council to the Secretary-General concerning the increase in UNAMIR's civilian police component from 90 to 120.

S/1995/130, 10 February 1995

See page 458

Document 116

Statement by the President of the Security Council welcoming the *aide-mémoire* of 27 January 1995 signed by UNHCR and Zaire and requesting the Secretary-General to make further recommendations for ensuring security in the refugee camps.

S/PRST/1995/7, 10 February 1995

See page 459

Document 117

Comprehensive report of the Secretary-General on practical arrangements for the effective functioning of the International Tribunal for Rwanda, recommending Arusha as the seat of the Tribunal.

S/1995/134, 13 February 1995

See page 460

Document 118

Note on the mission to Rwanda conducted from 7 to 11 December 1994 by a representative of the Secretary-General, mandated by the Commission on Human Rights and the General Assembly to study the question of internally displaced persons.

E/CN.4/1995/50/Add.4, 16 February 1995

See page 466

Document 119

Security Council resolution deciding that the seat of the International Tribunal for Rwanda will be Arusha.

S/RES/977 (1995), 22 February 1995

See page 470

Document 120

Security Council resolution urging States to arrest and detain persons within their territory against whom there is sufficient evidence of responsibility for acts of violence within the jurisdiction of the International Tribunal for Rwanda.

S/RES/978 (1995), 27 February 1995

See page 471

Document 121

Report of the Security Council mission to Rwanda (12-13 February 1995) for consultations with the Government regarding its efforts towards national reconciliation and reconstruction and the problem of the return of refugees.

S/1995/164, 28 February 1995

See page 472

Document 122

Statement by the Secretary-General on the occasion of the anniversary of the genocide in Rwanda.

UN Press Release SG/SM/5606, 6 April 1995

See page 476

Document 123

Letter dated 13 April 1995 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, transmitting a statement dated 6 April 1995 by the Government of Rwanda indicating actions it has taken to facilitate the return of refugees.

S/1995/310, 18 April 1995

See page 477

Document 124

Progress report of the Secretary-General on UNAMIR for the period from 7 February to 9 April 1995, calling attention to renewed tensions in refugee camps and in Rwanda.

S/1995/297, 9 April 1995

See page 479

Document 125

Third report of the Secretary-General on security in the Rwandan refugee camps, noting heightened tensions.

S/1995/304, 14 April 1995

See page 485

Document 126

Letter dated 17 April 1995 from the Secretary-General to the Minister for Foreign Affairs of Zaire concerning efforts to address problems related to the large number of Rwandan refugees still in Zaire.

Not issued as a United Nations document.

See page 488

Document 127

Statement by the President of the Security Council condemning the killing of numerous civilians in the Kibeho camp for displaced persons on 22 April 1995, welcoming the decision by the Government of Rwanda to establish an independent inquiry into the killings and expressing the Council's concern over the deteriorating security situation within Rwanda.

S/PRST/1995/22, 27 April 1995

See page 488

Document 128

Letter dated 19 May 1995 from the Secretary-General to the President of the Security Council, transmitting the report, dated 18 May 1995, of the Independent International Commission of Inquiry which reviewed events at Kibeho in April 1995.

S/1995/411, 23 May 1995

See page 490

Document 129

Report of the Secretary-General on UNAMIR for the period from 10 April to 4 June 1995, concerning negotiations between his Special Representative and the Government of Rwanda on shifting UNAMIR's mandate from peace-keeping to confidence-building.

S/1995/457, 4 June 1995

See page 496

Document 130

Security Council resolution extending UNAMIR's mandate until 8 December 1995, with adjustments and troop reductions, and proposing the deployment of United Nations military observers to Zaire.

S/RES/997 (1995), 9 June 1995

See page 505

Document 131

Further report of the Secretary-General on practical arrangements for the International Tribunal for Rwanda.

S/1995/533, 30 June 1995

See page 506

Document 132

Message by the Secretary-General to a meeting convened in Kigali by the United Nations Development Programme (UNDP) on assistance to Rwanda.

UN Press Release SG/SM/5682-DEV/2064, 6 July 1995

See page 508

Document 133

Report of the Secretary-General on the visit (20-28 June 1995) made to countries neighbouring Rwanda by the Special Envoy appointed by the Secretary-General to carry out consultations requested by the Security Council in resolution 997 (1995), on the possible deployment of United Nations military observers to prevent the rearmament of forces of the former Government of Rwanda.

S/1995/552, 9 July 1995

See page 509

Document 134

Security Council resolution deciding on the conditions under which appropriate amounts of explosives intended exclusively for use in mine-clearance programmes could be supplied to Rwanda.

S/RES/1005 (1995), 17 July 1995

See page 512

Document 135

Statement delivered 13 July 1995 by the Secretary-General to the Rwandan Parliament, inviting it and the Government to promote national reconciliation to help encourage the return of refugees.

UN Press Release SG/SM/5687, 20 July 1995

See page 512

Document 136

Letter dated 17 July 1995 from the Secretary-General to the President of Kenya, Daniel Toroitich arap Moi, concerning the Secretary-General's recent visit to the region and the need for national reconciliation in Rwanda.

Not issued as a United Nations document.

See page 517

Document 137

Progress report of the Secretary-General on UNAMIR for the period from 9 July to 3 August 1995, reporting on his visit to Rwanda (13-14 July).

S/1995/678, 8 August 1995

See page 518

Document 138

Letter dated 8 December 1995 from the Permanent Representative of Rwanda to the United Nations addressed to the Secretary-General, transmitting a letter dated 13 August 1995 from the Minister for Foreign Affairs and Cooperation of Rwanda requesting that the United Nations permit the transfer of UNAMIR equipment and material to the Government of Rwanda upon the expiration of the mission's mandate.

S/1995/1018, 8 December 1995

See page 524

Document 139

Security Council resolution requesting the Secretary-General to make recommendations on the establishment of a commission to investigate allegations of arms flows to forces of the former Government of Rwanda and providing that the arms embargo against Rwanda be partially lifted until 1 September 1996, and then terminated on that date, while sanctions would continue against non-Government forces.

S/RES/1011 (1995), 16 August 1995

See page 525

Document 140

Letter dated 17 August 1995 from the Prime Minister of Zaire, Kengo wa Dondo, to the Secretary-General, informing him that Zaire intends to evacuate Rwandan and Burundian refugees.

S/1995/722, 22 August 1995

See page 527

Document 141

Letter dated 18 August 1995 from the Secretary-General to the Prime Minister of Zaire, appealing to his Government to continue to provide assistance to Rwandan and Burundian refugees, pending the reaction of the Security Council to the Prime Minister's letter of 17 August 1995 (Document 140).

S/1995/723, 22 August 1995

See page 528

Document 142

Statement by the President of the Security Council calling on the Government of Zaire to reconsider and halt its declared policy of forcibly repatriating refugees to Rwanda and Burundi.

S/PRST/1995/41, 23 August 1995

See page 528

Document 143

Third report of the Secretary-General reviewing progress made regarding arrangements for establishing the seat of the International Tribunal for Rwanda at Arusha.

S/1995/741, 25 August 1995

See page 529

Document 144

Letter dated 25 August 1995 from the Secretary-General to the President of the Security Council on arrangements for the establishment of an international commission of inquiry to investigate allegations of arms flows to forces of the former Government of Rwanda.

S/1995/761, 31 August 1995

See page 531

Document 145

Letter dated 29 August 1995 from the Secretary-General to the President of the Security Council outlining an approach to improve prison conditions in Rwanda and help strengthen the justice system.

S/1995/762, 31 August 1995

See page 532

Document 146

Security Council resolution establishing the International Commission of Inquiry to investigate reports on the sale or supply of arms and related *matériel* to forces of the former Government of Rwanda in violation of the United Nations arms embargo.

S/RES/1013 (1995), 7 September 1995

See page 534

Document 147

Letter from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, transmitting a statement by the President of Rwanda regarding UNHCR on the occasion of the visit to Rwanda of the United Nations High Commissioner for Refugees.

S/1995/784, 11 September 1995

See page 535

Document 148

Letter dated 22 September 1995 from the Secretary-General to the President of the Security Council assessing the situation of Rwandan refugees in the light of the recent mission of the United Nations High Commissioner for Refugees to the region.

Not issued as a United Nations document.

See page 536

Document 149

Report of the Secretary-General on special assistance to countries receiving refugees from Rwanda.

A/50/506, 4 October 1995

See page 537

Document 150

Progress report of the Secretary-General on UNAMIR, indicating that he has asked his Special Representative to study possible troop reductions.

S/1995/848, 7 October 1995

See page 543

Document 151

Statement by the President of the Security Council expressing the Council's willingness to study further recommendations that the Secretary-General might make on the issue of force reductions in relation to the fulfilment of UNAMIR's mandate.

S/PRST/1995/53, 17 October 1995

See page 550

Document 152

Report of the Secretary-General to the General Assembly on emergency international assistance for a solution to the problem of refugees, the restoration of total peace, reconstruction and socio-economic development in Rwanda.

A/50/654, 19 October 1995

See page 551

Document 153

Letter dated 30 October 1995 from the Secretary-General to the President of the Security Council, stating that he will continue to monitor conditions for the successful convening of a regional conference on security, stability and development in the Great Lakes region.

S/1995/945, 10 November 1995

See page 568

Document 154

Report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Rwanda, including summaries of his missions of 9-20 June, 29-31 June and 14-25 October 1994 and 27 March-3 April and 25-28 May 1995.

A/50/709-S/1995/915, 2 November 1995

See page 569

Document 155

Letter from the President of the Security Council to the Secretary-General, encouraging him to continue his contacts aimed at convening a regional conference on security, stability and development in the Great Lakes region.

S/1995/946, 10 November 1995

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Document 156

Report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda (HRFOR).

A/50/743, 13 November 1995

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Document 157

Letter from the Permanent Representative of Rwanda to the United Nations addressed to the Secretary-General, transmitting a letter dated 24 November 1995 from the Minister for Foreign Affairs and Cooperation of Rwanda informing the United Nations that the mandate of UNAMIR will terminate on 8 December 1995.

S/1995/1018, 8 December 1995

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Letter from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, transmitting the Declaration of the Conference on the Great Lakes Region, signed in Cairo on 29 November 1995.

S/1995/1001, 30 November 1995

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Document 159

Report of the Secretary-General on UNAMIR for the period from 8 October to 1 December 1995, noting that the draw-down of UNAMIR troops would begin on 8 December 1995 and recommending that the United Nations maintain a political presence in Rwanda after the UNAMIR withdrawal.

S/1995/1002, 1 December 1995

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Document 160

Security Council resolution extending UNAMIR's mandate until 12 December 1995.

S/RES/1028 (1995), 8 December 1995

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Document 161

Security Council resolution authorizing the reduction of UNAMIR troops and extending the mandate for a final period until 8 March 1996.

S/RES/1029 (1995), 12 December 1995

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Document 162

Letter dated 21 December 1995 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, transmitting the response of the Government of Rwanda to the Secretary-General's press statement of 18 December 1995 concerning the withdrawal of United Nations troops from Rwanda.

S/1995/1055, 22 December 1995

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General Assembly resolution on the role of the United Nations in Rwanda after 8 March 1996.

A/RES/50/58 L, 22 December 1995

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General Assembly resolution on the situation of human rights in Rwanda.

A/RES/50/200, 22 December 1995

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Letter from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, transmitting a letter dated 20 January 1996 from the Ministry of Foreign Affairs and Cooperation of Rwanda to the Special Representative of the Secretary-General in Rwanda concerning negotiations with UNAMIR and its suppliers.

S/1996/48, 23 January 1996

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Document 166

Letter dated 26 January 1996 from the Secretary-General to the President of the Security Council transmitting the interim report dated 17 January 1996 of the International Commission of Inquiry and stating that the Secretary-General may request the Commission to submit its final report by the end of February 1996.

S/1996/67, 29 January 1996

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Document 167

Report of the Special Rapporteur on the situation of human rights in Rwanda.

E/CN.4/1996/68, 29 January 1996

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Progress report of the Secretary-General on UNAMIR for the period from 2 December 1995 to 30 January 1996, regarding the end of the mission's mandate and the future role of the United Nations in Rwanda.

A/50/868-S/1996/61, 30 January 1996

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Report of the Security Council Committee established pursuant to resolution 918 (1994)—imposing an arms embargo on Rwanda—containing an account of its activities from its establishment to 31 December 1995.

S/1996/82, 2 February 1996

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Letter dated 2 February 1996 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, concerning the interim report of the International Commission of Inquiry.

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Letter from the President of the Security Council to the Secretary-General requesting that he undertake consultations on the future role of the United Nations in Rwanda after the expiration of UNAMIR's mandate on 8 March 1996.

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Letter from the President of the Security Council to the Secretary-General underlining the importance the Council attaches to the work of the International Commission of Inquiry.

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Report on the coordination meeting, held in Geneva, on 18 and 19 January 1996, of Special Rapporteurs on the situation of human rights for three countries of the Great Lakes region.

E/CN.4/1996/69, 15 February 1996

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Letter dated 23 February 1996 from the Chargé d'affaires a.i. of the Permanent Mission of Zaire to the United Nations addressed to the President of the Security Council, concerning the interim report of the International Commission of Inquiry.

S/1996/132, 26 February 1996

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Document 175

Report of the Secretary-General outlining possible options for a United Nations role in Rwanda after the completion of UNAMIR's withdrawal.

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Letter dated 1 March 1996 from the Minister for Foreign Affairs and Cooperation of Rwanda to the Secretary-General accepting the Secretary-General's proposal for the United Nations to maintain the office of the Special Representative in Kigali for a period of six months.

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Document 177

Security Council resolution encouraging the Secretary-General, in agreement with the Government of Rwanda, to maintain a United Nations office in Rwanda to support the efforts of the Government to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure.

S/RES/1050 (1996), 8 March 1996

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Document 178

Letter dated 13 March 1996 from the Secretary-General to the President of the Security Council transmitting the final report of the International Commission of Inquiry.

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Document 179

Letter dated 14 March 1996 from the Secretary-General to the President of the Security Council reporting, pursuant to resolution 1011 (1995), that the Security Council Committee established to monitor the arms embargo had received no notifications over the previous six months concerning the import by the Government of Rwanda of arms and related matériel.

S/1996/202, 15 March 1996

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Document 180

Preliminary report of the Secretary-General on the disposition of the assets of UNAMIR.

A/50/712/Add.2, 25 March 1996

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Document 181

Letter from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, commenting on the final report of the International Commission of Inquiry.

S/1996/222, 27 March 1996

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Report of the United Nations High Commissioner for Human Rights on the activities of the Human Rights Field Operation in Rwanda (HRFOR), submitted pursuant to General Assembly resolution 50/200.

E/CN.4/1996/111, 2 April 1996

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Document 183

Letter from the Chargé d'affaires a.i. of the Permanent Mission of Zaire to the United Nations addressed to the President of the Security Council, commenting on the final report of the International Commission of Inquiry.

S/1996/241, 3 April 1996

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Document 184

Statement by the Secretary-General on the second anniversary of the genocide in Rwanda.

UN Press Release SG/SM/5950, 4 April 1996

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Report of the Secretary-General on the implementation of resolution 1050 (1996) concerning the United Nations role in Rwanda following the withdrawal of UNAMIR.

S/1996/286, 15 April 1996

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Document 186

Security Council resolution requesting the Secretary-General to maintain the International Commission of Inquiry and addressing various aspects of the embargo imposed under resolutions 918 (1994), 997 (1995) and 1011 (1995).

S/RES/1053 (1996), 23 April 1996

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Document 187

Addendum to the report of the Secretary-General on the implementation of resolution 1050 (1996) concerning the mission of the Under-Secretary-General for Political Affairs to Rwanda (19-24 April 1996).

S/1996/286/Add.1, 3 May 1996

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Document 188

Letter from the President of the Security Council to the Secretary-General supporting the establishment of the United Nations Office in Rwanda (UNOR) for an initial period of six months.

S/1996/400, 31 May 1996

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III Other documents of interest

Readers seeking additional information about the United Nations and the situation in Rwanda might wish to consult the following documents, which are available in the Dag Hammarskjöld Library at United Nations Headquarters in New York City, at other libraries in the United Nations system or at libraries around the world which have been designated as depository libraries for United Nations documents.

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T/2009 (XXV), 4 February 1960
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A/48/89-S/25319, 22 February 1993
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Arms embargo

Reports of the Security Council Monitoring Committee

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CERD/C/DEC/7(46), 16 March 1995

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S/26923, 31 December 1993

S/1994/1003, 26 August 1994

S/1994/1412, 12 December 1994

S/1994/1413, 12 December 1994

Conference on Security, Stability and Development in the Great Lakes Region

S/1995/735, 25 August 1995

IV Texts of documents

The texts of the 188 documents listed on the preceding pages are reproduced below. The appearance of ellipses (...) in the text indicates that portions of the document have been omitted. A subject index to the documents begins on page 717.

Document 1

Letter dated 28 July 1992 from the Secretary-General to the President of Rwanda, General Juvénal Habyarimana, welcoming the cease-fire agreement signed by the Government of Rwanda and the Rwandese Patriotic Front (RPF) on 14 July 1992

Not issued as a United Nations document; translated from French

I am greatly pleased to learn that your Government and the Rwandese Patriotic Front (RPF) signed a cease-fire agreement at Arusha on 14 July 1992. It is my understanding that this agreement calls for a truce as of 19 July followed by a cease-fire and the deployment of military observers on 31 July 1992. I have also learned that your Government and RPF began preliminary talks at Addis Ababa on 27 July and that political negotiations are scheduled to begin on 10 August with a view to the signing of a peace agreement by 10 October 1992 at the latest.

As I reminded Member States in the report entitled "An Agenda for Peace" which I submitted to the Security Council one month ago, regional arrangements ought to play a growing role in peace-keeping and peacemaking. I therefore welcome the constructive approach that has

been taken at the regional level and the important agreements which have resulted. You can count on my support in your efforts to implement the agreements concluded between your Government and RPF.

I am likewise pleased to learn that, in response to your request, the Governments of Belgium, France, Germany and the United States of America have indicated their readiness to provide logistical support in order to facilitate the implementation of the agreements. Rest assured that I shall do everything I can, when the occasion arises, to encourage them to satisfy fully any requests you might make to them.

Accept, Sir, the assurances of my highest consideration.

(Signed) Boutros BOUTROS-GHALI

Document 2

Letter dated 6 August 1992 from the Secretary-General of the Organization of African Unity (OAU), Salim Ahmed Salim, to the Secretary-General of the United Nations concerning implementation of the 14 July 1992 cease-fire agreement

Not issued as a United Nations document

I am writing to you yet again on another conflict in Africa: this time the war in Rwanda. I believe you have been closely following the evolution of the situation in that country which has given all of us much cause for concern; and with regard to which a number of initiatives have been undertaken within the framework of the OAU aimed at resolving

that conflict. These initiatives have included the summit meeting of the 26th October, 1990 in Gbadolite, Zaire, attended by a number of Presidents from the region. During that meeting, President Mobutu was appointed the mediator and an agreement was reached on the appointment of a neutral Military Observer Group.

In this regard, you would no doubt be aware of recent developments which have occurred in the wake of these initiatives of the past; and which would appear, at long last, to give some ground for optimism, albeit cautious.

In that connection, I wish to apprise you of the recent meeting on Rwanda which was held in Arusha, Tanzania on 10-12 July 1992. This meeting was attended by representatives of the Government of Rwanda, the RPF, the Representative of the OAU Current Chairman, the President of Zaire, as the mediator, and representatives of Burundi, Nigeria, Tanzania—as the facilitator—Uganda; and the Representatives of the OAU Secretary-General, Belgium, France and the USA. At this meeting, a ceasefire agreement was signed by the Rwandese government on the one hand, and the RPF on the other. It provided for:

(a) a temporary truce effective at midnight (Rwanda time) 19th July, 1992;

(b) the entry into force of the ceasefire at midnight on 31st July, 1992, and the deployment of a Neutral Military Observer Group (NMOG) on the same day. The NMOG would be established to verify the implementation of the ceasefire agreement;

(c) the commencement of political negotiations on 10th August, 1992, in Arusha, Tanzania, leading to the signing of a peace accord not later than 10th October, 1992;

(d) the establishment of a Joint Political Military Commission to commence its work on 26th July, 1992. This will ensure the follow-up in the implementation of the ceasefire agreement, as well as the peace accord which will have been concluded at the end of the political negotiations; and

(e) the implementation not later than 10th January, 1993 of the mechanism and conclusions foreseen in the peace accord.

Subsequently, from the 26th to 28th July, 1992, the first session of the Joint Political Military Commission was held at OAU Headquarters.

At that meeting, the Rules of Procedure of the Joint Political Commission and the Terms of Reference of the

Neutral Military Observer Group (NMOG) were adopted and signed. The meeting also considered the practical modalities for the deployment of the NMOG.

The relevant documentation is being sent under separate cover.

I wish to mention at this stage that in Arusha, it was decided that the NMOG should be composed of fifty military observers to be drawn from Senegal, Zimbabwe, Nigeria and a fourth country to be decided later. After the necessary consultations, Egypt has been designated as the fourth state. NMOG which will operate under the supervision of the OAU Secretary General is to be under the command of Major General Dayo Opaleye of Nigeria.

I have also appointed Dr. M.T. Mapuranga, Assistant Secretary General in charge of Political Affairs, as the Special Representative of the OAU Secretary General in Rwanda. He has been in Rwanda since the 1st August, 1992.

In the meantime, efforts are also underway for the deployment of the NMOG as soon as possible.

I will also be attending the meeting of the 10th July in Arusha, Tanzania, during which the political negotiations are expected to commence.

As can be gleaned from the above, the peace process in Rwanda has reached a critical stage indeed, and it is my hope that we will soon see the light at the end of the tunnel.

The purpose of this communication is first and foremost to formally apprise you of these developments bearing in mind your own interest and commitment to the pursuit of conflict resolution as well as the interest of our world organization in these matters. At the same time in briefing you of the foregoing, I am confident that we can count on the support and cooperation of the United Nations in this important endeavour as well as your own personal support and counsel.

Accept, Mr. Secretary-General, the assurances of my highest consideration.

(Signed) Salim Ahmed SALIM

Document 3

Letter dated 13 August 1992 from the Secretary-General of the United Nations to the Secretary-General of the Organization of African Unity expressing full support and cooperation for OAU efforts to help achieve a comprehensive and lasting peace in Rwanda

Not issued as a United Nations document

I should like to thank you for your letter of 6 August 1992 in which you apprised me of recent developments relating to the situation of Rwanda. Your letter was most informative and I warmly support our continuing dialogue on issues of common concern to our two organizations.

You may be aware that on 31 July 1992 I issued a statement welcoming the formal cease-fire agreement between the Government of Rwanda and the Rwandan Patriotic Front (RPF) which came into effect on that date. In my statement I took note of the constructive role taken at the regional level which contributed to this important outcome. In this connection, I should like to express my appreciation for your untiring personal efforts to promote peace and reconciliation in Rwanda.

For my part, I have reiterated my call to the parties to comply fully with all the provisions of the agreement

in order to expedite the commencement of political negotiations leading to the signing of a peace accord. I have also encouraged those Member States of the United Nations which have expressed a willingness to provide logistical support to facilitate the implementation of the agreement to respond fully to the requests from the parties for such assistance.

I share your view that the peace process in Rwanda has reached a critical stage and I should like to assure you that the Organization of African Unity can rely on the full support and cooperation of the United Nations in its efforts to help the parties in Rwanda achieve a comprehensive and lasting peace.

Please accept, Mr. Secretary-General, the assurances of my highest consideration.

(Signed) Boutros BOUTROS-GHALI

Document 4

Letter dated 22 February 1993 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council, requesting establishment of a United Nations observer force on the Uganda side of the border with Rwanda

S/25356, 3 March 1993

I have the honour to bring the following communication from my Government for which I have been instructed to bring to your attention.

The Government of the Republic of Uganda views the resumption of hostilities between the Rwandese Government Army and the Forces of the Rwandese Patriotic Front as a very disturbing and serious development. The Government of the Republic of Uganda further views the outbreak of fighting as a flagrant violation of the Cease-Fire Agreement signed by both parties in Arusha, Tanzania on 10 July 1992 and is

concerned that this development is likely to poison and jeopardize the atmosphere in the region.

In order, therefore, to forestall any spread of the conflict into the territory of the Republic of Uganda but more specifically, in order to forestall any accusations as has happened in the past, against Uganda of any involvement in the internal conflict in Rwanda, my Government has instructed me, through you to seek the assistance of the Council to authorize the United Nations Secretary-General, to send a United Nations Observer/ Monitor Force of appropriate size, to be stationed

on the border with Rwanda, on Uganda side. This will be for the purpose of patrolling, observing and ensuring that the buffer zone between the two countries is in no way infiltrated by either side while OAU efforts aimed at reconciling the two parties continue to be made.

I should be most grateful, therefore, if this matter could receive your urgent attention and to be circulated as a document of the Security Council.

(Signed) Prof. Perezi K. KAMUNANWIRE
Ambassador
Permanent Representative

Document 5

Letter dated 28 February 1993 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, requesting circulation of his letter of 22 February 1993 requesting deployment of United Nations military observers to the Rwanda-Uganda border

S/25355, 3 March 1993

I have the honour to request you to circulate the text of my letter of 22 February 1993 as a document of the Security Council.

(Signed) Jean-Damascène BIZIMANA
Ambassador
Permanent Representative of Rwanda to
the United Nations

Annex

Letter dated 22 February 1993 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to draw your attention to the armed conflict affecting Rwanda and to request the deployment of a team of United Nations military observers on both sides of the frontier between Rwanda and Uganda, the country from which the Rwandese Patriotic Front, composed essentially of Rwandese refugees, has been attacking Rwanda since 1 October 1990.

In spite of the efforts undertaken to seek, through negotiation, a solution to this conflict, efforts which led to the signature on 12 July 1992 at Arusha of agreements providing, in particular, for a cease-fire, the situation on the ground is still very disturbing. This is demonstrated, in particular, by the resumption, since 8 February 1993, of hostilities in the northern part of the country on the initiative of the Rwandese Patriotic Front.

The Rwandese Government hopes that a peaceful negotiated settlement may be achieved as soon as possible in order to put an end to this conflict. It is resolved to

continue his efforts to this end within the framework of the process begun at Arusha, where political negotiations made headway with the signature of the Protocols of Agreement on the constitutional State and on power-sharing.

At the same time, the Rwandese Government is seriously concerned by the consequences of the conflict, in particular, because of the close ties that link the population groups of the Rwanda-Uganda frontier, which has for two years been the theatre of hostilities that constitute a threat to regional and international peace and security.

In order to anticipate these risks and promote respect for the cease-fire and the search for a negotiated solution, the Rwandese Government believes that the deployment of a team of United Nations military observers on the international frontier separating Rwanda and Uganda would make an essential contribution. Such a team might, in particular, be entrusted with the task of ascertaining that no military assistance, in men or in equipment, reaches Rwandese territory from Ugandan territory.

The Rwandese Government expresses the wish that you bring this request to the attention of the Security Council, so that the Council may authorize you to request the Secretary-General to take the necessary and urgent measures for the deployment of such observers.

(Signed) Jean-Damascène BIZIMANA
Ambassador
Permanent Representative of Rwanda
to the United Nations

Document 6

Letter from the Chargé d'affaires a.i. of the Permanent Mission of Rwanda to the United Nations addressed to the President of the Security Council, requesting an immediate meeting of the Council and transmitting the N'sele cease-fire agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front as amended at Gbadolite, 16 September 1991, and at Arusha, 12 July 1992; the Declaration of cease-fire issued by the Rwandese Patriotic Front, 21 February 1993; and the Declaration by the Government of Rwanda on the restoration of the cease-fire, 22 February 1993

S/25363, 4 March 1993

Since the deterioration of conditions in my country is a threat to peace and security in the region, I have the honour, on instructions from my Government, to request an immediate meeting of the Security Council to consider ways of ensuring the cessation of the fighting, the observance of the cease-fire agreement signed at Arusha, United Republic of Tanzania, on 12 July 1992, and the implementation of the declarations issued by the Rwandese Patriotic Front on 21 February 1993 and the Government of Rwanda on 22 February 1993 with a view to restoring the cease-fire and thereby enabling the search for a negotiated political solution to continue.

The Government of Rwanda considers that a vital contribution to peace would be made if an international force to maintain the cease-fire could supervise the zone between the positions occupied by the Rwandese Patriotic Front and those occupied by the Rwandese armed forces prior to the violation of the cease-fire.

I transmit herewith the following documents regarding the situation in Rwanda:

(1) The N'sele Cease-fire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, as amended at Gbadolite, 16 September 1991, and at Arusha, 12 July 1992.

(2) The declaration of cease-fire issued by the Rwandese Patriotic Front (21 February 1993).

(3) The declaration by the Government of Rwanda on the restoration of the cease-fire (22 February 1993).

I should be grateful if you would have this letter and its annexes distributed as an official document of the Security Council.

(Signed) Corneille MUNYAMPETA
Chargé d'affaires a.i..

[Editor's note: Annex I, the N'sele Cease-fire Agreement, is reproduced in Document 19 as Annex II.]

Annex II Declaration of cease-fire

The Rwandese Patriotic Front in line with its continued search for a peaceful and negotiated settlement to the conflict in Rwanda is hereby declaring an immediate cease-fire. It should be remembered that this declaration comes after the one made on 10 February 1992, which was not respected by the Rwandese Government Forces. The Rwandese Patriotic Front is once again calling upon the Rwandese Government Forces to respond to this declaration for the sake of peace.

In order for the cease-fire to hold firmly, the following should be put into action:

1. The Rwandese Government Forces must remain in the positions they are presently occupying;
2. The Rwandese Patriotic Front Army will pull back to its former positions;
3. The area the Rwandese Patriotic Front Army will pull out from shall be a buffer zone and will be used to monitor the implementation of the cease-fire;
4. The monitoring of the cease-fire should be done by an expanded OAU-sponsored Neutral Military Observer Group team since the operational area will now be bigger;
5. Arusha negotiations should resume as soon as possible.

It is absolutely necessary that the implementation of the above should be agreed upon with the Government of Rwanda.

Byumba, 21 February 1993

(Signed) Colonel Alexis KANYARENGWE
Chairman of the Rwandese Patriotic Front

Annex III

Declaration by the Government of Rwanda on the restoration of the cease-fire

The Government of the Rwandese Republic confirms its declaration on the restoration of the cease-fire, issued on 15 February 1993, under the terms of which a truce was to be observed along the whole of the front line.

This truce, which initially was to last for one week, is extended from Monday, 22 February 1993, at midnight, until the restoration of the cease-fire, in accordance with the Cease-fire Agreement signed at Arusha on 12 July 1992.

The Government of Rwanda notes with regret that, despite its declaration of a truce dated 15 February 1993 and the declaration issued by the Rwandese Patriotic Front and dated 10 February 1993, numerous violations of the cease-fire have continued to be committed by the Rwandese Patriotic Front during the past week.

The Government of Rwanda confirms its decision to observe the truce and therefore accepts the proposals formulated by the Rwandese Patriotic Front in its declaration of cease-fire of 21 February 1993, to which the Government of Rwanda gives the following response:

1. The Rwandese armed forces are to remain in their current position;

2. The army of the Rwandese Patriotic Front must regain the positions it occupied previously, as observed and established by the Neutral Military Observer Group;

3. The zone between the positions previously occupied by the Rwandese Patriotic Front and those previously occupied by the Rwandese armed forces is to be considered a demilitarized neutral zone which will be used for monitoring the implementation of the cease-fire;

4. The monitoring of the cease-fire is to be supervised by an international force for maintaining the cease-fire under the auspices of the Organization of African Unity and the United Nations;

5. Those displaced by the war will be installed in the demilitarized neutral zone and will receive the protection of the international force for maintaining the cease-fire;

6. The Arusha negotiations are to resume on 1 March 1993 at the latest;

7. The Government of Rwanda requests a meeting of the joint political-military commission in ten days' time to consider all the technical aspects of the observance of the cease-fire.

Kigali, 22 February 1993

(Signed) Boniface NGULINZIRA
Minister for Foreign Affairs
and Cooperation

Document 7

Note verbale from the Permanent Mission of Rwanda to the United Nations addressed to the Secretary-General, transmitting the joint communiqué issued at the end of the meeting held in Dar es Salaam from 5 to 7 March 1993 between the Government of Rwanda and the Rwandese Patriotic Front (the joint communiqué was also transmitted to the Secretary-General by the Permanent Representative of Senegal to the United Nations by a letter dated 10 March 1993 (S/25401, 11 March 1993))

S/25385, 9 March 1993

The Permanent Mission of Rwanda to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to transmit to him herewith in an annex the text of the joint communiqué issued at the end of the high-level meeting between the Government of the Rwandese Republic and the Rwandese Patriotic Front, held at Dar-es-Salaam (United Republic of Tanzania) from 5 to 7 March 1993.

In this connection, the Permanent Mission of Rwanda to the United Nations wishes to draw the attention of the Secretary-General of the United Nations to the resumption of peace negotiations on 15 March 1993, as stipulated in Arusha.

The Permanent Mission of Rwanda to the United Nations would be grateful to the Secretary-General of the United Nations if he would distribute this note and its annex as documents of the Security Council.

Annex

Joint communiqué issued at the end of the high-level meeting between the Government of the Rwandese Republic and the Rwandese Patriotic Front, held in Dar-es-Salaam from 5 to 7 March 1993

1. The delegations of the Government of the Rwandese Republic and of the Rwandese Patriotic Front, led respectively by His Excellency Mr. Dismas Nsengiyaremye, Prime Minister of the Rwandese Republic, and by Colonel Alexis Kanyarengwe, Chairman of the Rwandese Patriotic Front (RPF), met in Dar-es-Salaam, United Republic of Tanzania, from 5 to 7 March 1993, under the auspices of the Prime Minister and First Vice-President of the United Republic of Tanzania, the Honourable John S. Malecela, representing the Facilitator, to discuss matters related to the consolidation of the cease-fire agreement and to the creation of an atmosphere conducive to the resumption of the Arusha peace talks.

2. At the conclusion of their talks, the two Parties agreed as follows:

Commitment to a negotiated settlement

A. The two Parties solemnly declared that the conflict in Rwanda can be resolved only by peaceful means, and, in this regard, reaffirmed their commitment to a negotiated settlement within the framework of the Arusha negotiations.

B. They reiterated their acceptance of all protocols and agreements concluded as part of the Arusha peace process as binding, and also undertook to respect those to be concluded on the outstanding issues.

Consolidation of the cease-fire agreement

C. The two Parties, on the basis of the recommendations adopted at the meeting in Bujumbura between the political parties participating in the Government and the RPF, held from 25 February 1993 to 2 March 1993, reaffirmed their commitment to respect the N'sele Cease-Fire Agreement, as amended in Arusha on 12 July 1992, and undertook to restore and consolidate the cease-fire on the following terms:

I. The effective date for the cessation of hostilities shall be Tuesday, 9 March 1993 at midnight, Rwanda time.

II. The identification and mapping of the positions of the Rwandese armed forces by the Neutral Military Observer Group (NMOG) shall be carried out from 10 to 13 March 1993.

III. The Rwandese armed forces shall remain in the positions so identified and mapped.

IV. Foreign troops shall withdraw and shall be replaced by a neutral international force which shall be organized under the aegis of the Organization of African

Unity (OAU) and the United Nations and, in accordance with article II.6 of the Agreement signed on 12 July 1992, shall have a humanitarian mission. This force shall normally be based in Kigali and its task shall be to help allay the fears and, in particular, ensure the security, of the expatriates wherever they may be.

V. The two Parties agreed on the modalities of the implementation of the preceding paragraph. These mandates are contained in a confidential document known to the Facilitator.

VI. By 13 March 1993, the Rwandese Government shall suspend and dismiss and, without prejudice to judicial proceedings, take any other administrative measures against all public officials who were directly or indirectly involved in, or who failed to prevent, massacres or other acts of intercommunal violence. The measures to be implemented by this date are the ones recommended in the Evaluation Commission report and in respect of recent flagrant cases. The RPF shall provide a list of other officials deemed to fall into the same category, and the Government of Rwanda shall take appropriate measures, after evaluation of each case, by 31 March 1993.

VII. The withdrawal of the Rwandese Patriotic Front forces to positions they occupied before 8 February 1993, shall take place under the supervision of the NMOG between 14 and 17 March 1993.

VIII. Upon non-compliance with the above agreed modalities, both or one of the Parties may request the Facilitator and/or the Secretary-General of OAU to be seized with the matter.

IX. The resumption of the Arusha negotiations on the outstanding issues shall take place on Monday, 15 March 1993. The negotiations should be completed within three weeks, and a Peace Agreement should be signed by the first week of April 1993.

X. The Secretary-General of OAU, in his capacity as the supervisor of the NMOG, shall be requested to extend the mandate of the NMOG and to mobilize additional resources to enable it to fulfil its mission.

Negative radio propaganda and war preparations

3. In order to contribute to the creation and enhancement of the necessary atmosphere conducive to the continuation of the peace process, the two Parties undertook to refrain from engaging in negative propaganda through any public media or through public meetings likely to incite people to hatred and violence and undermine national reconciliation. They also undertook to desist from fresh recruitment, the acquisition of new weaponry intended for supply to the forces in the field and the distribution of arms to the civilian population. In this regard, the NMOG should ensure the strict monitor-

ing of the activities of the two forces in their respective zones.

Displaced persons

4. The two Parties expressed concern over the plight of the displaced persons, in particular women and children, who are the most vulnerable. In this regard, they committed themselves to providing adequate security and protection to the displaced persons. They undertook to create corridors of tranquillity in the conflict zones to facilitate the transportation and delivery of relief supplies to the displaced persons. The two Parties also undertook to create the necessary conditions for the early return of the displaced persons to their homes.

5. The two Parties reiterated their appeal to the international community and to humanitarian agencies to provide increased and adequate relief assistance to the displaced persons.

Conclusion

6. The two Parties expressed their heartfelt gratitude to the Facilitator, His Excellency Mr. Ali Hassan Mwinyi, President of the United Republic of Tanzania, and to the Government and people of Tanzania for their

commitment to, and support in, the search for peace in Rwanda, as well as for the warm hospitality accorded to them.

7. Lastly, the two Parties expressed their appreciation to the current Chairman of OAU, President Abdou Diouf of Senegal, to the Secretary-General of OAU, Mr. Salim Ahmed Salim, and to all observer countries and organizations for their invaluable support and assistance.

Done at Dar-es-Salaam on 7 March 1993.

For the Government of the
Rwandese Republic:

(Signed)
Dismas NSENGIYAREMYE
Prime Minister of the
Rwandese Republic

For the Front Patriotique
Rwandais:

(Signed) Col. Alexis
KANYARENGWE
Chairman of the
Rwandese Patriotic Front

In the presence of the representative of
the Facilitator (the United Republic of Tanzania):

(Signed) The Honourable John S. MALECELA
Prime Minister and First Vice-President
of the United Republic of Tanzania

Document 8

Security Council resolution calling on the Government of Rwanda and the Rwandese Patriotic Front to respect the cease-fire effective 9 March 1993 and inviting the Secretary-General both to examine in consultation with the Organization of African Unity what contribution the United Nations could make to the peace process in Rwanda and to examine the request by Rwanda and Uganda for the deployment of observers at their common border

S/RES/812 (1993), 12 March 1993

The Security Council,

Taking note of the request contained in the letter dated 4 March 1993 addressed to the President of the Security Council by the Chargé d'affaires a.i. of the Permanent Mission of Rwanda to the United Nations, 1/

Also taking note of the letters dated 22 February 1993 from the Permanent Representative of Rwanda 2/ and the Permanent Representative of Uganda 3/ to the United Nations addressed to the President of the Security Council in which the Governments of both those countries called for the deployment of United Nations observers along their common border,

Gravely concerned by the fighting in Rwanda and its consequences regarding international peace and security,

Alarmed by the humanitarian consequences of the latest resumption of the fighting in Rwanda, in particular the increasing number of refugees and displaced persons, and by the threats to the civilian populations,

Stressing the need for a negotiated political solution, in the framework of the agreements signed by the parties

1/ See *Official Records of the Security Council, Forty-eighth Year, Supplement for January, February and March 1993*, document S/25363.

2/ *Ibid.*, document S/25355.

3/ *Ibid.*, document S/25356.

in Arusha, United Republic of Tanzania, in order to put an end to the conflict in Rwanda,

Paying tribute to the efforts of the Organization of African Unity, to promote such a solution,

Taking note of the statements made by the Government of Rwanda and the Rwandese Patriotic Front 4/ by which the Rwandese armed forces would remain in their current positions, the army of the Rwandese Patriotic Front would pull back to the positions it occupied before 7 February 1993 and the buffer zone between the forces would be considered as a neutral demilitarized zone used to monitor the implementation of the cease-fire by an international force,

Welcoming with satisfaction the joint communiqué issued at Dar-es-Salaam, United Republic of Tanzania, on 7 March 1993 by the Government of Rwanda and the Rwandese Patriotic Front, concerning in particular the modalities of the cease-fire to take effect on 9 March 1993 and the situation of displaced persons, 5/

Welcoming also with satisfaction the decision of the Secretary-General to send a goodwill mission to the region, and having heard a first oral report on the mission,

Determined that the United Nations, in consultation with the Organization of African Unity and in support of its ongoing efforts, should consider how a United Nations contribution might assist the process towards a political settlement in Rwanda, in particular by preventing the resumption of fighting and by monitoring the cease-fire,

1. *Calls upon* the Government of Rwanda and the Rwandese Patriotic Front to respect the cease-fire which took effect on 9 March 1993, to allow the delivery of humanitarian supplies and the return of displaced persons, to fulfil the obligations they have accepted in the agreements they have signed and to implement the commitments they have undertaken in their above-mentioned statements 4/ and joint communiqué; 5/

2. *Invites* the Secretary-General to examine in consultation with the Organization of African Unity the con-

tribution that the United Nations could bring to strengthen the peace process in Rwanda, in support of the efforts of the Organization of African Unity, in particular through the possible establishment, under the aegis of the Organization of African Unity and the United Nations, of an international force entrusted, *inter alia*, with humanitarian assistance and the protection of the civilian population and support of the Organization of African Unity force for the monitoring of the cease-fire, and to report to the Council most urgently on the matter;

3. *Also invites* the Secretary-General to examine the request by Rwanda 2/ and Uganda 3/ for the deployment of observers along the border between these two countries;

4. *Expresses its readiness* to examine without delay the recommendations that the Secretary-General might submit in this regard;

5. *Requests* the Secretary-General to coordinate closely his efforts with those of the Organization of African Unity;

6. *Calls upon* the Government of Rwanda and the Rwandese Patriotic Front to cooperate fully with the efforts of the United Nations and the Organization of African Unity;

7. *Urges* the Government of Rwanda and the Rwandese Patriotic Front to resume the negotiations on 15 March 1993 as agreed, in order to resolve the pending questions with a view to signing a peace agreement at the beginning of April 1993 at the latest;

8. *Urges* both parties strictly to respect the rules of international humanitarian law;

9. *Urges* all States to refrain from any action that could increase the tension in Rwanda and jeopardize respect for the cease-fire;

10. *Decides* to remain actively seized of the matter.

4/ *Ibid.*, document S/25363, annexes II and III.

5/ *Ibid.*, document S/25385.

Document 9

Letter dated 29 March 1993 from the Secretary-General of the Organization of African Unity to the Secretary-General of the United Nations concerning cooperation between the United Nations and the OAU pursuant to Security Council resolution 812 (1993)

Not issued as a United Nations document

I am in receipt of your letter of 24th March and wish to thank you for your continued full disposition to support the efforts towards ending the conflict in Rwanda and to help restore peace and stability in that country.

In my letter of 24th March, I conveyed to you my understanding of the terms of the Security Council Resolution 812 (1993) and my views on the possible international force including its command. The Security Council did not prescribe a time frame for implementing the resolution. It rather, confined the matter to our two organizations to consult upon and see how best we can advance the cause of peace in Rwanda. Naturally, the course of our action will greatly depend on the evolution of the political situation, especially on progress in the Arusha Framework of Peace Negotiations.

I have therefore taken note of your view that it may be prudent to await the outcome of the Arusha Peace Talks before proceeding to decide on the details of the envisaged forces.

You will nonetheless agree with me that there is a direct link between the security situation in the country and the political negotiations now in progress. So far, NMOG has been able to act as confidence building measure and provided that critical link which has held dialogue between the parties together. We therefore need to ensure that that link is strengthened; and this is why I am now in the process of consulting countries in Africa, on the additionality of personnel and resources to enable NMOG to fulfill its mandate. I have in addition approached the Governments of the United States, France, Belgium and Germany regarding their possible contribution to the operations of NMOG.

The specific context of a possible international force aside, Security Council Resolution 812 (1993) does enjoin our two organizations to enter into consultations, related specifically to exploring the kind of assistance and support the United Nations can bring to the OAU ceasefire monitoring effort now in progress in Rwanda.

As your Excellency is well aware, the OAU has and continues to deploy a Neutral Military Observer Group to monitor the ceasefire between the forces of the Government of Rwanda and those of the Rwandese Patriotic Front. The task of that Group has now been compounded by the expansion of the territory it has to police, subsequent to the withdrawal of the Rwandese Patriotic Front forces to the Military positions they held prior to the February 8th resumption of hostilities.

We now have to expand the Military Observer Group with all the personnel, financial and logistical implications it entails. Your Envoy, Mr. Pédanou, will have briefed you on the full details of the requirements of the expanded NMOG to effectively discharge its responsibilities.

I therefore would appreciate an urgent reaction from Your Excellency, indicating in specific terms, the level of technical, logistical and financial support at which the United Nations will be responding to the request of the OAU for assistance to NMOG operations.

Once again, I appreciate your support and I look forward to our continued dialogue on how we can best co-ordinate our efforts to help bring peace to Rwanda.

Please accept, Mr. Secretary-General, the assurances of my highest consideration.

(Signed) Salim Ahmed SALIM

Document 10

Letter dated 1 April 1993 from the Secretary-General of the United Nations to the Secretary-General of the Organization of African Unity concerning cooperation between the United Nations and the OAU pursuant to resolution 812 (1993)

Not issued as a United Nations document

I wish to acknowledge receipt of your letter of 29 March 1993 regarding the situation in Rwanda.

At the outset, I would like to stress that I share your concern and preoccupation with the situation in Rwanda and its implications for the region. I would also like to reiterate my appreciation for the important and constructive role that the Organization of African Unity (OAU) continues to play in the search for a negotiated settlement of the conflict, and in contributing to practical arrangements to facilitate the implementation of agreements reached by the parties.

As you know, the leader of my goodwill mission to Rwanda, Mr. Macaire Pédanou, is currently in Arusha attending the talks on Rwanda. I have considered it prudent to await the outcome of the Arusha peace talks and the report of the goodwill mission before submitting a report to the Security Council.

In this connection, I wish to note that the Security Council in its resolution 811 (1993) of 12 March 1993 did not, as such, decide on the scope or level of United Nations assistance to the OAU effort. It did, however, request me to examine in consultation with OAU the contributions that the United Nations, in support of OAU's efforts, could bring to strengthen the peace process in Rwanda, and to report to it urgently.

It is not possible to anticipate how the Council would respond to requests for the type of assistance in question to an operation that is outside the control of the United Nations.

In view of the difficulties anticipated in the Security Council and other factors referred to above, it would not be possible for me to respond promptly to your queries on the details of United Nations support and assistance to the OAU effort in Rwanda. However, I intend to remain in close touch with you as I formulate my report and recommendations to the Security Council. It seems to me that the best possible option to consider might be one which would allow for United Nations and OAU cooperation in efforts to help resolve the problem in Rwanda, with the United Nations exercising command and control of the operation.

I was encouraged to learn that you have approached some governments regarding their possible contribution to the operations of the OAU Neutral Military Observer Group in Rwanda (NMOG). I sincerely hope that those countries and others would be in a position to support and assist the OAU effort if and when the need arose.

Accept, Mr. Secretary-General, the assurances of my highest consideration.

(Signed) Boutros BOUTROS-GHALI

Document 11

Letter dated 8 April 1993 from the Secretary-General of the Organization of African Unity to the Secretary-General of the United Nations concerning the task of monitoring the cease-fire in Rwanda

Not issued as a United Nations document

I thank you for your prompt reply of 1st April to my letter of 29th March on the efforts of the Organization of African Unity to help restore peace to Rwanda.

I have noted the constraints you have to respond now in respect of the specific request for assistance I conveyed to you, as well as the reiteration of your wish

to await the outcome of the Arusha peace talks before undertaking any specific action.

As I have indicated in my previous communications to you, I see a greater role for the United Nations within the enlarged context of helping the Government of Rwanda and the Rwandese Patriotic Front as well as the other parties in Rwanda, implement a General Peace

Agreement which we hope the Arusha Peace Negotiations will culminate in.

But that is a stage we have yet to reach. Once we reach that happy point the United Nations will find in the OAU, a ready partner. It will be possible together, to explore what co-operation we can bring to consolidate peace in Rwanda and help that country in addressing other long term issues of resettlement and reconstruction.

In the meantime, however, the OAU has a specific and distinct mandate to monitor the ceasefire in Rwanda in addition to the political task of promoting dialogue within the Arusha Framework. The monitoring of the ceasefire is a task which has begun and is continuing, only that its efficacy is now constrained by the lack of requisite financial and logistical resources to police an expanded neutral territory. You will appreciate therefore that this task of ceasefire monitoring can not be halted or put in abeyance to wait the outcome of the Arusha Peace Talks. Quite to the contrary the ceasefire monitoring operation and the confidence-building function it fulfills, need to be reinforced as a necessary complement and catalyst to the Peace Negotiation.

This is where I had hoped and remain convinced that the United Nations should help. I regret however that this is not possible now due to what would appear to be to institutional difficulties and your wish not to anticipate the work of the Security Council.

I appreciate nonetheless your intention to remain in close touch with the Organization of African Unity as you formulate your report and recommendations to the Security Council. It remains my strong view that the OAU has a specific and distinct mandate to fulfill in Rwanda. To the extent that the mandate subsists and the parties

continue to reposit confidence in its role, the Organization must and will continue to apply itself and expend all the necessary efforts to fulfill their wishes to have NMOG expanded and operationalized without delay. It is still my equally strong view that the United Nations can still assist the OAU within the context of this specific mandate without necessarily having to wrestle with the question of command and control of the NMOG operation. This is similarly my understanding of the role of those various Governments I have approached regarding their possible financial, logistical and personnel contribution to the NMOG operations in Rwanda.

I wish however to reiterate, that once a General Peace Agreement is signed, and the process of its implementation commences, NMOG will have fulfilled its mandate. Indeed, I foresee no continued need for it beyond that stage. An expanded involvement of the International Community in the more resource demanding tasks of peace-keeping, repatriation and resettlement of refugees, rehabilitation and reconstruction, in which I foresee compelling logic for the leadership of the United Nations, will obviously make it unnecessary for the OAU to continue directing the operation.

At that point, therefore, there will be need to examine how, within the terms of Security Council Resolution 811, the United Nations and the Organization of African Unity can co-operate to consolidate peace in Rwanda.

In the meantime, I will greatly appreciate whatever you can do as Secretary-General, without having recourse to the Security Council, to provide whatever assistance that is within your mandate and means.

(Signed) Salim Ahmed SALIM

Document 12

Letter from the Secretary-General to the President of the Security Council proposing to strengthen the goodwill mission to Rwanda by adding three military observers

S/25561, 8 April 1993

I should like to report to the Security Council on recent events concerning the situation in Rwanda between the Government and the Rwandese Patriotic Front. The Council will recall that on 3 March it received letters from the Permanent Representatives of Rwanda (S/25355) and Uganda (S/25356) which requested the deployment of United Nations observers on the border. On 4 March the Permanent Representative of Rwanda requested an ur-

gent meeting of the Security Council (S/25363); the Permanent Representative of France joined in this request on the same day (S/25371). The Security Council accordingly met on 12 March 1993 and adopted resolution 812 (1993). This resolution welcomed the goodwill mission which I had already sent to Rwanda and asked me to examine the two requests for the deployment of observers.

The goodwill mission has visited the countries concerned and is now observing the current peace talks in Arusha. I shall report to the Council on the mission's findings following these talks.

However, there are now disturbing reports that the Arusha discussions are at an impasse. As a result, there are fears that fighting may resume.

I wish to inform the Security Council that in these circumstances I have decided to strengthen the goodwill mission by the addition of three military advisers. I have also asked the goodwill mission to report promptly with their assistance. I will advise the Council further accordingly.

(Signed) Boutros BOUTROS-GHALI

Document 13

Letter from the President of the Security Council to the Secretary-General approving his proposal of 8 April 1993 (S/25561)

S/25592, 13 April 1993

I have the honour to inform you that your letter dated 8 April 1993 (S/25561) concerning the situation in Rwanda has been brought to the attention of the members of the Security Council. They welcome your decision to strengthen the goodwill mission by the addition of three military advisers. They also note the urgency of the

security situation in Rwanda and look forward to a prompt report.

(Signed) Jamsheed K. A. MARKER
President of the Security Council

Document 14

Letter dated 18 May 1993 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council, expressing no objection to the deployment of a United Nations monitoring team on the Uganda side of the Uganda-Rwanda border

S/25797, 19 May 1993

I have the honour to address you again on the projected deployment of United Nations forces in the zone of conflict between the Rwandese Government and the Rwandese Patriotic Front (RPF), with respect to the deployment of a United Nations monitoring team on the Uganda side of the border.

I wish to reiterate the position of the Government of Uganda that we have no objections to the monitoring team coming to Uganda. Secondly, the Government of Uganda wishes it to be understood that it is not insisting on simultaneous deployment of a United Nations peace-keeping force inside Rwanda and the stationing of an observer contingent on the Uganda side of the common border.

Nevertheless, it is the expectation of the Government of Uganda that the Security Council will reflect, as appropriate, that agreement was earlier reached that a neutral observer or peace-keeping force, would be deployed in the buffer zone between the two conflicting forces inside Rwanda.

I would highly appreciate it if this position of the Government of Uganda could be drawn to the attention of the Secretary-General. I will also be grateful if you would kindly arrange to have this letter circulated as a document of the Security Council.

(Signed) Perezi K. KAMUNANWIRE
Ambassador
Permanent Representative

Document 15

Interim report of the Secretary-General on Rwanda, recommending the establishment of a United Nations Observer Mission Uganda-Rwanda (UNOMUR)

S/25810, 20 May 1993, and addendum: S/25810/Add.1, 2 June 1993

Introduction

1. The present report is submitted in pursuance of paragraph 3 of resolution 812 (1993), by which the Security Council invited me to examine the request by the Governments of Rwanda and Uganda for the deployment of observers at the border between these two countries.

2. It will be recalled that, in separate letters addressed to the President of the Security Council, the Governments of Rwanda (S/25355) and Uganda (S/25356) had called for the deployment of United Nations military observers along their common border.

3. Following the adoption of resolution 812 (1993), I decided to send a technical mission to Uganda and Rwanda with a view to gathering the relevant information. The mission visited Uganda from 2 to 5 April and Rwanda on 6 April 1993. The mission was led by my Military Adviser, Brigadier-General Maurice Baril.

4. During its visit to Uganda, the mission was joined by Mr. Macaire Pédanou, leader of the United Nations good-will mission which visited the region from 2 to 17 March 1993. Since then, Mr. Pédanou has been observing, on my behalf, the talks which have been taking place in Arusha (United Republic of Tanzania) between the Government of Rwanda and the Rwandese Patriotic Front (RPF). I shall submit a detailed report to the Security Council on my good-will mission after the conclusion of the Arusha peace talks.

I. The Arusha peace talks

5. The talks resumed in Arusha on 16 March 1993 under the auspices of the United Republic of Tanzania, which is acting as the facilitator. The agenda for the current round of negotiations covers military issues, refugees and displaced persons, and outstanding political matters, including the amendment of the constitution, as well as the duration of the transitional period. On the military side, the negotiations focus on the composition and size of the new army, including the representation of the armed forces of the Government and those of the RPF in the new army. Other issues being addressed in the talks cover arrangements related to security services, including the gendarmerie, demobilization and the assistance required from the international community. The two par-

ties are also discussing the establishment of an International Neutral Force for the implementation of the proposed peace agreement.

6. I wish to inform the members of the Security Council that, on 18 May 1993, I met with the Minister of Defense of Rwanda, Dr. James Gasana, who delivered to me a message from H.E. Mr. Juvénal Habyarimana, President of Rwanda. In that message, President Habyarimana reiterated his Government's hope that the United Nations would deploy a group of military observers along the Rwanda/Uganda border. He also expressed the view that the early deployment of a United Nations-supervised International Neutral Force, in the zone separating the Rwandese armed forces from those of the RPF, would facilitate the current negotiations in Arusha and contribute to peace and national reconciliation in Rwanda.

II. Report of the technical mission

7. The terms of reference of the technical mission led by General Baril were to gather and evaluate all information relevant to the possible deployment of United Nations military observers on the Rwanda/Uganda border. The mission was instructed to make recommendations, as appropriate, regarding the tasks which could be performed by such observers and to prepare a concept of operations, as well as an estimate of the logistic and administrative support requirements. In addition, the mission was asked to suggest a time-frame for the deployment of military observers, following authorization of such an operation by the Security Council.

8. During its visit to Uganda, the technical mission met with Dr. Paul Szemogere, Minister of Foreign Affairs, as well as with Mr. Anama Msazi, Minister of Defence, and Major-General Mugisha-Munti, Commander of the Armed Forces. With the cooperation of the Ugandan authorities, the mission was able to carry out aerial and ground reconnaissance of the Uganda side of the border with Rwanda.

9. The technical team then travelled to Kigali where it was received by the President of Rwanda, H.E. Mr. Juvénal Habyarimana, the Prime Minister, H.E. Mr. Dismas Nsengiyareme, and the Minister of Defence, Mr. James Gasana. Meetings were also arranged

with members of the diplomatic community, as well as with the deputy commander of the Neutral Military Observer Group (NMOG) of the Organization of African Unity (OAU). In addition, the mission met with representatives of the RPF attached to the NMOG.

10. On the basis of these discussions and of a preliminary assessment of conditions on the ground, the mission has reported that it would be possible to deploy United Nations military observers to monitor the Uganda/Rwanda border and verify that no military assistance is being provided across the border between the two countries. The border extends approximately 150 kilometres by line of sight. The RPF controls about four-fifths of the border and is opposed to the deployment of observers on the Rwanda side. The military observers would therefore be deployed on the Uganda side of the border, opposite the portion which is at present under the control of the RPF forces.

11. In this regard, it should be noted that, as is the case in other regions of Africa, the same ethnic groups live on both sides of the border and that movement of people across the border, as well as cross-border trade, have traditionally been frequent. Consequently, any monitoring and verification activities would not seek to restrict such movements, but would focus primarily on transit or transport of lethal weapons and ammunition across the border, as well as of any other material which could be of military use.

III. United Nations Observer Mission

12. The tasks described above could be carried out by an observer mission to be known as the "United Nations Observer Mission Uganda-Rwanda" (UNOMUR). This observer mission would be under the command of the United Nations, vested in the Secretary-General under the authority of the Security Council. UNOMUR would be headed in the field by a Chief Military Observer (CMO) designated by the Secretary-General with the consent of the Security Council. The CMO would report to the Secretary-General. For his part, the Secretary-General would report regularly to the Security Council on the operations of UNOMUR. All matters that might affect the nature or the continued effective functioning of the observer mission would be referred to the Security Council for its decision.

13. As regards the concept of operations, UNOMUR would establish its headquarters in Kabale, a city centrally located close to the border area. It would have two sector headquarters. In order to perform its monitoring functions effectively, UNOMUR would need a combination of static observation posts and mobile patrols. It is envisaged that five static observation posts would be established at the five main road crossing sites

on the border and that these would be supported by extensive vehicle and foot patrols on the Uganda side of the border, by day and at night. Helicopter patrols using sensory devices would also be required, since ground fog is prevalent in the border area and because of the presence of dense vegetation and the difficulty of the terrain.

14. It is estimated that, in order to carry out its monitoring and verification activities, UNOMUR would require 81 military observers, 17 international and seven local civilian support staff. The military observers would be provided by Member States at the request of the Secretary-General. The contributing countries would be selected after the usual consultations and with the concurrence of the Security Council, bearing in mind the accepted principle of equitable geographical representation.

15. In accordance with established practice, UNOMUR would need to have freedom of movement, communication and inspection, and to enjoy the other rights that would be necessary for the performance of its tasks. UNOMUR and its personnel would also have to be granted all relevant privileges and immunities provided for by the Convention on the Privileges and Immunities of the United Nations. In this connection, I am gratified that the Government of Uganda has assured the technical mission that it would provide the necessary facilities and that it would ensure the safety of United Nations personnel deployed in the border area, when requested. Should the Security Council decide to establish UNOMUR, it would therefore be my intention to initiate consultations with the Government of Uganda, with a view to concluding a Status of Mission Agreement along the usual lines.

16. It will be recalled that, on 8 April 1993, I informed the Security Council that I had decided to strengthen my good-will mission by the addition of three military advisers (S/25561). On 13 April, the Security Council welcomed this decision (S/25592). One of them has joined the good-will mission in Arusha with a view to providing technical advice, as appropriate, on the military aspects of the ongoing negotiations. The two other military advisers arrived in Kampala (Uganda) on 15 April 1993 to undertake the more detailed reconnaissance work required prior to the deployment of an eventual observer mission in the border area.

17. Subject to the approval of the Security Council, I envisage that UNOMUR would be deployed progressively. An advance party of 21 military observers and some civilian support staff would be deployed within 15 days of the adoption of a Security Council resolution. The rest of the personnel would be deployed as soon as the necessary logistic support had been procured and delivered to the mission area. It is estimated that the full

deployment of the mission could be completed within 45 days.

18. I shall, as soon as possible, submit as an addendum to the present report a statement of the financial and administrative implications of the operation described above.

IV. Conclusions

19. The Governments of Rwanda and Uganda have requested the deployment of United Nations military observers at their common border. The two Governments confirmed this request to the technical mission during the latter's visit to Kampala and Kigali. Moreover, in a letter addressed to the President of the Security Council on 11 May 1993, the Permanent Representative of Uganda reaffirmed that his Government was prepared to accept the stationing of a United Nations observer contingent on the Uganda side of the border. The position of the Government of Rwanda has also been reconfirmed in the letter of its President referred to in paragraph 6 above.

20. As indicated in paragraph 8 of the present report, the RPF is opposed to the deployment of observers on the Rwanda side of the border, but it does not object to the presence of United Nations military observers on the Uganda side of the border, as long as the purpose of this presence is to verify that no military assistance reaches its forces through Uganda. In addition, the RPF has expressed the view that similar monitoring activities regarding the provision of military assistance to the Government of Rwanda should also be considered.

21. On the basis of the conclusions of the technical mission, which are summarized in sections II and III of the present report, the Security Council may wish to authorize the establishment of a United Nations observer mission on the Uganda side of the Rwanda/Uganda border, for an initial period of up to six months. The duration of this observer mission would however be subject to review, following the conclusion of the Arusha talks. At that time, I shall also report to the Security Council on the outcome of the consultations which have been undertaken with the OAU in pursuance of paragraph 2 of resolution 812 (1993).

22. However, I wish to inform the members of the Council that, in order to support the current peace-keeping efforts of the OAU in Rwanda, I have decided to put two military experts at the disposal of that Organization. The task entrusted to these experts is to provide technical assistance to the OAU in the preparation of a submission to the donor community for the funding of

an expanded Neutral Military Observer Group (NMOG) in Rwanda. These two officers arrived in Addis Ababa on 13 May. They will be assisting the OAU to determine the needs and concept of operations of an expanded NMOG. They will also evaluate the necessary logistic and administrative support requirements and prepare the relevant cost estimates.

23. Meanwhile, a decision to deploy observers at the Uganda/Rwanda border could help to promote the negotiation process in Arusha and encourage the parties to actively pursue their efforts towards peace and national reconciliation in Rwanda. It would underscore the importance which the international community attaches to the maintenance of peace and security in the region and to the peaceful settlement of the conflict within Rwanda. Such a decision would also signal the willingness of the international community to assist in the implementation of the comprehensive peace agreement currently being discussed in Arusha, under the auspices of the President of the United Republic of Tanzania and with the cooperation of the Organization of African Unity.

Addendum

1. In my report to the Security Council of 20 May 1993 (S/25810), I indicated in paragraph 18 that I would submit the financial and administrative implications for the operations of the Observer Mission as described in paragraphs 12 to 17, as an addendum to the report.

2. Should the Security Council decide to authorize the establishment of a United Nations observer mission on the Uganda side of the Rwanda/Uganda border, it is estimated that the total cost would amount to \$8,529,000 gross for an initial six-month period. The amount is inclusive of the travel cost of the technical mission mentioned in paragraph 3 of the main report. A breakdown of the estimated cost by main categories of expenditure is provided for information purposes in the annex to the present addendum.

3. It would be my recommendation to the General Assembly, should the Security Council decide to establish a United Nations observer mission on the Uganda side of the Rwanda/Uganda border, that the costs relating thereto should be considered an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations and that the assessments to be levied on Member States should be credited to a special account to be established for this purpose.

| <i>Annex</i> | | <i>Serial</i> | <i>Amount</i> |
|--|---------------|--|----------------|
| <i>Cost estimates for the initial six-month period of a United Nations observer mission on the Uganda side of the Rwanda/Uganda border</i> | | 3. Premises, rental and maintenance | 360.0 |
| (Thousands of United States dollars) | | 4. Vehicle operations | 1 124.0 |
| <i>Serial</i> | <i>Amount</i> | 5. Aircraft operations | 2 638.0 |
| 1. Military observers | 1 829.0 | 6. Communications | 601.0 |
| 2. Civilian personnel | 1 052.0 | 7. Miscellaneous equipment | 573.0 |
| | | 8. Miscellaneous supplies, services, freight and support costs | <u>352.0</u> |
| | | Total | <u>8 529.0</u> |

Document 16

Letter dated 14 June 1993 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, transmitting a joint request by the Government of Rwanda and the RPF concerning the stationing of a neutral international force in Rwanda

S/25951, 15 June 1993

I have the honour to inform you that the Rwandese Government and the Rwandese Patriotic Front have just drawn up a joint request, the text of which is annexed hereto, concerning the stationing of a neutral international force in Rwanda.

In this connection, the two parties agreed during the current peace negotiations in Arusha that the implementation of the peace agreement in Rwanda requires the deployment of a neutral international force as soon as the peace agreement is signed.

To that end, the two negotiating parties and the Facilitator, in the person of His Excellency the President of the United Republic of Tanzania, requested the Organization of African Unity (OAU) and the United Nations to hold consultations in order to determine the modalities for their collaboration in establishing the neutral international force.

At a plenary meeting held on 6 June 1993, the Facilitator informed the two parties that the OAU Secretary-General had notified him that at the consultations between OAU and the United Nations it was decided that the United Nations should assume responsibility for and command of the neutral international force.

The two parties welcome this decision and agree that the United Nations should assume responsibility for and command of the neutral international force and they assure it of their complete cooperation.

In view of the foregoing and in order to make it possible to deploy the neutral international force as soon as the peace agreement is signed, the two parties request

the United Nations to send a reconnaissance mission to Rwanda as speedily as possible in order to assess all the needs of the international force.

The parties consider that the reconnaissance mission can also, within the framework of preparing the operations to disengage the two forces involved in the conflict and on the basis of criteria that are already agreed, demarcate assembly areas, identify the sites to be used as assembly points and billeting stations and also establish the security parameters for the cities of Kigali and Byumba. This mission will also have the task of estimating the size of the neutral international force to be deployed in Rwanda.

In the request contained in the annex, you will find the missions which the two parties are proposing within the framework of defining the mandate to be given to the neutral international force.

The two parties hope that the neutral international force will be deployed as quickly as possible after the signing of the peace agreement in order to permit its speedy implementation and, in particular, the establishment of a broad-based transitional government, thereby avoiding excessively long intervals, which might be detrimental to the peace process.

To this end, I shall appreciate the measures that you will consider within the Security Council in order to give an urgent response to this request so that the desired reconnaissance mission will be sent to Rwanda as soon as possible.

I should be grateful if you would have the text of this letter and its annex circulated as documents of the Security Council.

(Signed) Jean-Damascène BIZIMANA
Ambassador
Permanent Representative of Rwanda
to the United Nations

Annex

Joint request by the Rwandese Government and the Rwandese Patriotic Front addressed to the Secretary-General of the United Nations concerning the stationing of a neutral international force in Rwanda

The Government of the Rwandese Republic and the Rwandese Patriotic Front wish to inform the Secretary-General of the United Nations that they agreed, during the current peace negotiations in Arusha, that the implementation of the peace agreement in Rwanda requires the deployment of a neutral international force as soon as the peace agreement is signed.

To this end, the two negotiating parties and the Facilitator requested the Organization of African Unity (OAU) and the United Nations to hold consultations in order to determine the modalities for their collaboration in establishing the neutral international force.

At a plenary meeting on 6 June 1993, the Facilitator informed the two parties that the OAU Secretary-General had notified him that at the consultations between OAU and the United Nations it was decided that the United Nations should assume responsibility for and command of the neutral international force.

The two parties welcome this decision and agree that the United Nations should assume responsibility for and command of the neutral international force and they assure it of their complete cooperation.

In view of the foregoing and in order to make it possible to deploy the neutral international force as soon as the peace agreement is signed, the two parties request the Secretary-General of the United Nations to send a reconnaissance mission to Rwanda as speedily as possible in order to assess all the needs of the neutral international force.

The reconnaissance mission can also, within the framework of preparing the operations to disengage the two forces involved in the conflict and on the basis of criteria agreed upon by the parties, demarcate the assembly areas, identify the sites to be used as assembly points and billeting stations and also establish the security parameters for the city of Kigali as part of its neutralization in order to protect the transitional institutions. This mission will also have the task of estimating the size of the neutral international force to be deployed in Rwanda.

The two parties would also like to suggest that the neutral international force should be deployed as speedily as possible after the signing of the peace agreement. It would be desirable to consider in the interim the composition and effective deployment of the force, secondment of personnel from the various peace-keeping forces deployed elsewhere in order to permit the speedy implementation of the peace agreement and, in particular, the establishment of a broad-based transitional government, thereby avoiding excessively long intervals, which might be detrimental to the peace process.

In order to help the Security Council to define the mandate of the neutral international force, the two parties propose that the following missions should be assigned to it:

A. General mission

The neutral international force shall assist in the implementation of the peace agreement, more specifically by supervising the implementation of the protocol on the National Army, the National *Gendarmerie* and the other security services and by providing all forms of assistance to the authorities and competent bodies.

To this end, it will carry out the following missions:

B. Security missions

1. Guarantee overall security in the country and monitor, in particular, the way in which the authorities and competent bodies maintain public order;
2. Maintain security during the distribution of humanitarian aid;
3. Help to ensure the safety of the civilian population;
4. Assist in the search for weapons caches and in the neutralization of armed bands throughout the country;
5. Carry out mine-clearing operations;
6. Participate in the recovery of all arms distributed to, or illegally acquired by, the civilian population;
7. Monitor the observance by the two parties of the arrangements for a definitive cessation of hostilities as contained in the peace agreement.

C. Missions to monitor the formation of the National Army

1. Demarcate assembly areas and establish sites to be used as assembly points and billeting stations;
2. The neutral international force shall be responsible for preparing the assembly points and billeting stations. It shall receive and administer all the material and financial means required to carry out this task. Military camps may serve as assembly points or billeting stations provided that the two parties are so informed.

These camps shall be monitored by the neutral international force and shall conform to the conditions established for other assembly points and billeting stations;

3. Establish security parameters for Kigali in order to ensure its neutralization;

4. Monitor:

- The disengagement of forces, in particular the movement of troops to assembly points and of military personnel returning heavy weapons to billeting stations;
- The conversion of military camps into assembly points and billeting stations;
- Verification activities subsequent to these operations;

5. Ensure that discipline is observed by military personnel both within and outside assembly points;

6. Monitor the inventories of arms and munitions of the two parties as well as the separation of heavy weapons from light weapons;

7. Guard billeting stations and help guard depots of light arms and their ammunition at assembly points;

8. Supervise the identification of military personnel; this operation will be carried out at the various troop-assembly points;

9. Supervise the provision of supplies to troops at assembly stations; supplies shall be limited to non-lethal items;

10. Take part in the training programme for members of the new armed forces and provide security at training centres;

11. Supervise the demobilization of military personnel and *gendarmes* not retained in the new armed forces;

12. Evaluate the implementation of the training process and make recommendations to the broad-based transitional government, the High Command Council of the National Army and the Command Council of the National *Gendarmerie*.

The two parties should like to inform the Secretary-General of the United Nations that they are sending a copy of this request to the Facilitator, His Excellency Ali Hassan Mwinyi, President of the United Republic of Tanzania, to the current Chairman of the Organization of African Unity (OAU) and to the Secretary-General of the Organization of African Unity, for their information.

The two parties take this opportunity to convey to the Secretary-General of the United Nations their great appreciation for the interest that he continues to show in the success of the peace process in Rwanda, and for his prompt attention to this request.

Done at Arusha, 11 June 1993.

For the Government of the
Rwandese Republic:

(Signed)
Boniface NGULINZIRA
Minister for Foreign
Affairs and Cooperation

For the Rwandese
Patriotic Front:

(Signed)
Pasteur BIZIMUNGU
Member of the Executive
Committee and
Commissioner for
Information and
Documentation

Document 17

Security Council resolution establishing the United Nations Observer Mission Uganda-Rwanda (UNOMUR), to be deployed on the Ugandan side of the Uganda-Rwanda border for an initial period of six months

S/RES/846 (1993), 22 June 1993

The Security Council,

Reaffirming its resolution 812 (1993) of 12 March 1993,

Taking note of the interim report of the Secretary-General of 20 May and 2 June 1993, 1/

Also taking note of the requests of the Governments of Rwanda 2/ and Uganda 3/, 4/ for the deployment of United Nations observers along the common border of their countries as a temporary confidence-building measure,

Emphasizing the need to prevent the resumption of fighting, which could have adverse consequences on the

situation in Rwanda and on international peace and security,

Emphasizing also the need for a negotiated political solution, in the framework of the agreements to be signed

1/ See *Official Records of the Security Council, Forty-eighth Year, Supplement for April, May and June 1993*, documents S/25810 and Add.1.

2/ *Ibid.*, *Supplement for January, February and March 1993*, document S/25355.

3/ *Ibid.*, document S/25356.

4/ *Ibid.*, *Supplement for April, May and June 1993*, document S/25797.

by the parties in Arusha, United Republic of Tanzania, in order to put an end to the conflict in Rwanda,

Paying tribute to the efforts of the Organization of African Unity and the Government of the United Republic of Tanzania to promote such a solution,

Taking note of the joint request to the Secretary-General by the Government of Rwanda and the Rwandese Patriotic Front concerning the establishment of a neutral international force in Rwanda, 5/

Stressing the importance of the ongoing negotiations in Arusha between the Government of Rwanda and the Rwandese Patriotic Front, and expressing its readiness to consider assistance to the Organization of African Unity in the implementation of the agreements as soon as they are signed,

1. *Welcomes with appreciation* the report of the Secretary-General; 1/

2. *Decides* to establish the United Nations Observer Mission Uganda-Rwanda to be deployed on the Ugandan side of the border for an initial period of six months, as set out in the report of the Secretary-General, and subject to review every six months;

3. *Decides* that the Mission shall monitor the Uganda-Rwanda border to verify that no military assistance reaches Rwanda, focus being put primarily in this regard on transit or transport, by roads or tracks which could accommodate vehicles, of lethal weapons and ammunition across the border, as well as any other material which could be of military use;

4. *Requests* the Secretary-General to conclude with the Government of Uganda, before the full deployment of the Observer Mission, a status-of-mission agreement including the safety, cooperation and support the Government of Uganda will provide to the Mission;

5. *Approves* the dispatching of an advance party within fifteen days of the adoption of the present resolution, or as soon as possible after the conclusion of the status-of-mission agreement, and the full deployment within thirty days of the arrival of the advance party;

6. *Urges* the Government of Rwanda and the Rwandese Patriotic Front strictly to respect the rules of international humanitarian law;

7. *Also urges* the Government of Rwanda and the Rwandese Patriotic Front to refrain from any action that could contribute to tension;

8. *Welcomes* the decision of the Secretary-General to support the peace efforts of the Organization of African Unity by putting two military experts at its disposal with a view to assisting the Neutral Military Observer Group, in particular through logistic expertise to help expedite deployment of the enlarged Group to Rwanda;

9. *Further urges* the Government of Rwanda and the Rwandese Patriotic Front to conclude quickly a comprehensive peace agreement;

10. *Requests* the Secretary-General to report to the Security Council on the results of the Arusha peace talks;

11. *Also requests* the Secretary-General to report to the Council on the contribution the United Nations could make to assist the Organization of African Unity in the implementation of the above-mentioned agreement and to begin contingency planning in the event that the Council decides such a contribution is needed;

12. *Further requests* the Secretary-General to report to the Security Council on the implementation of the present resolution within sixty days of the deployment of the Observer Mission;

13. *Decides* to remain actively seized of the matter.

5/ *Ibid.*, document S/25951.

Document 18

Letter dated 10 August 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Rwanda to the United Nations addressed to the Secretary-General, transmitting a letter dated 3 August 1993 from the President of Rwanda on the signing of the Arusha Peace Agreement

A/48/308-S/26295, 12 August 1993

I have the honour to refer to the letter dated 3 August 1993 addressed to you by His Excellency Major General Habyarimana Juvénal, President of the Rwandese Republic, which was handed to Mr. Vladimir Petrovsky, Director-General of the United Nations Office at Geneva and Representative of the Secretary-General of the United Nations, at the time of

the signing of the Arusha Peace Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front on 4 August 1993 (see annex).

I should be grateful if you would have this letter circulated as a document of the General Assembly, under

items 23, 43, 44, 101 and 114 of the provisional agenda, and of the Security Council.

(Signed) Chaste ABIMANA
First Counsellor
Chargé d'affaires a.i.

Annex

Letter dated 3 August 1993 from the President of Rwanda addressed to the Secretary-General

I have the honour to entrust to your Representative the Peace Agreement which, on behalf of the Rwandese Government and people, I have just signed with the President of the Rwandese Patriotic Front and which puts an end to a war that has engulfed Rwanda in horror for nearly three years.

I am pleased that my people can now find peace again and forge a new society open to all its daughters and sons. I am pleased in this context to look forward in the near future to the definitive settlement of the problem of all the Rwandese refugees throughout the world and the return of the many persons displaced by war to their lands, in all security.

The signature of the Peace Agreement of 4 August 1993 constitutes a major event for Rwanda and for our whole region. It prompts me to pay tribute to all countries and personalities, who have been its architects. We shall never cease to be grateful to all of Rwanda's neighbours, most especially the Republic of Zaire, the mediator, and the United Republic of Tanzania, facilitator, the many friendly countries, including Belgium, France, the United States of America and the Federal Republic of Germany, as well as the international organizations, in particular the United Nations, the Organization of African Unity and the humanitarian assistance organizations, for all that they have done to ensure that the peace negotiations were success-

ful and Rwanda received the assistance needed to survive this war until the Peace Agreement was concluded.

Today, on 4 August 1993, we have just turned a page in the history of our country. We are aware that it was necessary, but we are also convinced of the necessity of accompanying this Peace Agreement with an international guarantee, by providing all the safeguards and preventing any danger from blocking the message of peace carried by this Agreement.

I therefore take the liberty of addressing this letter to you, in order to reiterate my hope that you will reserve the advantage of extreme urgency for the request addressed to you jointly by the Rwandese Government and the Rwandese Patriotic Front on 11 June 1993 concerning the deployment of the neutral international force.

Now that the Peace Agreement has been signed, in the presence of the most highly placed personalities of our region and many friendly countries, in the presence of the Representatives of the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity, I should like to express the wish that the international community may guarantee strict respect for this Agreement by giving the former conflicting parties the proof that their respective security is ensured.

I am therefore grateful for all that you will do to ensure that our world Organization can take appropriate and prompt steps to ensure that the Peace Agreement signed this day between the Rwandese Government and the Rwandese Patriotic Front is in no way disrupted but, on the contrary, strictly respected by all the parties.

I reiterate my best wishes and my appreciation for such steps as you may take for the rapid deployment of the neutral international force, with a view to the strictest respect for the Peace Agreement that has just been signed.

(Signed) Major General HABYARIMANA Juvénal
President of the Republic

Document 19

Letter from the Permanent Representative of the United Republic of Tanzania to the United Nations addressed to the Secretary-General, transmitting the Peace Agreement signed at Arusha on 4 August 1993, the N'sele cease-fire agreement and related Protocols of Agreement

A/48/824-S/26915, 23 December 1993

I have the honour, in my capacity as the representative of the Facilitator in the negotiations between the Government of the Rwandese Republic and the Rwandese Patriotic Front, to transmit herewith the documents listed

below,* which together constitute the Peace Agreement between the Government of the Rwandese Republic and

* Circulated in the original languages of submission only (English and French).

the Rwandese Patriotic Front (see annex) and to request that they be circulated as an official document of the General Assembly, under agenda items 23, 43, 44, 101 and 114, and of the Security Council.

(a) Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front, signed at Arusha on 4 August 1993;

(b) The N'Sele Cease-fire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, as amended at Gbadolite on 16 September 1991 and at Arusha on 12 July 1992;

(c) Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law, signed at Arusha on 18 August 1992;

(d) Protocols of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the Framework of a Broad-Based Transitional Government, signed at Arusha on 30 October 1992 and 9 January 1993, respectively;

(e) Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons, signed at Arusha on 9 June 1993;

(f) Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties, signed at Arusha on 3 August 1993;

(g) Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions, signed at Arusha on 3 August 1993.

(Signed) A. B. NYAKYI
Ambassador

Annex I

Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front

The Government of the Republic of Rwanda on the one hand, and the Rwandese Patriotic Front on the other;

Firmly resolved to find a political negotiated solution to the war situation confronting the Rwandese people since 1st October, 1990;

Considering and appreciating the efforts deployed by the countries of the Sub-region with a view to helping the Rwandese people to recover peace;

Referring to the numerous high-level meetings held respectively at Mwanza, United Republic of Tanzania, on 17th October, 1990, in Gbadolite, Republic of Zaire, on 26th October, 1990, in Goma, Republic of Zaire, on

20th November, 1990, in Zanzibar, United Republic of Tanzania, on 17th February, 1991, in Dar-es-Salaam, United Republic of Tanzania, on 19th February, 1991 and from 5th to 7th March, 1993;

Considering that all these meetings aimed first and foremost at establishing a ceasefire so as to enable the two parties to look for a solution to the war through direct negotiations;

Noting the N'SELE Ceasefire Agreement, of 29th March, 1991 as amended in GBADOLITE on 16th September, 1991 and at ARUSHA on 12th July, 1992;

Reaffirming their unwavering determination to respect principles underlying the Rule of Law which include democracy, national unity, pluralism, the respect of fundamental freedoms and rights of the individual;

Considering that these principles constitute the basis and consistency of a lasting peace awaited by the Rwandese people for the benefit of the present and future generations;

Noting the Protocol of Agreement on the Rule of Law signed at Arusha on 18th August, 1992;

Considering that the two parties accepted the principle of power-sharing with the framework of a Broad-Based Transitional Government;

Noting the Protocols of Agreement on Power-Sharing signed at ARUSHA respectively on 30th October, 1992, and on 9th January, 1993;

Considering that the conflictual situation between the two parties can only be brought to an end through the formation of one and single National Army and a new National Gendarmerie from forces of the two warring parties;

Noting of the Protocol of Agreement on the integration of Armed Forces of both Parties, signed at Arusha on 3rd August, 1993;

Recognizing that the unity of the Rwandese people cannot be achieved until a definitive solution to the problem of Rwandese refugees is found and that the return of Rwandese refugees to their country is an inalienable right and constitutes a factor for peace and national unity and reconciliation;

Noting the Protocol of Agreement on the repatriation of Rwandese refugees and the Resettlement of Displaced Persons, signed at ARUSHA on 9th June, 1993;

Resolved to eradicate and put a definite end to all the root causes which gave rise to the war;

Have, at the conclusion of the Peace Talks held in Arusha, United Republic of Tanzania, between 10th July, 1992 and 24th June, 1993 as well as Kinyihira, Republic of Rwanda from 19th to 25th July, 1993 under the aegis of the Facilitator, His Excellency Ali Hassan MWINYI, President of the United Republic of Tanzania, in the presence of the Representative of the Mediator, His

Excellency, MOBUTU SESE SEKO, President of the Republic of Zaire as well as Representatives of the Current Chairman of the OAU, His Excellency Abdou DIOUF, President of the Republic of Senegal, and Hosni MUBARAK, President of the Arab Republic of Egypt, the Secretary General of the OAU, Dr. Salim Ahmed SALIM, the Secretary-General of the United Nations, Dr. Boutros BOUTROS-GHALI and Observers representing the Federal Republic of Germany, Belgium, Burundi, the United States of America, France, Nigeria, Uganda and Zimbabwe;

Calling the International Community to witness;
Hereby agree on the following provisions.

Article 1: The war between the Government of the Republic of Rwanda and the Rwandese Patriotic Front is hereby brought to an end.

Article 2: The following documents are an integral part of the present Peace Agreement concluded between the Government of the Republic of Rwanda and the Rwandese Patriotic Front:

I. The N'SELE Ceasefire Agreement of 29th March, 1991 between the Government of the Republic of Rwanda and the Rwandese Patriotic Front, as amended in GBADOLITE on 16th September, 1991 and at ARUSHA on 12th July, 1992;

II. The Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law, signed at ARUSHA on 18th September, 1992;

III. The Protocols of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the Framework of a Broad-Based Transitional Government, signed at ARUSHA respectively on 30th October, 1992 and on 9th January, 1993;

IV. The Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Refugees and the Resettlement of Displaced Persons, signed at Arusha on 9th June, 1993;

V. The Protocol Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the integration of Armed Forces of the two parties, signed at ARUSHA on, 3rd August, 1993;

The Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions signed at Arusha on 3rd August, 1993.

These entire documents are attached as Annex.

Article 3: The two parties also agree that the Constitution of 10th June, 1991 and the Arusha Peace Agreement shall constitute indissolubly the Fundamental Law

that shall govern the Country during the Transition period, taking into account the following Provisions:

1. The following articles of the Constitution shall be replaced by the provisions of the Peace Agreement relating to the same matters. The Articles in question are: 34, 35, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 59, 60, 63, 65, 66, 67, 68, 70, 71, 73, 74, 75 paragraph 2, 77 paragraphs 3 and 4, 81, 82, 83, 84, 85, 86, 87, 88 paragraph 1, 90, 96, 99, 101.

2. In case of conflict between the other provisions of the Constitution and those of the Peace Agreement, the provisions of the Peace Agreement shall prevail.

3. The Constitutional Court shall verify the conformity of Laws and Orders in Council with the Fundamental Law thus defined. Pending the enactment of the law on the Supreme Court, the existing Constitutional Court shall remain composed of both the Court of Cassation and the State of Council. The Presiding Judge of the Constitutional Court shall assume the presidency.

Article 4: In case of conflict between the provisions of the Fundamental Law and those of other Laws and Regulations, the provisions of the Fundamental Law shall prevail.

Article 5: The Government of the Republic of Rwanda and the Rwandese Patriotic Front undertake to make every possible effort to ensure that the present Peace Agreement is respected and implemented.

They further undertake to spare no effort to promote National Unity and Reconciliation.

Article 6: The two parties agree on the appointment of Mr. TWAGIRAMUNGU Faustin as Prime Minister of the Broad-Based Transitional Government, in accordance with Articles 6 and 51 of the Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the framework of a Broad-Based Transitional Government.

Article 7: The Transitional Institutions shall be set up within thirty seven (37) days following the signing of the Peace Agreement.

Article 8: The current Government shall remain in Office until the Broad-Based Transitional Government is established. The maintenance of that Government does not mean that it can encroach on the mandate of the Broad-Based Transitional Government being established.

The current Government shall, in no case, take decisions which may be detrimental to the implementation of the Broad-Based Transitional programme.

Article 9: The "Conseil National de Développement" (CND) shall remain in Office until the Transitional National Assembly is established. However, as from the

date of signing the Peace Agreement, it shall not enact laws.

Article 10: The present Peace Agreement is signed by the President of the Republic of Rwanda and the Chairman of the Rwandese Patriotic Front, in the presence of:

- The Facilitator, His Excellency, Ali Hassan MWINYI, President of the United Republic of Tanzania,
- His Excellency, Yoweri Kaguta MUSEVENI, President of the Republic of Uganda; Observer country;
- His Excellency Melchior NDADAYE, President of the Republic of Burundi, Observer country;
- The Representative of the Mediator, His Excellency Faustin BIRINDWA, Prime Minister of Zaire;
- Dr. Salim Ahmed SALIM, Secretary-General of the OAU;
- The Representative of the Secretary-General of the United Nations;
- The Representative of the Current Chairman of the OAU;
- The Representatives of other Observer countries: Germany, Belgium, United States of America, France, Nigeria and Zimbabwe;
- The delegations of the two parties.

Article 11: The present Peace Agreement shall come into force upon its signing by the parties.

Done at Arusha, on the 4th day
of the month of August, 1993
both in French and English languages,
the original text being in French.

(Signed)
HABYARIMANA Juvénal
Major-General
President of the Republic
of Rwanda

(Signed)
KANYARENGWE Alexis
Colonel
Chairman of the
Rwandese Patriotic Front

In the presence of the Facilitator
Ali Hassan MWINYI
President of the United Republic of Tanzania

In the presence of the
Representative of the
Secretary-General of the
United Nations

Mr. Vladimir PETROVSKY
Under-Secretary-General
Director General of the
United Nations Office
at Geneva

In the presence of the
Secretary-General of
the OAU

Dr. Salim Ahmed SALIM

Annex II

The N'Sele Ceasefire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, as amended at Gbadolite, 16 September 1991, and at Arusha, 12 July 1992

We, the representatives of the Government of the Rwandese Republic and of the Rwandese Patriotic Front;

Mindful of the unfortunate incidents that have occurred between the Rwandese and have affected peace and public order in the country;

Referring to the Communiqués issued by the Heads of State of the Region, meeting in Mwanza (Tanzania) on 17 October 1990, in Gbadolite (Zaire) on 26 October 1990 and in Goma (Zaire) on 20 November 1990; considering that all these Summit meetings specifically emphasized the prior need for a ceasefire;

Considering the acceptance of the ceasefire in principle by President Juvénal HABYARIMANA in Zanzibar on 17 February 1991 following his meeting with Presidents Yoweri MUSEVENI of Uganda and Ali Hassan MWINYI of Tanzania;

Mindful of the fact that Presidents Pierre BUYOYA of Burundi, Juvénal HABYARIMANA of Rwanda, Ali Hassan MWINYI of Tanzania, Yoweri MUSEVENI of Uganda and Prime Minister Lunda BULULU of Zaire, assisted by the Secretary-General of the OAU and a delegate of the UN High Commission for Refugees adopted the Dar-es-Salaam Declaration of 19 February 1991 mandating President Mobutu SESE SEKO of Zaire to take urgent and immediate steps to usher in dialogue which should culminate in a formal ceasefire agreement between the Government of Rwanda and the Rwandese Patriotic Front;

Mindful of the fact that the ceasefire should facilitate the establishment of negotiations between the Rwandese Government and the Rwandese Patriotic Front aimed at national reconciliation and restoration of lasting peace;

Considering that the two Parties reaffirmed their political will during their meeting in Paris from 6th to 8th June 1992 to find through negotiations a solution to the current conflict as well as related problems;

Considering that both parties are committed to conduct direct negotiations;

Mindful of the fact that both parties reaffirmed the validity of the ceasefire agreement signed at N'Sele on 29th March 1991 and as amended on 16th September 1991 in Gbadolite subject to up-dating the agreement by making necessary amendments;

Have on this 12th day of July 1992, agreed on and accepted the following provisions with respect to the ceasefire:

Article I

1. A cease-fire is hereby established throughout the territory of the Republic of Rwanda, between the Government Forces and those of the Rwandese Patriotic Front. The cease-fire shall enter into force at midnight (Rwanda time) on 31st July 1992 at the same time as the deployment of the Neutral Military Observer Group.

2. The entry into force of the cease-fire shall be preceded by a truce, that is, the cessation of fighting, which shall enter into force at midnight (Rwanda time) on 19th July 1992.

3. The present Cease-fire Agreement is the first stage of a peace process which shall culminate in a Peace Agreement to be signed at the conclusion of the political negotiations.

Article II

The cease-fire shall imply:

1. The cessation of all hostilities for the purpose of dialogue and serious negotiations between the two parties under the auspices of the Mediator or a Facilitator;

2. The suspension of supplies of ammunition and weaponry to the field;

3. The supply of non-lethal logistical needs to the military forces in the field;

4. The release of all prisoners-of-war; the effective release of all persons arrested because and as a result of this war within five days following the entry into force of the Cease-fire Agreement;

5. The possibility of recovering the remains of the dead;

6. The withdrawal of all foreign troops after the effective deployment of the Neutral Military Observer Group (NMOG) except for Military Officers serving in Rwanda under bilateral Cooperation Agreements;

7. A ban on infiltration of troops and on the conveyance of troops and war material to the area occupied by each party;

8. A ban on any mine-laying operations or the hindering of operations to remove the mines;

9. The establishment of the Neutral Corridor separating the areas occupied by the two respective forces. This corridor meant to facilitate the monitoring of the cease-fire by the Neutral Military Observer Group shall be determined in consideration of the front-lines of both armies. The demarcation on the field shall be established by the representatives of the two armies in the presence of the Neutral Military Observer Group.

Article III

1. The verification and control of the cease-fire shall be conducted by the neutral military observer group under the supervision of the Secretary-General of OAU;

2. The Neutral Military Observer Group shall be composed of:

10 Officers from Nigeria;

10 Officers from Senegal;

10 Officers from Zimbabwe;

10 Officers from an African country to be chosen by the current Chairman of the OAU in collaboration with the President of the United Republic of Tanzania;

5 Officers from the Government of Rwanda;

5 Officers from the Rwandese Patriotic Front;

3. The Neutral Military Observer Group shall report any violation of the cease-fire to the Secretary-General of OAU and a joint political military commission;

4. The Neutral Military Observer Group shall set up the organs and machinery required for the control and verification of the cease-fire. It shall draft its own rules of procedure. It shall enjoy a status that would enable it to perform its mission as provided in the Cease-fire Agreement; including privileges and immunities enjoyed by the OAU personnel as enshrined in the general agreement;

5. The Neutral Military Observer Group shall have full communication and other equipment it deems necessary to perform its mission. The NMOG officers may have specific uniforms with insignia for easy identification, and light weapons for self-defence.

Article IV

1. A Joint Political Military Commission composed of 5 representatives of the Rwandese Government and 5 of the Rwandese Patriotic Front is established;

2. The OAU and the following countries are invited to participate, as observers, in the Joint Commission: Burundi, United Republic of Tanzania, Uganda, Zaire, Belgium, France and the United States of America;

3. The Joint Commission shall have the following mandate:

– To ensure the follow-up of the implementation of the Cease-fire Agreement;

– To ensure the follow-up of the implementation of the peace Agreement to be signed at the conclusion of the political negotiations;

4. The Joint Commission shall be based at the OAU Headquarters in Addis Ababa, Ethiopia. The Commission's Headquarters may be moved upon agreement by both parties;

5. The Joint Commission shall hold its inaugural meeting not later than 26th July 1992.

Article V

The signatories of the present agreement accept the following principles whose modalities of implementation shall be specified during the political negotiations.

1. Establishment of the rule of law, that is, based namely on national unity, democracy, pluralism, and respect for human rights;
2. Formation of a national army consisting of Government forces and those of the Rwandese Patriotic Front;
3. Establishment of power-sharing within the framework of a broad-based transitional government.

Article VI

The political negotiations culminating in the peace agreement shall proceed pursuant to the following calendar:

1. Commencement of the political negotiations: 10th August 1992;
2. Completion of the political negotiations and signing of the peace agreement: not later than 10 October 1992;
3. Completion of the implementation of the mechanisms and conclusions agreed upon pursuant to the peace Agreement: not later than 10 January 1993.

Article VII

In the present Agreement:

1. "Cease-fire" shall mean the cessation of all hostilities between the forces of the Government of the Rwandese Republic and those of the Rwandese Patriotic Front (RPF) throughout the national territory of Rwanda.
2. "Cessation of hostilities" shall mean the end of all military operations, all harmful civil operations and denigrating and unfounded propaganda through the mass media.
3. "Violation of the Cease-fire" shall mean the non-observance of one of the points mentioned in article II.
4. "Violation of the Cease-fire Agreement" shall mean the non-observance of any provision of the agreement.

Done in Arusha on 12th July 1992

For the Rwandese Government:

(Signed)
Boniface NGULINZIRA
Minister for Foreign Affairs
and Cooperation

For the Rwandese Patriotic Front:

(Signed)
Pasteur BIZIMUNGU
Member of the
Executive Committee for
Information and
Documentation

For the Facilitator (the United Republic of Tanzania)

(Signed) Hon. Ahmed Hassan DIRIA (MP)
Minister for Foreign Affairs and
International Cooperation

In the presence of the Representative of the
Secretary-General of the OAU

(Signed) M. T. MAPURANGA
Assistant Secretary-General in Charge
of Political Affairs

Annex III

Protocol of Agreement between the Government
of the Republic of Rwanda and the Rwandese
Patriotic Front on the Rule of Law

Preamble

The Government of the Republic of Rwanda and the
Rwandese Patriotic Front,

Reaffirming that the Rule of Law, the principle of
the establishment of which was agreed upon by the
signatories of the present Protocol of Agreement, in
accordance with Article V of the N'sele Agreement, as
amended in Gbadolite, on the 16th of September, 1991
and in Arusha on the 12th of July, 1992, shall charac-
terize the political life in our country;

Considering that the Rule of Law implies that no-
body, including the authorities, is above the law and that
the laws must respect the fundamental rights of the
citizens;

Reaffirming that the Rule of Law does not mean
merely a formal legality which assures regularity and
consistency in the achievement and enforcement of demo-
cratic order, and which is first and foremost and funda-
mentally characterised by justice based on the recognition
and full acceptance of the supreme value of the human
personality and guaranteed by institutions providing a
framework for its fullest expression;

Convinced that the Rule of Law:

- is the best guarantee of national unity, the
respect of the fundamental freedoms and
rights of the individual;
- is a concrete manifestation of democracy;
- hinges on National Unity, Democracy, Plural-
ism and Respect for human rights;

Have agreed as follows:

Chapter I: National unity

Article 1: National unity must be based on equality
of all citizens before the law, equal opportunities in all
fields including the economic field and respect for funda-

mental rights as stipulated, notably, in the Universal Declaration of Human Rights and in the African Charter on Human and Peoples' Rights.

Article 2: National unity implies that the Rwandese people, as constituent elements of the Rwandese nation, are one and indivisible. It also implies the necessity to fight all obstacles to national unity, notably, ethnicism, regionalism, integrism and intolerance which subordinate the national interest to ethnic, regional, religious and personal interest.

Article 3: National unity entails the rejection of all exclusions and any form of discrimination based notably, on ethnicity, region, sex and religion. It also entails that all citizens have equal opportunity of access to all the political, economic and other advantages, which access must be guaranteed by the State.

Article 4: The two parties acknowledge that the national unity of the people of Rwanda cannot be achieved without a definitive solution to the problem of Rwandese refugees. They recognize that the return of the Rwandese refugees to their country is an inalienable right and represents a factor of peace, unity and national reconciliation. They undertake not to hinder the free exercise of this right by the refugees.

Chapter II: Democracy

Article 5: Democracy is founded on the idea that sovereignty belongs to the people. It is expressed, notably, through regular, free, transparent and fair elections. Popular representation must be the authentic expression of the will of citizens.

Article 6: The two parties accept the universality as well as the implications of the following fundamental principles of democracy:

- sovereignty of the people;
- government based on the consent of the people expressed through regular, free, transparent and fair elections;
- separation of the legislative, the executive and the judiciary powers;
- independence of the Judiciary;
- guarantee for the fundamental rights of the individual as provided for in the Universal Declaration of Human Rights as well as in the African Charter on Human and Peoples' Rights, among others, freedom of speech, enterprise and of political, social and economic association;
- laws and regulations based on the respect of fundamental human rights;
- equality before the law;
- respect of laws and regulations by all;

- Constitution which respects the principles enunciated above, organises the State powers and defines the powers and limitations of the institutions of the Republic;
- multipartism, social and economic pluralism.

Article 7: The two parties recognize that multipartism entails the legitimate existence of a democratic opposition and consider, as legitimate, the aspiration of any Rwandese citizen to accede to power through democratic process.

Article 8: The two parties resolutely reject and undertake to fight:

- political ideologies based on ethnicity, region, religion and intolerance which subordinate national interest to the ethnic, regional, religious or personal interest;
- any form of coup d'etat as being contrary to the democratic system as described above.

Article 9: In order to promote and consolidate the democratic system as described above, the two parties undertake to work for social, economic and cultural development of the country and to fight hunger, ignorance, poverty and disease.

Article 10: Elections shall be organised in such a way that transparency is guaranteed and fraud eliminated through the establishment of efficient supervision mechanisms including, if the need arises, enlisting the assistance of International Observers.

The prior and full explanation of the citizens' rights and civic duties including the issues at stake in the elections is their inalienable right as a way of avoiding any form of political manipulation.

Article 11: The two parties accept to promote, in national political life, a democratic culture based on the principles enunciated above.

Article 12: The broad-based transitional government provided for in Article V of the N'sele Agreement, as amended in Gbadolite, on 16th September, 1991 and in Arusha on 12th July, 1992, shall lead the country to a democratic system as defined above.

To this end, the two parties note that a political process has been initiated by the Rwandese people to ensure the progress of democracy and reaffirm the need to pull together a society founded on the Rule of Law as stipulated in the present Protocol.

Chapter III: Pluralism

Article 13: The two parties recognize that a democratic society is also founded on pluralism which is the expression of individual freedoms and must respect national unity and the fundamental rights of the citizen.

Chapter IV: Human Rights

Article 14: The two parties recognise the universal nature of human rights and should express concern when these rights are violated anywhere and by anybody.

They also recognise that the International Community would be justified in expressing concern in the event that these rights are violated by anybody on Rwandese territory. These rights should be guaranteed by the Constitution and the laws of the Republic of Rwanda.

Article 15: The two parties agree that a National Commission on Human Rights shall be established. This institution shall be independent and shall investigate human rights violations committed by anybody on Rwandese territory, in particular, by organs of the State and individuals in their capacity as agents of the State or of various organizations.

The investigation work of the Commission shall not be limited in time.

The Commission shall be provided with the necessary means, especially legal means, to efficiently accomplish its mission. It shall utilize its findings to:

(a) sensitize and educate the population about human rights;

(b) institute legal proceedings, where necessary.

Article 16: The two parties also agree to establish an International Commission of Enquiry to investigate human rights violations committed during the war.

Conclusion

Article 17: The two parties concur that national unity, democracy and peace are invaluable and solemnly undertake to do everything possible so as to preserve these values in the interest of the present and future Rwandese generations.

Done at Arusha, the 18th day of August, 1992
in French and English,
the French version being the original.

For and on behalf of the
Government of the
Republic of Rwanda

NGULINZIRA Boniface
Minister of Foreign Affairs
and Cooperation

For and on behalf of the
Rwandese Patriotic Front

BIZIMUNGU Pasteur
Member of the Executive
Committee and
Commissioner for
Information and
Documentation

For and on behalf of the Facilitator
(United Republic of Tanzania)

Benjamin MKAPA
Minister of Science, Technology and Higher Education.

In the presence of the
Representative of the
Current Chairman of
the OAU

Papa Louis FALL
Ambassador of Senegal to
Ethiopia, Tanzania and
the OAU

In the presence of the
Representative of the
Secretary-General of
the OAU

Dr. M.T. MAPURANGA
Assistant Secretary-General
in charge of Political
Affairs

Annex IV

Protocol of Agreement on Power-sharing within
the Framework of a Broad-Based Transitional
Government between the Government of the Republic of
Rwanda and the Rwandese Patriotic Front

The Government of the Republic of Rwanda and the
Rwandese Patriotic Front;

Agree on the following provisions which are an
integral part of the Protocol of Agreement on Power-
sharing:

Chapter I: General Principles

Article 1: The two parties reaffirm the acceptance of the principle of power-sharing within the framework of a Broad-Based Transitional Government, in conformity with Article V.3. of the N'sele Ceasefire Agreement, as amended at GBADOLITE on 16th September, 1991 and at ARUSHA on 12th July, 1992. The modalities of implementation of this principle are the object of the present Protocol of Agreement on Power-sharing.

Article 2: The two parties agree that those modalities shall consist of:

(a) the maintenance of the current structure of the Coalition Government with appropriate adjustments to be mutually agreed upon in this Protocol, with a view to making room for the participation of the RPF and other political forces in the country;

(b) appropriate adjustments to be mutually agreed upon in this Protocol, to be made at the level of the State powers with a view to enabling the RPF and other political forces in the country to participate in and make for the efficient management of the translation, in compliance with the principle of separation of powers.

Chapter II: Transitional Institutions

Article 3: During the Transitional Period, the State Institutions shall be:

- (i) The Presidency of the Republic;
- (ii) The Broad-Based Transitional Government;
- (iii) The Transitional National Assembly;
- (iv) The Institutions of the Judiciary.

Chapter III: The Executive Power

Article 4: The Executive power shall be exercised collectively through decisions taken in Cabinet meetings, by the President of the Republic and by the Government.

Section 1: The President of the Republic and Head of State

Article 5: Upon the signing of the Peace Agreement, the incumbent President of the Republic and Head of State shall remain in office until the outcome of elections to be held at the end of the Transitional Period.

Article 6: As Head of State, the President of the Republic shall have the following prerogatives:

(a) He shall nominate the Prime Minister and other members of the Cabinet within three days following their appointment by the relevant bodies. After this period, the Prime Minister shall assume office and appoint other Members of the Cabinet.

Modalities for the appointment of the Prime Minister and other Members of the Cabinet shall be provided for in this Peace Agreement;

(b) He shall nominate and accredit Ambassadors, Plenipotentiaries and Extraordinary Envoys abroad, after their appointment by the Cabinet. He shall receive credentials of Ambassadors and Extraordinary Envoys from abroad, after their approval by the Cabinet;

(c) He shall represent the Rwandese State in its relations with other States;

(d) He shall sanction and promulgate, without any right of veto, bills passed by the National Assembly and Orders in Council adopted in the Cabinet meetings within ten days following the date of receipt of the ruling on their constitutionality. After this period, Orders in Council shall be sanctioned and promulgated by the Prime Minister, and the bills shall be sanctioned and promulgated by the Speaker of the Transitional National Assembly;

(e) He shall declare war and sign armistice upon the decision of the Cabinet and after authorization by the National Assembly. To this end, he shall bear the title of Commander-in-Chief of the Armed Forces. The Army and other security forces shall be accountable to the Cabinet, in accordance with the modalities specified in the Peace Agreement.

Article 7: The President of the Republic shall have the right to include any issue of national interest on the agenda of Cabinet meetings.

Article 8: The President of the Republic may, if he so wishes, attend meetings of the Cabinet. In this case, he shall chair the Cabinet meetings.

Article 9: Executive Orders by the President of the Republic, shall be discussed and adopted by the Cabinet. Since the President of the Republic shall have the right to be involved in decision-making in the Cabinet, he shall have no right of veto on decisions regularly taken by the Cabinet, in particular, draft Presidential Orders when these are submitted to him by the Prime Minister for signature. This signature officializing the Presidential Orders adopted in the Cabinet, shall be effected within ten days following the day of receipt of the said Orders at the Presidency of the Republic. After this period, the decision shall come into force by way of a Prime Ministerial Order.

Article 10: Legal Acts by the President of the Republic shall be countersigned by the Prime Minister and by relevant Ministers and Secretaries of State.

Article 11: In pursuance of the decisions of the Cabinet and in conformity with the procedure defined under Article 9 of the present Protocol, the President of the Republic shall sign Presidential Orders with regard to the following:

1. the prerogative of mercy;
2. the minting of currency;
3. Award of the National Orders;
4. the implementation of laws, when he is so required;
5. the appointment and termination of services of the following senior civil servants:
 - the Principal Private Secretary to the President of the Republic;
 - the Chancellor for National Orders;
 - the Governor of the National Bank of Rwanda;
 - the Rector of the National University of Rwanda;
 - Ambassadors;
 - the Secretary to the Cabinet;
 - the Personal Secretary to the President of the Republic;
 - Advisors in the Presidency of the Republic;
 - Principal Private Secretaries in Ministries;
 - Advisors in Ministries;
 - Head of the Prosecution Department at the Supreme Court;
6. Ratification of International Treaties, Conventions and Agreements. However, Peace Treaties, Treaties of Alliance, Treaties which may entail altering national

borders or affect the rights of sovereignty, Treaties on the association of the Republic with one or several other States, as well as Treaties, Conventions and Agreements with financial implications not catered for in the budget, shall be implemented only after their approval by way of a law. The federation of the Republic of Rwanda with one or several other democratic States must be approved through a Referendum.

Article 12: The President of the Republic shall address messages to the Nation, the content of which shall be decided upon by the Cabinet.

Section 2: *The Broad-Based Transitional Government*

Article 13: The current structure of the Government, namely, the number and appellation of Ministries shall remain unchanged. However, a Secretariat of State in the Prime Minister's Office in charge of Social Rehabilitation and Integration shall be established.

It shall be responsible for:

1. Repatriation and social and economic reintegration of the Rwandese refugees who may wish to go back home;

2. A Post-War Rehabilitation Programme as defined under Item 23.D of the present Protocol.

Article 14: The political parties participating in the Coalition Government established on 16th April, 1992 as well as the Rwandese Patriotic Front shall have the responsibility to set up the Broad-Based Transitional Government. They shall decide, by consensus, on the other political formations which may participate in that Government.

Article 15: The Government shall be composed of the Prime Minister, the Deputy Prime Minister, Ministers and Secretaries of State.

Sub-section 1: *The Powers of the Government*

Article 16: The Government shall be responsible for the management of the country. It shall determine and implement national policy. In so doing the Government shall:

1. Be responsible for the implementation of laws and regulations;

2. Negotiate and conclude international Treaties, Conventions and Agreements;

3. Discuss and adopt draft bills and present them to the National Assembly;

4. Discuss and adopt Orders in Council, in situations of emergency or when the National Assembly is unable to seat, and transmit them to the President of the Republic for promulgation;

5. Appoint and dismiss civil servants;

6. Discuss and adopt Presidential, Prime Ministerial and Ministerial Statutory Orders on the implementation of laws.

Article 17: The Government shall be the guarantor of national sovereignty and national unity.

Sub-section 2: *The Prime Minister*

Article 18: The Prime Minister shall:

1. In accordance with the Peace Agreement and in consultation with the political forces, prepare the Government programme;

2. In conformity with the modalities provided for in the Peace Agreement, select the other members of the Cabinet;

3. Present the Government programme and the Ministerial team responsible for its implementation to the National Assembly;

4. Lead Government business, convene and chair Cabinet Meetings. He shall prepare the agenda for cabinet meetings, in consultation with the other members of the Government. The Prime Minister shall communicate the agenda to the President of the Republic and to the other members of the Government, at least two days before the date of the meeting.

5. Determine the functions of the Ministers and Secretaries of State as well as the nature and extent of powers of the services under them.

The Ministers and Secretaries of State shall be delegated powers by the Prime Minister for the management of the duties of their departments. The Prime Minister shall determine the extent of this delegation of power.

6. In pursuance of the decisions of the Cabinet, sign Prime Ministerial Orders for the appointment and termination of services of the following senior civil servants:

- the Principal Private Secretary to the Prime Minister;
- Deputy Governors of the National Bank of Rwanda;
- Vice-Rectors of the National University of Rwanda;
- Advisers and "Chefs de Service" in the Prime Minister's Office;
- the "Préfets de Préfectures [District Commissioners];
- Director in Public Enterprises;
- Directors General in the Ministries;
- Planning and Coordination Officers in Public Enterprises;
- Directors in Public Enterprises and Representatives of the Government in Parastatals;
- Directors and Heads of Division in the Ministries;
- "Sous-Préfets" [Assistant District Commissioners];

- Bourgmestres [County Administrators];
- Deputy Directors of Public Prosecution at the Supreme Court;
- Head of the Prosecution Department of the Courts of Appeal;
- Deputy Directors of the Courts of Appeal;
- Head of the Prosecution Department at the Courts of First Instance;
- Assistant State Attorneys.

Upon delegation of power by the Cabinet,

(a) the Minister responsible for the Civil Service shall sign Ministerial Orders with regard to appointments and termination of services of Civil Servants from the rank of Chief Clerk or equivalent and lower-level posts.

(b) The Minister of Justice shall sign Ministerial Orders for the appointment and termination of services of judicial staff other than magistrates.

(c) In Public Enterprises, senior staff shall be appointed by the Board of Directors and the rest of the staff by the relevant Director.

7. Countersign, after their promulgation by the President of the Republic, bills passed by the National Assembly as well as Statutory Orders in Council adopted by the Cabinet.

8. By way of Orders decided upon during cabinet meetings, implement laws and regulations when he is required to do so.

9. Address messages to the Nation, whose content shall be decided upon by the Cabinet.

10. May, under exceptional circumstances, after a decision taken by the Cabinet and on consultation with the Bureau of the National Assembly and the Supreme Court, declare a State of Siege or a State of Emergency.

Article 19: Legal acts by the Prime Minister shall be countersigned by the relevant Ministers and Secretaries of State.

Sub-section 3: *Functions of the Deputy Prime Minister*

Article 20: The Deputy Prime Minister shall:

1. Upon formal delegation of power, replace the Prime Minister in the event of his absence or hindrance.

2. Act as Prime Minister when the post falls vacant, until a new Prime Minister is appointed, following modalities provided for in the Peace Agreement.

3. In addition, hold a Ministerial Portfolio.

Sub-section 4: *Mode of Decision-Making within the Government*

Article 21: Prior to the deliberations, the Cabinet meeting shall adopt its agenda.

Cabinet decisions shall be taken by consensus. Where consensus is not reached, the issue at hand shall be returned to the relevant Minister for further study.

Consensus on the issue shall once again be required subsequent discussions, and if no consensus is reached, a decision shall be taken on the basis of a partial consensus of a 2/3 of the members of the Government present.

For the following issues, however, consensus shall be mandatory:

- amendment to the Peace Agreement;
- declaration of war;
- exercise of the prerogative of mercy and mitigation of sentence;
- defense and security matters.

Article 22: For each Cabinet Meeting, minutes and a summary of decisions shall be written. The summary shall be approved and signed by members who attended the said meeting.

Sub-section 5: *Outline of the Broad-Based Transitional Government Programme*

Article 23: The Broad-Based Transitional Government shall implement the programme comprising the following:

A. Democracy

1. Consolidate the democratic process by establishing the necessary mechanisms for the implementation of the provisions of the Protocol on the Rule of Law.

2. Prepare and organise general elections to be held at the end of the Transition Period.

B. Defence and Security

1. Consolidate peace by taking the necessary measures for the eradication of the causes of war, especially those stemming from the non-respect of National Unity, Human Rights and Democracy.

2. Ensure internal and external security.

3. Take the necessary measures for guaranteeing the security of all the people and their property.

4. Organise defense and security institutions.

C. National Unity and National Reconciliation

1. Restore national unity, in particular and as a matter of urgency by:

(a) Setting up efficient mechanisms aimed at eliminating all types of discrimination and exclusion;

(b) Working out appropriate legislation in this regard;

(c) Establishing a recruitment system for senior government posts, for all other posts, and for admission

to schools, based on fair competition giving equal opportunity to all citizens.

2. Organize a national debate on National Unity and National Reconciliation.

D. Post-war Rehabilitation Programme

1. Provide humanitarian assistance, especially through the supply of foodstuffs, seeds and some building materials in a bid to contribute in the resettlement of those displaced as a result of the war and social strife encountered since the outbreak of the war, in their original property.

2. Rehabilitate and rebuild the areas devastated by war and social strife encountered since the outbreak of war, especially through mine-clearance and rebuilding of socio-educational and administrative facilities.

3. Set up a programme of assistance to the victims of war (both civilian and military) and of social strife encountered since the outbreak of the war, to the physically handicapped, orphans, widows and widowers.

4. Set up appropriate programmes for the economic and social integration of the demobilised military personnel.

E. Repatriation and Reintegration of Refugees

Repatriate and reintegrate all Rwandese refugees who may wish to go back home, following the modalities specified in the Peace Agreement.

F. The Economy

1. Stimulate the economy by, as a priority, orienting economic programmes towards the disadvantaged regions and social strata.

2. Review the country's priorities with the aim of promoting food security (application of selected seeds and fertilizers, storage, etc.).

3. Diversify export products.

4. Encourage small and medium scale industries.

5. Draw up and apply strategies for better utilization of the country's resources (natural and human).

G. National Ethics

1. Establish a mechanism for guaranteeing a professional code of ethics, integrity and patriotism.

2. Establish a system for the eradication of all forms of corruption.

3. Evaluate and clean up all the State administrative institutions.

Chapter IV: Specialised Commissions

Article 24: In addition to the Commissions already agreed upon in the previous Agreements, the following broad-based specialised Commissions shall be established:

A. Commission for National Unity and National Reconciliation

This commission, which reports to the Government, shall be responsible for:

1. Preparing a national debate on national unity and national reconciliation.

2. Prepare and distribute information aimed at educating the population and achieving national unity and national reconciliation.

B. Legal and Constitutional Commission

This Commission shall be responsible for:

1. Drawing up a list of adaptations of national legislation to the provisions of the Peace Agreement, in particular those provisions relating to the Rule of Law.

2. Prepare a preliminary draft of the Constitution which shall govern the country after the Transitional Period.

C. Electoral Commission

This Commission shall be responsible for the preparation and organization of local, legislative and presidential elections.

Chapter V: The Judiciary

Section 1: General Principles

Article 25: 1. The powers of the Judiciary shall be exercised by Courts, Tribunals and other Jurisdictions. The Judiciary is independent of the Legislature and the Executive.

Justice shall be rendered on the territory of the Republic in the name of the people.

Section 2: Jurisdictions

Article 26: The following ordinary jurisdictions shall be recognized:

Canton Courts, Courts of First Instance, Courts of Appeal and the Supreme Court.

The following Military Jurisdictions shall also be recognized:

Court Martials and the Military Court.

The law may establish any other specialized Courts. However, no special Courts may, be established.

Section 3: The Supreme Court

Article 27: The Supreme Court shall [in] particular exercise the following functions:

(a) direct and coordinate the activities of the Courts and Tribunals of the Republic. It shall be the guarantor of the independence of the Judiciary. To this effect, it shall be responsible for the professional code of ethics;

(b) ensure the constitutionality of laws and Orders in Council. In so doing, it shall ensure their constitutionality before promulgation;

(c) give a ruling on the petition for annulment of regulations, orders and decisions issued by administrative authorities;

(d) ensure the regularity of popular consultations;

(e) provide, upon request, legal opinions on the regularity of draft Presidential, Prime Ministerial and Ministerial orders as well as on other draft public administration regulations;

(f) give the authentic interpretation on customary practice in case written law is silent thereon;

(g) give a ruling on appeals to the Court of Cassation to have a new trial ordered and on transfer of cases from one Court to another;

(h) arbitrate on institutional conflicts between various State organs;

(i) judge the Accounts of all Public Institutions;

(j) have criminal jurisdiction over the President of the Republic, the Speaker of the National Assembly, the Presiding Judge of the Supreme Court, the Prime Minister, the Deputy Prime Minister, Ministers, Secretaries of State, the Deputy-Presiding Judges of the Supreme Court, Deputies in the National Assembly, the Presiding Judges of the Courts of Appeal, the Public Prosecutors and Deputy Directors of the Supreme Court and of the Courts of Appeal.

On first trial, the above-listed officials shall be tried by the Court of Cassation. On appeal, they shall be judged by the Supreme Court, in the presence of all the jurisdictional sections, with at least eleven Judges without including the Judges of the Bench of the Court of Cassation who gave a ruling on the case on the first trial.

Article 28: The Supreme Court shall comprise the following five sections:

(a) The Department of Courts and Tribunals;

(b) The Court of Cassation;

(c) The Constitutional Court;

(d) The Council of State;

(e) The Public Accounts Court.

Article 29: The Supreme Court shall be chaired by a Presiding Judge assisted by five Deputy Presiding Judges. The Presiding Judge and the Deputy Presiding Judges shall be selected by the National Assembly from a list presented by the Government based on two candidates for each post. Each Deputy Presiding Judge shall also be Head of one of the sections of the Supreme Court.

The services of the Presiding Judge and Deputy Presiding Judges of the Supreme Court shall be terminated by the National Assembly voting by a 2/3 majority, either upon its initiative, or upon the proposal of the Government. The instruments of appointment and termi-

nation of the services of the Presiding Judge and Deputy Presiding Judges shall be signed by the President of the Republic.

Article 30: Candidates for the post of Presiding Judge and Deputy Presiding Judges of the Supreme Court must meet the following requirements:

1. Hold at least a University Degree of Law.

2. Give proof of at least five years' practical experience in the field of Law.

Article 31: Judges of the Supreme Court, of the Court of Appeal as well as the Presiding Judges of the Courts of first instance must hold at least a Degree in Law or equivalent.

Article 32: Upon the decision of the Supreme Council of the Magistrates, the Presiding Judge of the Supreme Court shall sign the Instruments of appointment and termination of services of Judges of the Bench.

Article 33: An organic law shall determine the powers, the organisation and the rules of procedure of the Supreme Court. Pending the adoption of the said law, the legislation in force relating to the powers, organisation and the rules of procedure of these Courts shall remain in force.

Section 5: Relationship between the Supreme Court and the Government

Article 34: The Government shall delegate one or several Commissioners to one or all sections of the Supreme Court to represent it and to avail any required information.

The Government Commissioners shall participate in discussions on matters for which they have been designated but as non-voting members.

Article 35: The implementation of the decisions by the Supreme Court, as well as the financial management of, and other administrative measures concerning the Supreme Court shall be vested in the Government. However, the law organizing of the Supreme Court shall define the administrative measures coming under its jurisdiction.

Article 36: In matters relating to the organization of the Judiciary, the Supreme Court may submit to the Government any reform proposals which, in its opinion are of general interest.

Section 6: The Supreme Council of Magistrates

Article 37: The Supreme Court of Council of the Magistrates shall comprise:

- The Presiding Judge of the Supreme Court as, Chairman;

- the Deputy-Presiding Judges of the Supreme Court;

- two Judges of the Bench of the Supreme Court;
- a Judge of the Bench from each Court of Appeal;
- a Judge of the Bench from Courts of First Instance under the Jurisdiction of each Court of Appeal;
- a Magistrate of Canton Court under the Jurisdiction of each Court of Appeal.

The Government Commissioners to the Department of Courts and Tribunals shall attend meetings of the Supreme Council of Magistrates as non-voting members.

The Council shall elect from its members a Vice-Chairman and a Rapporteur.

Article 38: With the exception of the Presiding Judge and the Deputy-Presiding Judges of the Supreme Court, members of the Supreme Council of Magistrates shall be elected by their peers of the same level of Jurisdiction.

Applications shall be submitted to the Supreme Court at least one month before the date of elections. Each candidate shall give proof of at least five years' practical experience in the field of Law.

Elections shall be organized by the Supreme Court.

Article 39: The Supreme Council of the Magistrates shall have the following powers:

(a) Decide on the appointment and termination of services and, in general, the administration of the career of Judges of the Bench other than the Presiding Judge and Deputy-Presiding Judges of the Supreme Court.

(b) Give advisory opinion upon its own initiative or upon request, on any proposal relating to the judicial staff regulations within its jurisdictions.

(c) Give advisory opinion, upon its own initiative or upon request, on any matter concerning the administration of Justice.

Chapter VI: Other Areas of Agreement

Article 40: The initiative of laws shall be vested in the Cabinet and the National Assembly.

Article 41: The Constitution which shall govern the country after the Transition Period shall be prepared by the Legal and Constitutional Commission comprising national experts referred to under Article 24.B of this Protocol. This Commission, which shall be under the National Assembly, shall prepare, after an extensive consultation with all the strata of the population, a preliminary draft Constitution which shall be submitted to the Government for advice, before submitting it to the National Assembly which shall finalise the draft Constitution, to be submitted to a Referendum for adoption.

Article 42: The National Assembly shall exercise control over the Government's activities, in line with the mechanisms provided for by the law.

Article 43: The National Budget shall be prepared by the Government and voted by the National Assembly. Where the budget is not voted in time, the Prime Minister shall, upon the decision of the Government, pass a decree authorising the disbursement of monthly provisional expenditure.

Article 44: The "Office Rwandais d'Information" (ORINFOR) shall fall under the Ministry responsible for Information and the "Office du Tourisme et des Parcs Nationaux" (ORTPN) under the Ministry responsible for Tourism.

Article 45: In criminal matters the responsibility of the President of the Republic, the Speaker of the National Assembly, the Presiding Judge of the Supreme Court, the Prime Minister, the Deputy Prime Minister, Ministers, Secretaries of State, the Assistant Presiding Judges of the Supreme Court and Deputies, shall be individual.

However, they shall not be subjected to custody. They may appear before justice through their proxies. They shall be judged by the Supreme Court.

Deputies shall not be prosecuted or sued as a result of opinions expressed or votes cast in the exercise of their duties.

Article 46: As a matter of urgency and priority, the Broad-Based Transitional Government shall rid the administrative apparatus of all incompetent elements as well as authorities who were involved in the social strife or whose activities are an obstacle to the democratic process and to national reconciliation.

In any case, all local authorities (Bourgmestres, [County Administrators], Sous-Préfets [Assistant District Commissioners], Préfets de Préfecture [District Commissioners]) shall have been either replaced or confirmed within three months after the establishment of the Broad-based Transitional Government.

Done at Arusha, on this 30th day of October, 1992
in French and English,
the French text being the original.

For the Rwandese
Government

For the Rwandese
Patriotic Front

NGULINZIRA Boniface
Minister of Foreign Affairs
and Cooperation

BIZIMUNGU Pasteur
Member of the Executive
Committee and
Commissioner for
Information and
Documentation

In the presence of Representative of Facilitator
(The United Republic of Tanzania)

Ahmed Hassan DIRIA
Minister for Foreign Affairs
and International Cooperation

In the presence of
Representative of
Chairman of the OAU

Papa Louis FALL
Ambassador of Senegal to
Ethiopia and Tanzania,
Representative to OAU

In the presence of
Representative of Secretary
General of OAU

Dr. M.T. MAPURANGA
Secrétaire Général
Adjoint, chargé des
Affaires Politiques

Protocol of Agreement between the Government of
the Republic of Rwanda and the Rwandese Patriotic
Front on Power-Sharing within the Framework
of a Broad-Based Transitional Government
(Continuation of the Protocol of Agreement signed
on 30th October, 1992)

The Government of the Republic of Rwanda on the one
hand, and the Rwandese Patriotic Front on the other;

Agree on the following provisions which are an
integral part of the Protocol of Agreement on Power-
Sharing:

Chapter VII: New Areas of Agreement

Section 1: Provisions relating to the Executive Power

Sub-section 1: Replacement of the President of the Republic during the Transitional Period

Article 47: In the event of a temporary impediment
or incapacity of the President of the Republic to carry out
his duties, the Speaker of the Transitional National As-
sembly shall assume the interim until the incumbent Presi-
dent resumes office.

Article 48: In the event of resignation or death,
permanent impediment or incapacitation of the
President of the Republic:

1. The office shall be declared vacant by the Su-
preme Court upon request by the Broad-Based Transi-
tional Government.

2. The interim Presidency shall be assumed by the
Speaker of the Transitional National Assembly.

3. The replacement of the President of the Republic
shall be conducted in the following manner:

(a) The party of the former President of the Repub-
lic shall present two candidates to the Bureau of the
Transitional National Assembly within three (3) weeks
of the declaration of the vacancy.

(b) Within the fourth week, the election of the
President of the Republic shall be conducted in a joint
session of the Broad-Based Transitional Government and
the Transitional National Assembly. The respective mem-
bers of the two institutions shall elect the President of the
Republic by secret ballot and by an absolute majority.

The election shall be supervised by the Speaker of the
Transitional National Assembly.

(c) If the Party of the former President of the Re-
public, for one reason or another, is not willing to present
a candidate or cannot present any candidate, or if the
President of the Republic has resigned from his party in
the meantime, each political force represented in the
Transitional National Assembly may submit one (1) can-
didate within six (6) weeks after the declaration of the
vacancy. The election shall be conducted during the
seventh week, at the latest, following the modalities
provided for in point (b) above.

(d) If the vacancy is declared three (3) months or
less before the expiry of the transitional period, the
Speaker of the Transitional National Assembly shall
assume the interim Presidency of the Republic until the
end of the Transition.

Article 49: The candidate to the Presidency of the
Republic should be at least thirty five (35) years of age.
Once elected, the President cannot perform any military
or other remunerative activity.

Article 50: The new President of the Republic shall
be sworn in within eight (8) days after his election, by the
Presiding Judge of the Supreme Court, before the Na-
tional Transitional Assembly.

Sub-section 2: Appointment of the Prime Minister, Ministers and Secretaries of State

Article 51: The candidate for the post of Prime
Minister shall be presented by the political formation
designated to that effect. He shall be presented to the two
parties to the negotiations for approval. He should be
known before the signing of the Peace Agreement.

Article 52: The Prime Minister shall, in consultation
with each political force called upon to participate in the
Government, select candidates for the portfolios distrib-
uted among the various political forces. He shall present
them to the President of the Republic for appointment as
well as to the Transitional National Assembly, in accord-
ance with Article 18, paragraph 3 of the Protocol of
Agreement signed on 30th October, 1992.

Sub-section 3: Replacement of the Prime Minister, Ministers and Secretaries of State

Article 53: The vacancy of the post of Prime Minister
shall be declared by the Supreme Court upon request by
the Broad-Based Transitional Government. The political
force of the former Prime Minister shall submit a candi-
date within fifteen (15) days of the declaration of the
vacancy. Political formations participating in the Broad-
Based Transitional Government shall, under the coordi-
nation of the Deputy Prime Minister, hold consultations

for the approval of the candidate. Once a consensus is reached, the Deputy Prime Minister shall present the candidate to the President of the Republic for appointment within three (3) days.

Article 50: The Prime Minister, in consultation with the political force of the Minister or Secretary of State to be replaced, shall present a candidate to the President of the Republic for appointment.

Sub-section 4: Distribution of Ministerial Portfolios within the Broad-Based Transitional Government

Article 55: In accordance with the provisions of Article 14 of the Protocol of Agreement signed on 30th October, 1992, the numerical distribution of the portfolios among political forces called upon to participate in the Broad-Based Transitional Government shall be as follows:

- MRND: 5 portfolios
- RPF: 5 portfolios
- MDR: 4 portfolios (including the post of Prime Minister)
- PSD: 3 portfolios
- PL: 3 portfolios
- PDC: 1 portfolio

Article 56: The nominative distribution of portfolios shall be as follows:

MRND:

1. Ministry of Defence;
2. Ministry of Higher Education, Scientific Research and Culture;
3. Ministry of Public Service;
4. Ministry of Planning;
5. Ministry of Family Affairs and Promotion of the Status of Women.

RPF:

1. Ministry of Interior and Communal Development;
2. Ministry of Transport and Communications;
3. Ministry of Health;
4. Ministry of Youth and Associative Movement;
5. Secretariat of State for Rehabilitation and Social Integration.

MDR:

1. Prime Minister;
2. Ministry of Foreign Affairs and Cooperation;
3. Ministry of Primary and Secondary Education;
4. Ministry of Information.

PSD:

1. Ministry of Finance;
2. Ministry of Public Works and Energy;
3. Ministry of Agriculture and Livestock Development.

PL:

1. Ministry of Justice;
2. Ministry of Commerce, Industry and Cottage Industry;
3. Ministry of Labour and Social Affairs.

PDC:

Ministry of Environment and Tourism

Article 57: The two parties further agree that:

- with reference to Article 5 of the Protocol of Agreement signed on 30th October, 1992, the Presidency of the Republic shall go to the MRND party.
- one of the holders of the five (5) ministries allocated to the RPF shall bear the title of Deputy Prime Minister in accordance with Article 20, paragraph 3 of the Protocol of Agreement signed on 30th October, 1992.

Article 58: In case one of the political forces called upon to participate in the Broad-Based Transitional Government as provided for under Article 14 of the Protocol of Agreement signed on 30th October, 1992, defaults, the portfolios which had been allocated to that force shall be distributed among the remaining political forces. The possibility of opening to political forces other than those mentioned under Articles 55 and 56 above shall be agreed upon by consensus in accordance with Article 14 cited above.

Article 59: Permanent impediment rendering the President of the Republic, Ministers and Secretaries of State incapable of carrying out their duties shall be declared by the Supreme Court following their resignation, death or physical incapacitation certified by a medical commission established by the Government for that purpose, and also following dismissal as a result of final sentencing for criminal offences.

Section 2: Transitional National Assembly

Article 60: The Transitional National Assembly shall, except in the case as provided for in Article 63 of this Protocol of Agreement, be normally composed of seventy (70) members called "Deputies to the Transitional National Assembly". The "Deputies" shall be appointed by their own political forces and their mandate shall cover the whole Transitional Period. The Transitional National Assembly shall make its own rules of procedure.

Article 61: All the political parties registered in Rwanda at the signing of this Protocol as well as the RPF shall be represented in the Transitional National Assembly, on condition that they adhere to and abide by the provisions of the Peace Agreement. To that effect, all these parties and the RPF should, prior to the establishment of the Broad-Based Transitional National As-

sembly and the Broad-Based Transitional Government, sign a Political Code of Ethics whose principles are spelt out in Article 80 of this Protocol.

Since the RPF and the political parties participating in the current Coalition Government are automatically, directly or indirectly bound, as a result of the Protocol of Agreement on the Rule of Law signed by the two parties to the negotiations, the political parties which do not participate in the said Government should, from the time of the signing of the Protocol of Agreement on Power-Sharing, demonstrate their commitment to abide by the principles governing the Protocol of Agreement on the Rule of Law, to support the peace process and to avoid engaging in sectarian practices and in any form of violence. Such commitment shall constitute a prerequisite for their participation in the Transitional National Assembly and it is incumbent upon the two parties to the negotiations to see to it that such commitment is met.

Article 62: The numerical distribution of seats in the Transitional National Assembly among the political forces, subject to the implementation of the previous article, shall be as follows:

MRND: 11 seats

RPF: 11 seats

MDR: 11 seats

PSD: 11 seats

PL: 11 seats

PDC: 4 seats

The other registered parties shall have one (1) seat each.

Article 63: (a) The maximum number of members of the Transitional National Assembly shall become the total number of seats of the remaining political forces if, for one reason or another, one or several political forces do not participate in the forming of the Transitional National Assembly, or withdraw from that assembly, provided that the total number is not reduced to less than two-thirds of the number stipulated under Article 60 of this Protocol of Agreement.

(b) If one or several political forces do not participate, or cease to participate in the Transitional National Assembly, and the number of Deputies falls below that stipulated in the above paragraph, the remaining political forces participating in the Transitional National Assembly shall consult and agree on the modalities for the composition of the new National Assembly.

Article 64: A "Deputy" may resign. In this case, his political party shall replace him in consultation with the Bureau of the Transitional National Assembly.

Article 65: All compulsory mandates shall be null and void. The right of the "Deputies" to vote shall be individual.

Article 66: The first session of the Transitional National Assembly shall be devoted to administering the oath of the "Deputies" and to electing the Bureau of the Transitional National Assembly.

Article 67: The Bureau of the Transitional National Assembly shall be composed of the Speaker, the Deputy Speaker and a Secretary.

Article 68: The PSD and PL political parties shall each present one (1) candidate for the post of Speaker of the Transitional National Assembly. The political party that will not have taken the post of Speaker shall present two (2) candidates for the post of Deputy Speaker of the Transitional National Assembly.

The PDC and other political parties which do not hold any ministerial portfolio in the current Coalition Government shall each present one (1) candidate for the post of Secretary.

Voting for the above-mentioned posts shall be by secret ballot and on the basis of an absolute majority of the "Deputies" present.

Article 69: The Transitional National Assembly shall automatically hold, each year, three (3) ordinary sessions of three months each, followed each time by a one (1) month parliamentary leave. When circumstances may so require, the Transitional National Assembly shall hold extraordinary sessions.

The first ordinary session shall begin 15 days after the "Deputies" to the Transitional National Assembly have taken oath of office.

The Transitional National Assembly shall be convened by the Speaker. It may be convened in extraordinary session upon the initiative of the President of the Republic, the Speaker, the Prime Minister or following the decision taken by its members on the basis of an absolute majority. When it is convened in extraordinary session, the Transitional National Assembly shall deal with only those issues that motivated its convening.

Whenever an ordinary or extraordinary session of the Assembly is convened, the agenda and venue shall be indicated. Before any proceedings, the Transitional National Assembly shall adopt its agenda and decide on the urgency of the matters to be discussed. A "Deputy" or the Prime Minister may request the urgent consideration of an item. When the request is made by the latter, the matter in question shall automatically be considered as urgent.

Article 70: The status of a Deputy shall be incompatible with the holding of a Ministerial portfolio and the exercise of any other remunerative activities.

Article 71: Members of the Transitional National Assembly who may be finally sentenced by Courts for criminal offences shall automatically lose their seats. In

this case, they shall be replaced in accordance with the provisions of Article 62 of this Protocol.

Article 72: The legislative power shall be exercised by way of laws passed by “Deputies” in the Transitional National Assembly as well as by Orders in Council passed by the Broad-Based Transitional Government in cases of emergency or when the Transitional National Assembly is unable to convene.

Article 73: Ordinary laws shall be passed on the basis of an absolute majority of the Deputies present. Organic laws shall be passed on the basis of a 3/5 majority.

Article 74: For any lawful seating to be held, a quorum of 2/3 of the members of the Transitional National Assembly shall be required.

Article 75: Sessions of the Transitional National Assembly shall be public; the minutes of the debates shall be published. However, upon request of the Speaker, of the Prime Minister or of one third of its members, the Assembly may, by an absolute majority, decide to sit in camera.

Section 3: *Relationship between the Transitional National Assembly and the Broad-Based Transitional Government*

Article 76: The Prime Minister, upon a decision of the Cabinet and after consultations with the Bureau of the Transitional National Assembly, may request the President of the Republic to dissolve the Transitional National Assembly. The dissolution cannot take place within the last three months of the Transition.

Article 77: Replacement of the members of the Transitional National Assembly shall be done as per the numerical distribution of seats referred to under Article 62 above.

The replacement of each of the members of the Bureau of the Transitional National Assembly shall be made by election in accordance with Article 68 of this Protocol of Agreement.

Article 78: The Transitional National Assembly shall be endowed with the following means of control over government activities:

- Oral Questioning
- Written Questioning
- Committee Hearing
- Commission of Inquiry
- Interpellation
- Motion of censure.

An organic law shall determine the conditions and procedure for this control.

Article 79: The Transitional National Assembly may question the conduct of the Broad-Based Transitional

Government as well as that of a Minister or Secretary of State, by voting on a motion of censure against the Prime Minister or any other member of the Government.

Such a motion is not admissible until after questioning and unless it is presented by at least one fifth of the members of the Transitional National Assembly in the case of a Minister or a Secretary of State, and by one third of the members in the case of the Government.

The motion of censure shall be adopted by secret ballot and by a 2/3 majority of the “Deputies” present.

The vote of a motion of censure against the Prime Minister shall entail his resignation and that of the Government. In this case the replacement of the Prime Minister shall be made in accordance with Article 53 of this Protocol of Agreement. The outgoing Government shall dispose of the day-to-day matters until a new Government is formed.

Section 4: *Political Code of Ethics binding the political forces called upon to participate in the Transitional Institutions*

Sub-section 1: *Fundamental Principles*

Article 80: In a declaration signed by their authorised representatives, the political forces called upon to participate in the Transitional Institutions shall undertake to:

1. Support the Peace Agreement and work towards its successful implementation;
2. Promote national unity and national reconciliation of the Rwandese people;
3. Abstain from all sorts of violence and inciting violence, by written or verbal communication, or by any other means;
4. Reject and undertake to fight any political ideology or any act aimed at fostering discrimination based mainly on ethnic, regional, sexual or religious differences;
5. Promote and respect the rights and freedoms of the human person;
6. Promote political education among their members, in accordance with the fundamental principles of the Rule of Law;
7. Work towards a system whereby the political power serves the interests of all the Rwandese people without any discrimination;
8. Respect the secularism of the Rwandese State;
9. Respect national sovereignty and the territorial integrity of the country.

Article 81: The Commission on National Unity and National Reconciliation shall ensure that each political force respects the principles spelt out under Article 80 above.

Article 82: Any political force violating the provisions of Article 80 shall be liable to a sanction of exclusion from the Transitional Institutions, without prejudice to other legal or statutory provisions on the matter.

This measure shall be taken by the Supreme Court upon request of the Government, acting on the Commission's report.

The request to the Supreme Court shall be preceded by a warning by the Government to the political party concerned; when the warning has not been heeded.

Sub-section 2: Additional Duties of the Commission for National Unity and National Reconciliation

Article 83: The two parties agree that the Commission on National Unity and National Reconciliation, in addition to the duties specified under Article 24 A of the Protocol of Agreement signed on 30th October, 1992, shall see to it that each political force respects the principles spelt out in the Political Code of Ethics binding the political forces to participate in the Transitional Institutions.

Section 5: Miscellaneous Provisions

Sub-section 1: Modalities of Appointment within the Judiciary

Article 84: In order to maintain the independence of the Judiciary, posts in the Judiciary shall not be subjected to sharing among political forces. Therefore, applications for the posts of Presiding Judge and Deputy Presiding Judge of the Supreme Court, referred to under Article 30 of the Protocol of Agreement signed on 30th October, 1992, shall be considered without any reference to political parties, in order to better ensure the neutrality of magistrates.

Article 85: The Supreme Council of Magistrates shall, in conjunction with the Broad-Based Transitional Government, take all necessary and adequate measures to facilitate the integration of competent, experienced or qualified Rwandese nationals who have not worked or evolved in the current legal system of Rwanda.

Sub-section 2: Redeployment of the Deputies to the CND

Article 86: The Broad-Based Transitional Government shall take the necessary steps to find, to the extent possible, a new placement for the Deputies to the CND in their former sectors of activity. In so doing, the Broad-Based Transitional Government shall take into account the qualifications and experience of each "Deputy".

Sub-section 3: Local Elections as a Solution to Social Tensions

Article 87: Local elections shall normally be held within six (6) months before the expiry of the transition. In the meantime, the replacement of local authorities shall be made through nomination. However, the Broad-Based Transitional Government shall decide on the opportune moment for organizing partial local elections if adequate security conditions allow for the holding of such elections and if it has the legal instruments to organize them.

Sub-section 4: National Conference

Article 88: The National Conference shall consist of a general discussion to focus solely on national unity and national reconciliation, as provided for in Article 24 of the Protocol of Agreement signed on 30th October, 1992.

This discussion shall be prepared by the Commission on National Unity and National Reconciliation provided for under Article 24 of the Protocol of 30th October, 1992. The Commission shall report to the Broad-Based Transitional Government.

Done at Arusha, this 9th day of the month of January, 1993, in the French and English languages, the French text being the original.

For the Government of the Republic of Rwanda

For the Rwandese Patriotic Front

NGULINZIRA Boniface,
Minister of Foreign Affairs and Cooperation

BIZIMUNGU Pasteur,
Member of the Executive Committee and Commissioner for Information and Documentation

In the presence of the Facilitator (The United Republic of Tanzania)

Hon. Ahmed Hassan DIRA
Minister for Foreign Affairs and International Cooperation

In the presence of the Representative of the Current Chairman of the OAU

For the Secretary-General of the OAU

Papa Louis FALL,
Ambassador of Senegal to Ethiopia and Representative to the OAU

Dr. M. T. MAPURANGA,
Assistant Secretary General of the OAU, in charge of Political Affairs

Annex V

Protocol of Agreement between the Government of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons

The Government of the Republic of Rwanda on one hand, and the Rwandese Patriotic Front on the other;

Agree on the following provisions on the repatriation of Rwandese refugees and the resettlement of displaced persons.

Chapter I: Repatriation of Rwandese Refugees

Section 1: Voluntary Return and Repatriation

Sub-section 1: Basic Principles

Article 1: The return of Rwandese refugees to their country is an inalienable right and constitutes a factor of peace, national unity, and reconciliation.

Article 2: The return is an act of free will on the part of each refugee. Any Rwandese refugee who wants to go back to his country will do so without any precondition whatsoever.

Each person who returns shall be free to settle down in any place of their choice inside the country, so long as they do not encroach upon the rights of other people.

Article 3: For purposes of settling returnees, the Rwandese Government shall make lands available, upon their identification by the "Commission for Repatriation" so long as they are not currently occupied by individuals. The Commission shall be at liberty to explore and choose, without any restriction, resettlement sites throughout the national territory. The selection of sites, their occupation and farming shall take due consideration of the protection of endangered animal species, especially the mountain gorilla. Depending on the protection requirements and the planned farming development activities, the transfer of those species into compatible ecosystems is recommended.

Article 4: The right to property is a fundamental right for all the people of Rwanda. All refugees shall therefore have the right to repossess their property on return.

The two parties recommend, however, that in order to promote social harmony and national reconciliation, refugees who left the country more than 10 years ago should not reclaim their properties, which might have been occupied by other people. The Government shall compensate them by putting land at their disposal and shall help them to resettle.

As for estates which have been occupied by the Government, the returnee shall have the right for an equitable compensation by the Government.

Article 5: The repatriation exercise shall aim at achieving a harmonious and definitive integration.

Article 6: The repatriation process must mesh with the economic changes underway in the country.

Article 7: The principle of dual citizenship is hereby accepted. The laws governing the Rwandese citizenship shall be reviewed accordingly.

Sub-section 2: The Beneficiaries of the Programme for the Return and Repatriation

Article 8: The Programme for the Return and the Repatriation shall be designed solely for Rwandese Refugees.

Shall qualify as a Rwandese refugee:

1. Anyone in possession of documents issued by the Office of the United Nations High Commissioner for Refugees (UNHCR), testifying that the bearer is a Rwandese refugee;

2. Any Rwandese national who declares himself to be a Rwandese refugee, but who is not registered with the Office of the UNHCR.

Sub-section 3: Repatriation Procedures

Article 9: Upon the recommendation of the Secretariat of State for Rehabilitation and Social Integration, the Broad-Based Transitional Government shall set up a Commission for Repatriation composed of Government, UNHCR, OAU and Refugee representatives.

Article 10: The Commission shall have, as a general mandate, to finalize and to implement a programme for the repatriation and reintegration of returnees.

The concrete missions of the Commission shall be as follows:

1. Conduct a socio-economic survey of refugees;

2. Organize a pre-repatriation census and registration of returnees;

3. Conduct an information and sensitization campaign both to the refugee community and the population within the country;

4. Identify settlement sites, supervise the distribution of plots and establishment of basic infrastructures such as Reception Centres, Health Centres, Educational Centres, etc.;

5. Make travel arrangements for all returnees, where necessary, and arrangements for the transport of their property;

6. Supervise all kinds of assistance for the returnees, such as food aid, farming tools, building materials, domestic items, seeds, etc.;

That Commission may set up Committees, where necessary, for the execution of some of its missions.

Article 11: For border crossings, a list of items subject to an export ban in the country of asylum and to an import ban in Rwanda shall be communicated in advance to refugees opting for repatriation.

Property and assets of returnees shall be exempted from all import duties and taxes, except for commercial goods.

The exchange regulations shall be communicated to returnees and facilitated by the appropriate authorities.

Customs formalities shall also be specified by the country of asylum and by Rwanda.

The Secretariat of State for Rehabilitation and Social Integration, in coordination with Immigration and Emigration Services, shall provide facilities at border posts and at the International airport, for the reception of returnees who shall have opted to go back home with their own means.

Sub-section 4: *Assistance*

Article 12: The repatriation funding programme shall provide for provisional accommodation centres on the settlement sites in rural or in urban areas, in existing or those to be built, on condition that the latter are built for ultimate use.

Returnees at that time shall be fully taken care of, including an initial free medical check-up.

Article 13: Returnees shall provisionally be accommodated in shelters built on plots allocated to them, but they shall rapidly be given a set of building materials to enable them to build their own houses and design them in accordance with model development schemes drawn up by the Commission for Repatriation.

Article 14: Upon their arrival in the country, repatriates shall each be paid a small amount of money to enable them to meet vital needs not catered for by the aid programme.

Article 15: With the assistance of the International Community, the Rwandese Government shall provide assistance to the returnees, in the following areas:

1. food aid;
2. domestic items;
3. farming tools;
4. building materials;
5. health;
6. education.

The same assistance shall equally be provided to those returnees who may go back to their places of origin.

Article 16: Food aid shall be provided for a period of at least 15 months, after which conditions for the continued supply of that aid shall be reviewed.

Article 17: Each family of returnees shall be provided with basic items such as kitchen utensils and bed and beddings.

Article 18: The programme for the settlement of returnees shall also avail a set of farming tools and seeds, preferably selected to meet the soil and climate requirements in the area. In so doing, it shall enable the repatriated farmers to undertake farming activities as soon as possible.

Article 19: The repatriation programme shall also include the supply of medicines and various equipment for the existing or newly established Health Centres.

Vulnerable groups, i.e. women, children, the aged people and the handicapped shall be specifically taken care of.

Article 20: A programme of assistance for children admitted in the educational system shall be established and tailored in such a way as to cater for school fees, funds for the purchase of uniforms and school equipment for two academic years.

Article 21: The returnees who shall take up activities other than farming, but are not able to take care of themselves, shall each benefit from some of the assistance programmes mentioned above especially:

1. Accommodation and food aid for a period of 6 months;
2. basic items such as kitchen utensils, bed and beddings.

The Rwandese Government shall establish, through the Ministry of Labour and Social Affairs and the Secretariat of State for Rehabilitation and Social Integration, mechanisms for the orientation and follow-up of job seekers.

Sub-section 5: *Integration Modalities*

Article 22: Returnees may benefit from opportunities availed by the Development Projects designed for the enhancement of employment in the public and private sectors, in the same conditions as residents.

Article 23: The Rwandese Government shall undertake negotiations with international funding institutions, within the framework of the Structural Adjustment Programme (SAP), so that the absorption capacities of the Public Sector could be enhanced.

There are certain sectors, however, which already hold out employment opportunities, such as Education, Health and the Judiciary.

A returnee who shall be integrated in the public sector shall be employed at the level to be determined on the basis of their qualification and professional experience.

Employment shall not be subjected to any precondition and criteria other than the age for employment and retirement.

Article 24: Returnees who have contributed to the Social Security in Rwanda may claim their dues, either for themselves or their beneficiaries.

As for those who have been contributing to the Social Security abroad, the Rwandese Government shall negotiate with the countries concerned so as to arrange for the compensation or transfer of their dues.

Article 25: Lack of knowledge of Kinyarwanda or French shall not constitute an obstacle to employment and discharge of duties within the public sector.

During the first three years of service, with effect from the date of appointment, the returnees shall use those languages they are most familiar with, and shall take intensive French or Kinyarwanda courses. At the end of that period, consideration of this facility shall be re-examined in order to determine whether it would be maintained or not.

To that effect, a programme of linguistic support as well as translation and interpretation services shall be organized, according to the needs, soon after the establishment of the Broad-Based Transitional Government, using funds provided for in the Plan of Action for returnees or any other funds.

Article 26: The existing Commissions on the Equivalence of diplomas shall include qualified personnel among returnees and shall pay special attention to that problem.

Diplomas and certificates internationally recognised shall be considered for purposes of employment in the educational institutions or appointment to professional posts, in accordance with the UNESCO grading regulations and systems.

Article 27: The access to employment opportunities in the Private Sector and the establishment of new enterprises in the country have been liberalized within the framework of the Structural Adjustment Programme (SAP). They shall be open to returnees without any preconditions, and under the same conditions as residents.

Government role in that field will be to reactivate support to existing firms, promote new investments and simplify formalities required to get started in the Private Sector. The Plan of Action shall also include a Guarantee Security Fund, so as to facilitate access to loans by returnees.

Article 28: The Commission for Repatriation shall develop settlement sites. The sites shall be provided with basic socio-economic infrastructures such as schools, Health Centres, water, access roads, etc.

The Housing scheme in these areas shall be modelled on the "village" grouped type of settlement to encourage the establishment of development centres in the rural area and break with the traditional scattered housing.

Article 29: The programme for the reintegration of returnees shall provide additional school facilities, by expanding existing schools or creating new infrastructures to accommodate the returnee children already at school or of school age.

Article 30: For purposes of ensuring a smooth integration into the educational system in the country, and avoiding that students interrupt their studies and suffer adverse effects, a number of measures shall be taken:

1. During the first year, education should be provided in the language used in the country of asylum.

2. Within the first three months, intensive French courses should be organised for teachers and students, especially for students in the senior level of primary school and for students in secondary schools and institutions of higher learning, from the anglophone countries.

3. Some of the aspects of adaptation may be catered for in the private educational system.

4. The Plan of Action for Rwandese refugees shall take in charge students in their last two years of the primary, secondary schools and institutions of higher learning who may wish to stay behind and complete their studies in the host countries, if the educational systems in which they were studying are not available in Rwanda. Their certificates shall be recognized in accordance with the UNESCO system of equivalence of diplomas, certificates, etc.

However, special attention shall be given to the writing and reading of Kinyarwanda through additional remedial lessons, to enable new pupils and any other who might experience similar difficulties to catch up with those who are more conversant with the language.

Sub-section 6: Implementation of the Overall Programme of Repatriation

Article 31: In accordance with the mandate entrusted to them by the Dar es Salaam Summit of 19th February, 1991, the UNHCR and the OAU shall organize, within six (6) months after the establishment of the Broad-Based Transitional Government, a Donors' Conference for the financing of projects earmarked in the Plan of Action for the Rwandese refugees.

In addition to other internal sources of funding, the Rwandese Government shall also rely on bilateral cooperation to support the Repatriation Programme.

Article 32: The implementation, at the political and administrative level, of the Repatriation Programme shall

be supervised by the Secretariat of State for Rehabilitation and Social Integration.

For the technical implementation of the various components of the Repatriation Programme, the Government of Rwanda and the UNHCR shall preferably resort to those NGOs with an established reliability, taking also their respective specialization into account. As such, one or several NGOs shall undertake site development activities, building activities, and the distribution of food aid.

Sub-section 7: *Timetable for Repatriation*

Article 33: All the returnees having the means to settle themselves without recourse to Government assistance may do so, soon after the signing of the Peace Agreement.

To that end, Rwandese Embassies shall issue travel documents to all Rwandese refugees who wish to go back to Rwanda.

Article 34: With respect to repatriation in groups, the following programme of sequence is envisaged:

1. Within six (6) months after the establishment of the Broad-Based Transitional Government, the UNHCR and the OAU shall organize a Donors' Conference on the financing of the Repatriation Programme.

2. Within six (6) months after the establishment of the Broad-Based Transitional Government, tripartite agreements between Rwanda, the UNHCR and individual countries in the Region, and the UNHCR shall have been concluded on issues pertaining to the repatriation of refugees.

3. Within six (6) months after its establishment, the Broad-Based Transitional Government shall undertake operations for the preparation of settlement sites.

4. Within nine (9) months following the establishment of that Government, the repatriation of the first batch of returnees may begin.

Section 2: *Other Repatriation Solution: Settlement in the Host Country*

Article 35: The Broad-Based Transitional Government shall take and implement measures, including through bilateral agreements, for the protection of the Rwandese nationals who shall have opted to settle in the host countries as immigrants.

Those immigrants shall fully enjoy the same rights as all other Rwandese citizens.

Chapter II: Return of Persons Displaced by War and Social Strifes

Section 1: *Preparatory Measures*

Article 36: The organized return of persons displaced as a result of war and social strife shall be done

after the following preparatory measures have been taken:

1. Deployment of the International Neutral Force.
2. Disengagement of Forces in the war zones.
3. Establishment of the Broad-Based Transitional Government.
4. Clearance of mines in the war zones.
5. Planning and provision of humanitarian assistance in essential services.

Section 2: *Administration and Security in the War Zones*

Article 37: The administration entities established before the outbreak of war shall be reconstituted.

Article 38: The socio-economic services established before the outbreak of war, especially in the educational, health, justice, youth, trade, agricultural and animal husbandry sectors at the level of administration entities in the war zones shall resume their activities.

Article 39: The Broad-Based Transitional Government shall determine mechanisms of appointing local authorities in these zones.

Article 40: The clearance of mines in the zones shall be conducted by the International Neutral Force, in collaboration with the Army Command High Council.

Article 41: Security shall be ensured by the local police to be provided with adequate means and assisted, where necessary, by the National Gendarmerie.

Section 3: *Humanitarian Assistance*

Article 42: Humanitarian Aid shall be distributed by the Secretariat of State for Rehabilitation and Social Integration, assisted by the Humanitarian Agencies.

Article 43: The humanitarian aid shall consist of:

1. Food aid;
2. Domestic items;
3. Farming tools;
4. Building materials;
5. Health care and Medicines;
6. Education (School equipment, uniforms, school fees for a period of two years);
7. Transport to their places of domicile for those who cannot afford it;
8. Labour costs for the construction of houses;
9. Seeds;
10. Establishment of temporary shelters.

Section 4: *Timetable and Modalities for Return*

Article 44: As soon as the preparatory measures spelled out in Article 36 of the present Protocol are put in place, the Broad-Based Transitional Government shall issue directives for the return of displaced persons.

Article 45: The return of war displaced persons to their homes shall, as much as possible, be coordinated with the return of the refugees who left the country during the war, as well as that of persons displaced as a result of social strifes.

Done at Arusha, the 9th day of June 1993
in both French and English languages,
the French text being the original.

For the Government of the
Republic of Rwanda
NDASINGWA Landoald
Minister of Labour and
Social Affairs

For the Rwandese
Patriotic Front
BIZIMUNGU Pasteur
Member of the Executive
Committee and
Commissioner for
Information and
Documentation

In the presence of the Representative of the Facilitator
(The United Republic of Tanzania)

Ami R. MPUNGWE
Ambassador
Ministry of Foreign Affairs and
International Co-operation

In the presence of the
Representative of the Current
Chairman of the OAU

In the presence of the
Representative of OAU
Secretary General

Papa Louis FALL
Ambassador of Senegal to
Ethiopia and Tanzania and
Representative to the OAU

Dr. M.T. MAPURANGA
Assistant of
Secretary General
for Political Affairs

Annex VI

Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties

The Government of the Republic of Rwanda on the one hand, and the Rwandese Patriotic Front on the other;

Agree on the following provisions on the integration of the Armed Forces of the two parties.

Chapter I. The National Army

Section 1: Missions and Principles

Article 1: Subject to modalities and principles mutually agreed upon between the parties in the present Protocol of Agreement, for the formation of the National Army, the latter shall fulfil the following missions and shall be guided by the principles below:

A. Missions

1. Defend the national territorial integrity and the sovereignty of the country;
2. Participate, within the framework established by laws and regulations and in consultation with relevant authorities, in operations of maintenance and restoration of law and order as well as in the execution of laws;
3. Participate in relief operations in the event of natural calamities;
4. Contribute to the development of the country, especially through reconstruction and production activities.

B. Principles

1. As an Institution, the National Army shall be governed by the laws and regulations of the country;
2. The National Army shall be at the disposal of the Government and shall be subordinated to its authority, the two institutions abiding by the Fundamental Law as defined in the Peace Agreement, laws, democratic principles and the Rule of Law;
3. The National Army shall be non partisan;
4. The National Army shall be a regular Army, composed solely of volunteer Rwandese citizens recruited on the basis of their competence. It shall be open to any Rwandese Nationals, irrespective of their ethnic group, region, sex, religion or language;
5. Members of the National Army shall have the right to be informed about the socio-political life of the country. They shall benefit from civic and political education. To that effect, the Government shall set up a programme for the civic and political education of ser-vicemen;
6. Members of the National Army shall not be affiliated to political parties or to any other association of a political nature. They shall neither take part in activities or demonstrations of political parties or associations. They shall not portray their political allegiances in public;
7. Members of the National Army shall exercise their right to vote. Given the type of the current organization of the Army, however, its members cannot participate in local elections.
8. Members of the National Army may present their candidature for political elective posts, on condition that they resign from the Army.

Section 2: Size, Structure and Organization

Sub-section 1: Size

Article 2: The strength of the National Army (Officers, Non-Commissioned Officers, Corporals and Privates) shall be thirteen thousand (13,000) men. The ratio between the various categories with respect to the whole

size of the Army, shall be 6% for Officers, 22% for Non-Commissioned Officers and 72% for men.

Article 3: The National Army shall comprise:

1. An Army Command High Council;
2. The Army Headquarters;
3. Four (4) Territorial Brigades;
4. Specialised Units under the Army Headquarters;
5. Support and Service Units under the Army

Headquarters.

[Editor's note: The remainder of this section & the Protocol containing details of organizational structure and other administrative provisions of the proposed national army is not reproduced here.]

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Section 4: *Formation of the National Army*

Sub-section 1: *Process of the Formation of the National Army*

Article 51: The process of formation of the National Army shall be conducted in the following stages:

- Establishment of the Army Command High Council;
- Establishment of the Neutral International Force;
- Disengagement of forces;
- Integration operations;
- Training of servicemen;
- Deployment of troops in the Units.

Paragraph 1: Establishment of the Army Command High Council.

Article 52: The Army Command High Council shall be established concomitantly with the Transitional Institutions.

Paragraph 2: The Neutral International Force.

Article 53: Composition.

The Neutral International Force shall be under the responsibility and command of the United Nations and shall be composed of contingents provided by countries selected by the Secretary-General of the United Nations. Before deciding on a definite list of those countries, he shall require the approval of the two parties.

The Neutral Military Observer Group (NMOG) may, with certain arrangements between all the parties concerned, be partly or entirely integrated into the Neutral International Force, or perform certain duties specifically entrusted to the Neutral International Force.

Article 54: Missions.

The Neutral International Force shall have the following missions:

A. Overall Mission

The Neutral International Neutral Force shall assist in the implementation of the Peace Agreement, more especially through the supervision of the implementation of the Protocol of Agreement on the Integration of Armed Forces of the two parties as well as the provision of all kinds of assistance to the competent authorities and organs.

B. Security Missions

1. Guarantee the overall security of the country and especially verify the maintenance of law and order by the competent authorities and organs.

2. Ensure the security of the distribution of humanitarian aids.

3. Assist in catering for the security of civilians.

4. Assist in the tracking of arms caches and neutralization of armed gangs throughout the country.

5. Undertake mine clearance operations.

6. Assist in the recovery of all weapons distributed to, or illegally acquired by the civilians.

7. Monitor the observance by the two parties of modalities for the definite cessation of hostilities, provided for in the Peace Agreement.

C. Missions of Supervising the Process of Formation of the National Army

1. Undertake the demarcation of Assembly Zones and identify places for the establishment of Assembly and Cantonment points.

2. The Neutral International Force shall be responsible for the preparation of Assembly and Cantonment points. It shall take in and manage all the equipment and financial resources required for the performance of that duty.

The Military barracks may serve as Assembly or Cantonment points, on condition that the two parties be informed. These camps shall be subjected to the monitoring of the Neutral International Force and to requirements of other Assembly or Cantonment points.

3. Determine security parameters for the City of Kigali, in line with the objective of making it a neutral zone.

4. Supervise:

- operations for the disengagement of forces, especially the movement of troops towards Assembly points, and servicemen moving to the Cantonment points for purposes of depositing heavy weapons;
- the transformation of military barracks into Assembly or Cantonment points;
- verifications following these operations.

5. Ensure that rules of discipline by servicemen inside and outside assembly points are observed.

6. Cross-check inventories of armaments and ammunitions of the two parties and monitor operations for the separation of heavy from light weapons.

7. Keep watch on cantonment points and participate in the guard of light weapons and ammunition magazines located in Assembly points.

8. Supervise operations for the identification of the military personnel to be carried out in the various Assembly points.

9. Supervise operations for the supplies to the troops in the Assembly points, it being understood that the supplies shall be confined to non lethal items.

10. Participate in the programme designed for the training of members of the new Armed Forces and cater for the security of Training Centres.

11. Supervise the operations for the demobilization of servicemen and gendarmes not eligible to constitute the new Armed Forces.

12. Assess the status of implementation of the formation process and make recommendations to the Broad-Based Transitional Government, the Army Command High Council and the Command Council of the National Gendarmerie.

Paragraph 3: Disengagement of Forces.

Article 55: Definitions.

An Assembly zone is a portion of the national territory within which the Assembly and Cantonment points of each of the two parties shall be located.

Assembly points are centres where specific groups of servicemen of the two Forces shall be confined and their identification conducted. Those centres shall be the starting point of the formation, integration and demobilization process that shall be conducted under the supervision of the Neutral International Force.

Cantonment points are places identified for the storage of heavy weapons outside the Assembly points.

Article 56: Demarcation of Assembly Zones.

The demarcation of Assembly zones shall be undertaken by the United Nations Reconnaissance Mission in collaboration with the NMOG, on the basis of the current positions of the two Forces. During this demarcation exercise, care will be taken to ensure that the following conditions are fulfilled:

1. The two assembly zones be separated by a demilitarized zone whose width shall be superior to the range of heavy artillery used in the conflict;

2. Each Assembly zone shall contain all the Assembly and Cantonment points of the party concerned;

3. Within the Assembly zones, the Assembly points shall be located in such a way as to avoid clustering;

4. The Assembly and Cantonment points shall be located in such a way to allow the population to use its habitual property and facilities;

5. The Assembly zones shall be demarcated so as to avoid encirclement of one force by another.

Article 57: Identification of Assembly Points.

Assembly points shall be identified by the International Neutral Force, in collaboration with each party within its Assembly zone. These points shall, as much as possible, be located on Government's Estates or Estates belonging to collectivities, and shall be located far from built-up areas.

In identifying an Assembly point, account shall be taken of viability requirements (availability of water, hospitable climate, etc.) and facilities for an easy organization of supplies, it being clearly understood that supplies refer to non lethal items.

Article 58: Movement of Troops towards Assembly Points.

The Neutral International Force, in collaboration with the Army Command High Council, shall specify the date whereby elements of the two sides shall move towards the Assembly points after having deposited heavy weapons in the Cantonment points.

All the elements of the two Forces should join the Assembly points, except the administrative and support staff, whose composition and size shall be determined by the Neutral International Force, in collaboration with the Army Command High Council.

Article 59: Command of the Assembly Point.

Each assembly point shall be under a Military Commander appointed by the party concerned.

The Military Commander shall be answerable to the Command to which he is accountable and to the Army Command High Council, with regard to the following:

- Staff discipline;
- Observance of the Peace Agreement by the troops, especially provisions relating to the definitive cessation of hostilities;
- Observance of directives and orders emanating from the Army Headquarters;
- Control of armaments, ammunition and other equipment belonging to Units within the Assembly point.

The Military Commander shall forward to the Army Headquarters a daily situation report specifying the personnel, equipment and ammunition in the Assembly point and relevant activities carried out in conformity with directives issued by the National Army Headquarters.

The Military Commander shall liaise the Command to which he is accountable and the Neutral International

Force. The latter may, however, appoint its own liaison Officer.

Article 60: Security of Assembly Points.

The security of Assembly points shall be jointly ensured by contingents amounting to 10% of the total strength of those points and whose minimal size should be one hundred and twenty (120) men, and by members of the Neutral International Force.

The personnel of those contingents shall carry individual weapons only, and shall strictly be deployed within the Assembly points.

Additional security measures to be taken in each Assembly point shall be decided upon by mutual agreement between the Commander of the Assembly point and the Neutral International Force, taking into account the specificities of each Assembly point.

Article 61: Guard of Arms, Ammunition and Military Equipment in the Assembly Points.

Once the troops arrive in the Assembly points, each party shall undertake identification of its troops and make an inventory of armaments and ammunitions.

The Army Command High Council and the Neutral International Force shall cross-check the inventory of arms and ammunition as well as the identification of servicemen.

All the troops confined in these points shall be deprived of their light or personal arms to be kept in magazines located in the same Assembly points under the joint guard of the Neutral International Force and the Force concerned. Light weapons required for training exercises in the Assembly point may, however, be put at the disposal of the Commander of the Assembly point, by the Neutral International Force when and as necessary. These exercises shall be carried out in accordance with a programme known to the Army Command High Council and the International Neutral Force. The weapons utilized shall be returned to the depot upon completion of each round of exercise.

The Army Command High Council and the Neutral International Force shall specify the date for the storage of arms and ammunition. The same date shall apply for the storage of arms and ammunition in all Assembly points.

Article 62: The Personal Identification File.

A personal identification file shall be opened for each serviceman as soon as they report to the Assembly point. The file shall include the following particulars:

Family name and First name; Rank; Years of Service within the Rank; Regimental Number; Sex; Date of Birth; Marital Status; Being a Rwandese national; Type and Serial Number of Weapon; Specialization;

Military or Civilian Diploma, Certificate or Brevet; Blood Group.

Shall be regarded as a Rwandese citizen any individual who considers himself to be Rwandese and whose parents or ancestors, or one of them, may be localized as a member of the national community dwelling in the territory recognized today as Rwanda.

The Army Command High Council may decide to include additional elements of identification such as a passport size photograph.

Article 63: Troops' Activities in Assembly Points.

Troops may notably undertake the following activities in Assembly Points:

- Physical exercises and cultural and leisure-time activities;
- Activities planned within the framework of the first phase of the military training programme;
- replenishment of food, fuels, lubricants and medical supplies;
- maintenance and repair of equipment;
- infrastructure improvement and clearance of mines in their assembly point.

The Neutral International Force shall monitor the observance of this provision by each party.

Article 64: Incidents or Ceasefire Violations.

In the event of incident or Ceasefire violation, Commanders of each echelon shall take immediate and appropriate action with regard to their troops, so as to put an end to that incident or violation.

Any Commander informed of an incident or violation shall immediately issue a warning to the perpetrators and, if they belong to his Unit, take adequate disciplinary action.

Without prejudice to any disciplinary action to be taken by the Unit Commander, the authors or those responsible for the incident or violation shall be liable to punishments specified by the Army Headquarters.

The Military Commander shall also be duty bound to report any incident or violation to his immediate superior, the Neutral International Force and the Army Headquarters.

In the event of incident or violation, Units shall refrain from taking any retaliatory action and shall strive to avoid any action that may trigger escalation.

The Neutral International Force shall be informed of any incident or violation and shall track down the perpetrators.

Article 65: Movement Outside the Assembly Point.

Servicemen in an Assembly point shall be forbidden to move outside that Assembly point without the permission of the Commander of the Assembly point. In any

case, they shall be strictly forbidden to move about armed.

The Neutral International Force shall monitor the observance of this provision by each party.

Article 66: Identification of Cantonment Points.

There shall be several Cantonment points located in the respective Assembly zones. Their ultimate number and their location shall be decided upon by the Commander of the Neutral International Force, after seeking the approval of the party concerned. Cantonment points shall be distant enough from Assembly points.

Article 67: Definition of Heavy Weapons.

All weapons shall be considered as heavy weapons except pistols, UZI sub-machine guns, sub-machine guns, rifles, light machine-guns (6.25 mm), medium machine guns (7.62 mm) and general-purpose machine guns (7.62 mm).

Armoured vehicles such as personnel carriers, tanks etc. helicopters and other military aircrafts belong to the category of heavy weapons.

Upon the request of the Army Command High Council and the Command Council of the National Gendarmerie, the Neutral International Force or the expanded NMOG may authorize the use of those vehicles and aircrafts for specified missions.

Article 68: Guard and Maintenance of Arms within the Cantonment Points.

The Cantonment points shall be under the only control of the Neutral Internal Force. Some members of the respective parties shall, however, be authorized by the Neutral International Force to visit the Cantonment points for purposes of servicing heavy weapons.

Article 69: Ownership of Arms and Military Equipment in the Assembly and Cantonment Points.

The Military equipment based in Assembly or Cantonment points and stored in magazines located in the Assembly points shall be verified and an inventory and record kept. This equipment shall remain the property of either party until the completion of the integration of the two forces.

Thereafter, the Broad-Based Transitional Government shall, at the proposal of the Army Command High Council, decide on the fate of those arms, ammunition and military equipment.

Article 70: Determining the Types of Light weapons for the National Army and the National Gendarmerie.

The Army Command High Council and the Command Council of the National Gendarmerie shall determine the type of light weapons for the National Army and the National Gendarmerie. Those weapons should be available at the training sites at the start of the integration process of the forces.

Those weapons shall be made available by the ACHC and the CCNG and shall belong to the National Army and the National Gendarmerie respectively.

Article 71: Uniforms and Insignia.

The uniforms and insignia of the National Army and the National Gendarmerie shall be determined by the Army Command High Council and the Command Council of the National Gendarmerie respectively.

Article 72: Security Arrangements for the Establishment of Transitional Institutions in Kigali.

In general, security shall be catered for by the Neutral International Force and, in case of delay in its deployment, by the expanded NMOG of which the United Nations assumes responsibility in accordance with Article 53 of this Protocol.

The establishment of transitional institutions shall take place after the deployment of the Neutral International Force or the expanded NMOG and after the withdrawal of foreign troops. The withdrawal of foreign troops shall be implemented in accordance with modalities defined in the March 7, 1993 Dar es Salaam Communiqué.

In consultation with the Neutral International Force or the Expanded NMOG and the Rwandese Patriotic Front (RPF), the Coalition Government shall make available accommodations for RPF personalities who will be members of the transitional institutions.

In consultation with the Neutral International Force or the expanded NMOG, the Broad-Based Transitional Government shall provide accommodation and offices affording suitable security conditions to the members of the Army Command High Council and the Command Council of the National Gendarmerie. The members of these organs shall also be consulted.

In order to participate in catering for the security of its personalities, the RPF shall bring to Kigali a security unit whose size is equivalent to one (1) Infantry Battalion of six hundred (600) troops.

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Chapter III. Demobilization Process

Section 1: Principles

Article 147: Elements of the two Forces, namely the Rwandese Armed Forces and the RPF Forces which shall not have been retained among the nineteen thousand (19,000) servicemen and gendarmes shall be demobilized.

Article 148: Each party, i.e. the Coalition Government on the one hand, and the RPF on the other, shall specify those elements among its personnel to be demobilized and make a list of them.

Article 149: Demobilization is a process beginning with the formal publishing of lists of servicemen to be

demobilized and ending with the final implementation of the process of integration of the demobilized personnel into civil life, in accordance with the timetable attached to the present Protocol as Annex IV.

The publishing of lists shall only take place after the disengagement and verification by the competent organs have been conducted and upon completion of the joint training phase. Servicemen to be demobilized shall remain under the responsibility of the Broad-Based Transitional Government until they have been posted, taking into account their categories.

Article 150: Upon completion of the separate training, elements to be demobilized may be put together in separate Assembly points within the respective zones. The Command Council of the National Gendarmerie shall decide, depending on the circumstances, on the need to put them together, taking especially into account the social administration requirements for the elements to be demobilized.

Article 151: Demobilization shall be a gradual process which shall adapt itself to the programme of integration of each demobilized serviceman, in line with the timetable for the demobilization attached as Annex IV.

Article 152: Upon the completion of the demobilization process, each serviceman/gendarme shall be given a demobilization certificate. This certificate is a document testifying that the holder is an ex-serviceman and he/she is entitled to certain benefits given to war veterans.

The Certificate shall testify that the military or gendarme services are terminated and that the bearer was properly demobilized. Copies of that certificate shall be kept within the Ministry of Defence, the Ministry of Interior and Communal Development as well as the Secretariat of State for Rehabilitation and Social Integration.

A card for ex-servicemen shall also be issued to the demobilized personnel and shall especially bear the following particulars: family name, first name, rank, domicile, a photo, date of birth, certificate number and date of issuance.

Section 2: *Demobilization Modalities*

Sub-section 1: *General Conditions*

Article 153: Lumpsum Demobilization Allowance.

Each serviceman/gendarme to be demobilized shall be paid a lumpsum demobilization allowance in constant value of Rwandese Francs, amounting to:

- One hundred thousand (100,000) RWF for Corporals, Privates and Gendarmes.
- Two hundred thousand (200,000) RWF for Non-Commissioned Officers—2nd Category.
- Three hundred thousand (300,000) RWF for Non-Commissioned Officers—1st Category.

- Four hundred thousand (400,000) RWF for Junior Officers.
- Five hundred thousand (500,000) RWF for Senior Officers.

The Broad-Based Transitional Government shall specify modalities of the distribution of those allowances.

Article 154: The Invalid and Handicapped.

The invalid and handicapped whose incapacity to perform their duties shall be testified by a registered physician, shall be paid a monthly invalidity allowance and the Government shall take charge of the education of all their children in Public or subsidized Private Schools.

Sub-section 2: Specific Modalities for Demobilization per Categories of the Personnel to be Demobilized

Article 155: The personnel having the means to take care of their own integration into civil life shall be discharged upon completion of usual formalities.

Article 156: The personnel to be directly absorbed into the civil service shall be demobilized as soon as the absorption capacities of that sector will have been communicated.

Article 157: The personnel to undergo a short or long training or follow familiarization programmes shall be demobilized as soon as opportunities for their training shall have been confirmed.

Article 158: The handicapped or invalid shall take advantage of special programmes designed for socio-economic integration. They shall fall under the responsibility of the Secretariat of State for Rehabilitation and Social Integration as soon as possibilities of their integration will have been identified.

Article 159: The personnel whose integration in the civil life shall be contingent upon integration in the Rwandese society, provided for in the Repatriation Programme shall be under the responsibility of the organs responsible for the implementation of the repatriation programme, as soon as such bodies are in a position to implement those programmes.

Article 160: The personnel who do not fall under any of the above categories shall be demobilized as soon as the Secretariat of State for Rehabilitation and Social Integration and the competent Organs shall be in a position to make room for job opportunities for them.

Section 3: *Follow-up of the Demobilized Personnel*

Article 161: The issue pertaining to the reserve of the National Army and to the compulsory national service shall be considered by the Broad-Based Transitional Government for appropriate action. The demobilized

personnel may, on their own volition, become members of the Reserve.

Article 162: The Secretariat of State for Rehabilitation and Social Integration shall include a Service responsible for the implementation of the programme of integration of the demobilized personnel in the socio-economic life. It shall also ensure the follow-up of the demobilized personnel after their social integration. The Government shall specify modalities of collaboration between the Secretariat of State for Rehabilitation and Social Integration and other departments concerned with the matters of the demobilized personnel, especially the Ministry of Defence and the Ministry of Labour and Social Affairs.

Article 163: The Army Command High Council and the Command Council of the National Gendarmerie shall decide whether it is appropriate and on the time for the separation of the personnel selected to constitute the National Army and the National Gendarmerie from those to be demobilized, and shall take into account the administrative facilities required by the social services responsible for the discharge and reintegration of the demobilized personnel.

Done at Arusha on 3rd day of August, 1993
in both French and English languages,
the French text being the original.

For the Government of the
Republic of Rwanda

For the Rwandese
Patriotic Front

Dr. GASANA Anastase
Minister of Foreign Affairs
and Cooperation

BIZIMUNGU Pasteur
Member of the Executive
Committee and
Commissioner for Informa-
tion and Documentation

In the presence of the
Representative of the
Facilitator
(the United Republic of
Tanzania)

In the Presence of the
Representative of the
Secretary General of OAU

Joseph RWEGASIRA
Minister of Foreign Affairs
and International
Cooperation

Dr. M. T. MAPURANGA
Assistant Secretary
General in charge of
Political Affairs

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Annex VII

Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions

The Government of the Republic of Rwanda on the one hand, and the Rwandese Patriotic Front on the other;

Agree on the following provisions:

Chapter I: State Security Services

Section 1: Communal Police, Prisons Services, and the Public Prosecution Department

Article 1: Within the framework of implementing the Government's Programme outlined in Article 23 of the Protocol of Agreement of 30th October, 1992, the Broad-Based Transitional Government shall undertake the following activities with regard to the Security Services:

A. Communal Police

1. Ensure that policemen are recruited on the basis of the security needs of the Commune, and that an optimal ratio is established between the strength of the Police force and the size of the population in the Commune, in accordance with standard criteria applicable throughout the country.

2. Improve and enhance the level of training of the Communal Police Force and adapt it to suit its specific tasks.

3. Provide assistance to the Communes in matters of security, especially by improving the service conditions of the Communal Police.

4. Define the modalities of collaboration between the Communal Police Force and other Security Organs.

5. Evaluate and improve on the performance of the Communal Police Force.

B. Prisons Services

1. Update the legal provisions and regulations governing prison warders and Guards.

2. Improve and enhance the level of training of prison warders and Guards, by providing them with training best suited to prisons services.

3. Evaluate and improve on prison services, in conformity with Article 23 G.3 of the Protocol of Agreement of 30th October, 1992, and taking into consideration the principles underlying the Rule of Law.

C. Public Prosecution Department

1. Undertake an extensive reform of the Public Prosecution Department and open it to all the Rwandese Nationals.

2. Make a distinction between the Jurisdiction of the Public Prosecution Department and of other services charged with criminal investigations.

3. Seek technical cooperation for the Public Prosecution Department.

Section 2: *State Security Services*

Article 2: Structure

The current structure of the State Security Services shall be maintained. They shall consist of the following:

- External Security under the Ministry of Defence;
- Internal Intelligence Service under the Prime Minister's Office;
- Immigration and Emigration Service under the Ministry of Interior and Communal Development.

Article 3: Principles

The State Security Services shall be guided by the following principles:

1. They shall serve the Government and shall be subjected to its authority.

2. They must confine their activities to the gathering of intelligence relevant to the missions entrusted to them. They shall have no power of arrest, such power shall be vested in the relevant authorities, (Public Prosecution Department, the National Gendarmerie and the Communal Police).

3. They must abide by the law and must conform to the letter and spirit of the International Conventions to which the Republic of Rwanda is a party.

4. They must respect the civic rights of citizens as well as fundamental freedoms.

5. In exercising their duties, they shall be guided by the supreme interest of the State and the public good. They shall perform their duties in a non-partisan spirit and must act with absolute impartiality and neutrality vis-à-vis political parties.

Article 4: Coordination of Intelligence Services

An Organ responsible for the coordination of all intelligence gathered by various State Intelligence Services shall be established within the Prime Minister's Office.

The Chart indicating the coordination of all these Services is attached to the Protocol as an Annex.

The Broad-Based Transitional Government shall set up a Commission to carry out a comprehensive study of the problems pertaining to State Security and propose the

best way of organizing the intelligence Services in the country.

Article 5: Participation of the Rwandese Patriotic Front in the State Security Services

The Broad-Based Transitional Government shall create new posts in the State Security Services within three months after the setting up of the Broad-Based Transitional Government. The RPF shall be effectively represented at all levels of the departments (External Security, Internal Security Services, Immigration and Emigration), particularly at the level of Director and Deputy Director of the Departments and within the organ responsible for the Coordination of State Security Services.

Chapter II: Miscellaneous Provisions

Article 6: Oath of Office by the President of the Republic

Without prejudice to Articles 3, 5 and 6 of the Protocol of Agreement of 30th October, 1992, the President of the Republic, before taking Office, shall take oath before the Constitutional Court, in the following words:

"I, ..., in the Name of the Almighty God, do hereby solemnly swear to the Nation to discharge faithfully the duties entrusted to me, remain loyal to the Republic of Rwanda, respect the State Institutions and promote the interests of the Rwandese people, in accordance with the Fundamental Law and other Laws."

Article 7: Oath of Office of the Prime Minister, Ministers, Secretaries of State and Deputies of the Transitional National Assembly

Before taking up Office, the Prime Minister, Ministers, Secretaries of State and Deputies of the Transitional National Assembly shall take oath, in the following words:

"I, ..., in the name of the Almighty God, do hereby solemnly swear to the Nation to discharge faithfully the duties entrusted to me, to remain loyal to the Republic of Rwanda, respect the Head of State, the State Institutions and promote the interests of the Rwandese people, in accordance with the Fundamental Law and other Laws."

The Prime Minister, Ministers, and Secretaries of State shall take oath before the President of the Republic, and the Transitional National Assembly.

Deputies of the Transitional National Assembly shall take oath before the President of the Republic of Rwanda, in the presence of the Presiding Judge of the Constitutional Court.

In the event of the inability of the President of the Republic of Rwanda to perform this function, the per-

sonalities listed above shall take oath before the Presiding Judge of the Constitutional Court.

Article 8: Oath of Office of the Presiding Judge and Deputy Presiding Judges of the Supreme Court

Before taking Office, the Presiding Judge and Deputy Presiding Judges of the Supreme Court shall take oath of Office in the following words:

“I, ..., in the name of the Almighty God, do hereby solemnly swear to the Nation to discharge faithfully the duties entrusted to me, to remain loyal to the Republic of Rwanda, to respect the Head of State as well as the State Institutions and promote the interests of the Rwandese people in accordance with the Fundamental Law and other laws.”

The Presiding Judge and Deputy Presiding Judges of the Supreme Court shall take the oath of Office before the President of the Republic of Rwanda in the presence of the Transitional National Assembly. In the event of inability of the President of the Republic to perform this function, the above personalities shall take oath before the Speaker of the Transitional National Assembly.

Article 9: Chairmanship of the first Session of the Transitional National Assembly

The first Session of the Transitional National Assembly shall be chaired by the President of the Republic. In the event of the latter's inability to perform the function, it shall be chaired by the Presiding Judge of the Constitutional Court.

Article 10: Removal of a Deputy of the Transitional National Assembly

A Deputy of the Transitional National Assembly shall be removed by the Supreme Court which shall, in turn, inform the Transitional National Assembly and the Broad-Based Transitional Government.

Article 11: Violation of the Fundamental Law by the President of the Republic

In the event of violation of the Fundamental Law by the President of the Republic, his indictment shall be decided by the Transitional National Assembly on the basis of a 2/3 majority vote of the members present and by secret ballot.

However, prior to voting on the indictment, the Transitional National Assembly shall consult the Joint Political Military Commission (JPMC) referred to in Article IV of the Ceasefire Agreement as amended at Gbadolite 16th September, 1991 and at Arusha on 12th July, 1992. It may also consult the Facilitator. In case the indictment is confirmed to be appropriate, the President is answerable to the Constitutional Court which alone is competent to decide on his immediate resignation.

Article 12: Violation of the Fundamental Law by the Prime Minister, Ministers and Secretaries of State

In the event of violation of the Fundamental Law as outlined in the Peace Agreement, by the Prime Minister, a Minister or a Secretary of State, the procedure provided for in Articles 78 and 79 of the Protocol of Agreement on Power-Sharing signed on 9th January, 1993 shall apply.

Article 13: Voluntary Resignation of the President of the Republic

The President of the Republic may, for personal reasons, resign from Office. His resignation shall be accepted by the Transitional National Assembly. In this case, his replacement shall be effected, in accordance with Articles 47 to 50 of the Protocol of Agreement on Power-Sharing agreed on 9th January, 1993.

Article 14: Resignation of the Prime Minister, Ministers and Secretaries of State

The Prime Minister, a Minister or Secretary of State may for personal reasons, tender his/her resignation. That resignation shall become definitive if not withdrawn within eight (8) days.

The Prime Minister shall tender his/her resignation to the President of the Republic. In this case, Article 53 of the Protocol of Agreement on Power-Sharing, signed on 9th January, 1993 shall apply.

The Minister or Secretary of State shall tender his/her resignation to the President of the Republic and shall inform the Prime Minister accordingly. In this case, Article 54 of the Protocol of Agreement on Power-Sharing signed on 9th January, 1993 shall apply.

In either situation, Orders of resignation shall be signed by the President of the Republic, in accordance with the modalities provided for in Article 9 of the Protocol of 30th October, 1992.

Article 15: Ratification of International Instruments on Human Rights

The Broad-Based Transitional Government shall ratify all International Conventions, Agreements and Treaties on Human Rights, which Rwanda has not yet ratified. It shall waive all reservations entered by Rwanda when it adhered to some of those International instruments.

Article 16: Deletion of Reference to Ethnic Group in Official Documents

The Broad-Based Transitional Government shall, from the date of its assumption of office, delete from all official documents to be issued any reference to ethnic origin. Documents in use or not yet used shall be replaced by those not bearing any reference to ethnic origin.

Article 17: Public Freedoms and Fundamental Rights

With regard to public freedoms and fundamental rights, the principles enshrined in the Universal Declaration of Human Rights of 10th December, 1948 shall take precedence over corresponding principles enshrined in the Constitution of the Republic of Rwanda, especially when the latter are contrary to the former.

Article 18: Authentic Interpretation of the Peace Agreement

It shall be the duty of the Transitional National Assembly to make an authentic interpretation of the Peace Agreement.

The Transitional National Assembly shall consult the Joint Political Military Commission referred to in Article IV of the N'sele Ceasefire Agreement as amended at Gbadolite 16th September, 1991 and at Arusha 12th July, 1992.

It may consult the Facilitator or any another person it deems competent.

In this regard, the Transitional National Assembly shall take a decision on the basis of a 3/5 majority vote of its Members.

Article 19: Amendment of the Peace Agreement

Proposals for the amendment of the Peace Agreement may be made by the Broad-Based Transitional Government and the Transitional National Assembly.

Where the proposal emanates from the Government, it must be adopted by the Transitional National Assembly on the basis of a 3/5 majority vote of its members.

Where the proposal emanates from the Deputies, it must be adopted by the Transitional National Assembly on the basis of consensus.

Article 20: Confirmation of Orders in Council by the Transitional National Assembly

Orders in Council by the Cabinet must be adopted by the Transitional National Assembly during its forthcoming session, otherwise they shall lose their binding force.

Article 21: Jurisdiction, Organization and Functioning of the Supreme Council of Magistracy

An organic law shall determine the Jurisdiction, organization and functioning of the Supreme Council of Magistrates.

Article 22: Duration of the Transition Period

The duration of the Transition period shall be twenty two (22) months, effective from the date of establishment of the Broad-Based Transitional Government, with the possibility of one (1) extension if warranted by exceptional circumstances impeding the normal implementation of the programme of the Broad-Based Transitional Government.

The length of the extension shall be determined by the Transitional National Assembly on the basis of a 3/5 majority vote. In this regard, the Broad-Based Transitional Government shall consider the need for an extension, three (3) months before the expiry of the Transition period, and shall make appropriate recommendations to the Transitional National Assembly, in consultation with third parties involved in the implementation of the Peace Agreement, namely the United Nations, the OAU and the Facilitator.

Done at Arusha, on the third day of the month of August 1993, in both French and English languages, the original text being in French.

For the Government of the Republic of Rwanda

For the Rwandese Patriotic Front

Dr. GASANA Anastase
Minister of Foreign Affairs and Cooperation

BIZIMUNGU Pasteur
Member of the Executive Committee and Commissioner for Information and Documentation

In the presence of the representative of the Facilitator (The United Republic of Tanzania)

In the presence of the Representative of the Secretary General of the OAU

Joseph C. RWEGASIRA
Minister for Foreign Affairs and International Cooperation

H.E. Dr. M. T. MAPURANGA
Assistant Secretary General in charge of Political Affairs

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Document 20

Report by the Special Rapporteur on extrajudicial, summary or arbitrary executions on his mission to Rwanda, 8-17 April 1993, including as annex II the statement of 7 April 1993 of the Government of Rwanda concerning the final report of the independent International Commission of Inquiry on human rights violations in Rwanda since 1 October 1990

E/CN.4/1994/7/Add.1, 11 August 1993

Introduction

1. In recent years, Rwanda has attracted the attention of the human rights protection mechanisms established by the Commission on Human Rights. Reference was thus made to the human rights situation in that country in several reports submitted to the Commission at its forty-ninth session; of particular relevance is the information contained in the report of the Special Rapporteur on the question of torture (E/CN.4/1993/26, paras. 386 to 390), and in that of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25, paras. 441 to 446).

2. Mr. Wako, the previous Special Rapporteur, included allegations of violations of the right to life in Rwanda in his report to the Commission at its forty-eighth session (E/CN.4/1992/30, paras. 461 to 467). During 1992, the current Special Rapporteur received reports and allegations relating to extrajudicial, summary or arbitrary executions of unarmed civilians by the Rwandese security forces in connection with the armed conflict between government security forces and the Rwandese Patriotic Front (FPR) since October 1990. He also received information concerning killings of members of the Tutsi minority, in particular the Bagogwe clan, allegedly perpetrated with direct or indirect involvement of the security forces; those alleged violations of the right to life concerned at least 172 persons in 1992. On 25 September 1992, the Special Rapporteur sent an urgent appeal to the Government of Rwanda after receiving reports about death threats and acts of harassment against a member of a human rights group; the latter had conducted inquiries whose findings pointed to the involvement of local government officials in mass killings of members of the Bagogwe clan. These allegations are contained in the report submitted to the Commission on Human Rights at its forty-ninth session (E/CN.4/1993/46, paras. 502 to 504).

3. At the beginning of 1993, Rwandese human rights organizations invited the Special Rapporteur to take part in an international commission of inquiry into violations of human rights in Rwanda. The Special Rap-

porteur had to decline the invitation in the belief that, since there was a State system in Rwanda, it was for the authorities of that country to conduct inquiries and report on measures taken, the Rapporteur's role being confined, in the circumstances, to observing the manner in which the competent authorities were meeting their commitments in regard to the protection of human rights. He asked, however, to be kept informed of the findings, conclusions and recommendations of the international commission of inquiry.

4. On 8 February 1993, the FPR breached the cease-fire agreement concluded on 12 July 1992 during the Arusha (Tanzania) peace negotiations. It was in that context that serious allegations were brought to the attention of the Special Rapporteur. On 15 February 1993, an urgent appeal was sent to the Rwandese Government following reports of a resumption of the killings and of reprisals and acts of intimidation against persons who had collaborated with or testified before the International Commission of Inquiry on violations of human rights in Rwanda since 1 October 1990 (referred to hereinafter as "the International Commission of Inquiry"). This Commission, which visited Rwanda from 7 to 21 January 1993, was composed of 10 experts mandated by the International Federation of Human Rights (Paris), Africa Watch (New York), the Union interafricaine des droits de l'homme et des peuples (Ouagadougou), and the International Centre for the Rights of the Person and Democratic Development (Montreal). It was these disturbing allegations that prompted the Special Rapporteur, on 1 March 1993, to request an invitation from the President of the Rwandese Republic to visit Rwanda so that he could have personal talks with the Rwandese authorities and with individuals, associations and non-governmental organizations involved in the protection of human rights, and assess the situation at first hand.

5. On 8 March 1993, the President of the Rwandese Republic kindly complied with that request by inviting the Special Rapporteur to visit Rwanda. The report

of the International Commission of Inquiry was made public on the same date.

I. Method of work

6. Because of the shortage of time and of material and human resources available to the Special Rapporteur (he stayed only about 10 days, from 8 to 17 April 1993), there was no question of undertaking an in-depth fact-finding or verification mission, which would have entailed, *inter alia*, substantial logistic and scientific resources; for example, experts in forensic medicine would have been needed to verify the existence of mass graves.

7. The work of the Special Rapporteur was greatly facilitated by the considerable amount of information which was brought to his attention by various human rights organizations, both Rwandese and international, and which was on the whole sufficiently convincing and precise to be taken into account. Special mention should be made here of the report of the International Commission of Inquiry, which the Special Rapporteur was able to use as his main working document because of its methodical and specific nature and the diversity and consistency of the testimony it contains. The report of the International Commission of Inquiry gives an idea of the scale of Rwanda's problems as regards human rights in general and extrajudicial, summary or arbitrary executions in particular. It goes in detail into the mechanisms behind the massacres and describes the methods used by the perpetrators of violations; it also clearly identifies those responsible for violating the right to life.

8. On 7 April 1993, just after the Special Rapporteur had arrived in Rwanda, the President of the Republic and the Prime Minister (the latter having his roots in the Republican Democratic Movement (MDR, the main opposition party)) issued a joint statement on the report of the International Commission of Inquiry (hereinafter referred to as the "Joint Statement"; see annex II). In this document, the authors recognize the substance of the allegations contained in the report. In particular, they acknowledge and regret that there have been massacres of civilian populations and also that certain Rwandese authorities bear some share of responsibility. The justifications given are as follows: shortcomings in the judicial system and failure of certain authorities adequately to ensure the security of persons and their property, "uncontrolled behaviour" by certain undisciplined members of the armed forces, and the existence of criminal organizations. The facts denounced by the report are therefore recognized, even though the Joint Statement is critical of the methods of the International Commission of Inquiry, especially the lack of balance between denunciations levelled at the authorities

and those aimed at the FPR, and the fact that the persons accused of human rights violations were not heard by the investigators. The Commission of Inquiry is also reproached for not having drawn the attention of the international community sufficiently to the critical situation of persons displaced by war, and for giving the impression that human rights violations in Rwanda are directed against a particular ethnic group. The Joint Statement concludes with a series of recommendations along the same lines as those contained in the report of the International Commission of Inquiry.

9. After cross-checking, the Special Rapporteur concluded that the substance of the allegations contained in the Commission's report could, by and large, be regarded as established. He none the less proceeded to collect information on events after the report.

10. During his mission, the Special Rapporteur was received by the President of the Republic, the Prime Minister and several members of the Government, and also met a large number of representatives of the Rwandese civilian and military authorities. He also had talks with the diplomatic representatives of several countries, with the commander of the group of neutral military observers of the Organization of African Unity (OAU) (which is supervising the observance of the cease-fire agreement between the two warring parties), and with the leaders of political parties represented in the transition Government. Many discussions were held with the representatives of all the Rwandese human rights organizations, and with witnesses and victims of human rights violations. A large number of other persons from various walks of life also made an invaluable contribution to the Special Rapporteur's mission. In addition, the Special Rapporteur met the Chairman of the FPR's military operations, who is also the Vice-Chairman of the organization, and several other of its senior officials.

11. He visited camps for displaced persons, both around Kigali and in the area controlled by the FPR forces. He made a brief visit to the prefecture of Gisenyi, a region which numerous allegations reported to the Special Rapporteur had indicated as being the scene of massacres of civilians. He also visited a prison and two military camps in Kigali.

II. Historical background and issues involved

12. Rwanda, a small Central African State with a surface area of 26,338 km² and a population of over 7 million, is the most densely populated country in the world after Bangladesh. Its economy, primarily agricultural, relies to a great extent on international development aid. The country's precarious economic situation has deteriorated even further as a result of the fall in the price of coffee and the armed conflict with the FPR, which

has been going on since October 1990. A structural adjustment programme undertaken at the prompting of the World Bank and the International Monetary Fund (IMF) was also launched at that time.

13. The population of Rwanda is divided into three ethnic groups—the Hutu (85 per cent), the Tutsi (14 per cent) and the Twa (1 per cent); these three ethnic groups speak the same language and share the same culture. Children of mixed marriages belong to the father's ethnic group. Traditionally, the Hutu are farmers, whereas the Tutsi are stockbreeders. In the past, transition from one group to another was possible: a Hutu acquiring a large number of head of cattle could be assimilated into the Tutsi group, and a Tutsi who lost his cattle could be regarded as a Hutu. Later, the Belgian colonial authorities, basing their action on divisions among the Rwandese, required the ethnic group to be specified on identity cards. From then on, membership of an ethnic group was strictly defined for administrative purposes and social categories became increasingly rigid.

14. The Tutsi dominated the country's political and economic life until 1959, when the Hutu "social revolution" put an end to the monarchy. The Twa, for their part, have always been and still are regarded by the vast majority of the Rwandese as being outside the economic and social mainstream of Rwanda.

15. The country was a German colony from 1894 to 1916 and was then placed by the League of Nations, and subsequently the United Nations, under Belgian trusteeship, from 1918 to 1962.

16. After the 1959 "social revolution" and the ensuing ethnic violence, a large number of Tutsi left Rwanda and sought refuge in neighbouring countries. They repeatedly attempted to stage an armed comeback. There were about 10 such attempts until 1967, and each of them gave rise to renewed ethnic violence and retaliation, with the slaughter and flight of civilians that that entailed. For example, between 10,000 and 14,000 Tutsi are estimated to have been killed during the 1963 massacres.

17. In 1973, when ethnic unrest and violence were at their height, Major General Juvénal Habyarimana seized power in a military *coup d'état*. He founded the second Republic, a regime dominated by the single party set up by the President, the National Revolutionary Movement for Democracy and Development (MRND). About 50 political leaders from the previous regime are reported to have been done away with following the *coup d'état*. Previous practices of ethnic discrimination were institutionalized during this period through a policy known as "establishing ethnic and regional balance", whereby a very substantial part of the country's political and social life became subject to quotas established ac-

ording to "ethnic proportions" and determining the posts and resources allocated to the various ethnic groups (10 per cent for the Tutsi). This policy, which precludes any prime consideration of competence, is to this day a determining factor in the social, political and administrative life of the Rwandese (access to jobs, posts in the administration, education, etc.). In fact, this percentage system reflects a conception of democracy based on government by the ethnic majority rather than by the political majority.

18. As from 1973, regional rivalries were added to this ethnic antagonism, with the north, the home region of the President of the Republic, enjoying privileges in relation to the rest of the country.

19. It was against this background of relatively non-violent ethnic and regional rivalries, and a few months after the announcement by the President of the Republic that the country would soon be opened up to multi-party rule and democratization, that a devastating attack was launched in October 1990 by the FPR, an armed force consisting mainly of Tutsi refugees outside Rwanda, many of them former members of the Ugandan armed forces. The result of this attack and of a policy of deliberately targeted government propaganda was that all Tutsi inside the country were collectively labelled accomplices of the FPR. It was this linkage, the ensuing climate and the directives which followed that triggered the massacres of civilians described in this report.

20. Many of the people to whom the Special Rapporteur spoke pointed out that the return of the 400,000 to 500,000 refugees from abroad would cause a number of problems. Firstly, as has been mentioned, Rwanda is the most densely populated country in Africa and there has long since been no land to spare. In addition to this, certain Hutu businessmen are afraid that the Tutsi who have made their fortune in the countries receiving them are coming back to resume control of the Rwandese economy, thereby reasserting their domination. There is also a widespread belief that the FPR and the Tutsi in general want to re-establish the pre-1959 "feudal monarchistic" system. Although the majority of the population consider that it is possible for the two main ethnic groups to live together peacefully, there is a certain élite which, in order to cling to power, is continuing to fuel ethnic hatred, for instance by spreading rumours prejudicial to the Tutsi. The FPR is often identified with the Tutsi ethnic group. It should also be noted that some members of the opposition parties, though Hutu themselves, have been accused of being traitors to their country by Hutu extremists (such as the members of the Coalition for the Defence of the Republic (CDR) party, a radical offshoot of the MRND) because of their opposition to

the Government in power and their attempts to enter into a dialogue with the FPR.

21. Since 16 April 1992, four opposition parties (Republican Democratic Movement, Liberal Party, Christian Democrat Party and Social Democrat Party) have held half of the ministerial posts and the post of Head of the Government, and have been endeavouring to participate in the running of the country's affairs. Under the Constitution of 10 June 1991, however, real power remains vested in the President of the Republic, who controls the army, the police force and most of the local government. The result of this is that action by the Prime Minister and some of his ministers is often obstructed by MRND representatives in the Government.

22. A climate of mistrust and terror currently prevails in Rwanda. Although rumour is largely responsible for this situation, violence is none the less a feature of everyday life. There is an alarming increase in crime, fuelled by the profusion of weapons in circulation (in Kigali a grenade can be bought for less than US\$ 2) and the destitute condition of a whole sector of the population, exacerbated by displacements of the population as a result of the war. But the prevalence of crime is also sometimes used to cover up acts of political violence. There are several cases of murder or attempted murder of political opponents, journalists or troublesome witnesses that have been passed off as ordinary crimes. The situation has become particularly explosive with the distribution of weapons to civilians by the authorities, officially to combat the forces of the FPR, an example being in the municipality of Mutura, where 193 guns were distributed in February 1993. This is compounded by the danger of the mines laid by the warring parties, which all too often kill or maim innocent civilians, especially children.

23. This report would not be complete without a reference to one of the most tragic consequences of the present situation in Rwanda—the displacement of populations within the country. Before the violation of the cease-fire agreement by the FPR on 8 February 1993, 350,000 persons had already fled in terror from the combat zones and the areas of intercommunal violence, leaving behind them all their possessions and their lands, situated mainly in the northern, most fertile region of the country. Since then, the number of displaced persons has risen to 900,000 and possibly 1 million. This means that almost one in seven Rwandese has been displaced by war. An unknown number of displaced persons are also living in the area held by the FPR on the border with Uganda in the north of the country. Some of them have reportedly been deported to that country. To these must be added an indeterminate number of persons who, as a result of local acts of violence whose presumed perpetrators are

still at large, live in a permanent state of terror and dare not move back into their homes, cultivating their fields in the daytime and spending the night in the open or with members of their families.

24. The displaced persons, among them a high proportion of children, live a precarious life of hardship in overcrowded makeshift camps and depend on massive external food aid (13 tonnes a month) for their survival. According to information provided by one of the humanitarian organizations working there, cases of severe malnutrition have already been identified among children under the age of five. The deplorably unhygienic conditions in which they live have also caused epidemics of dysentery. According to forecasts brought to the attention of the Special Rapporteur, the next harvest could be down by 40 per cent as a result of the exodus from the fertile lands situated in the combat areas. This catastrophic situation might therefore lead to famine. The question of the displaced persons is nothing short of a time bomb with potentially tragic consequences if it is not resolved quickly principally by a return to peace and the arrest of the instigators of the massacres. It is regrettable that the misfortune of these war victims should be used by both warring parties as a political weapon in their struggle for power and in the Arusha peace negotiations.

III. Violations of the right to life

25. Rwanda has acceded to the International Covenant on Civil and Political Rights, but has not ratified the first and second optional protocols. The provisions of the Covenant form part of domestic law and take precedence in the event of conflict with another provision of domestic law. Rwanda is also a party to the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the Convention on the Rights of the Child, and the Convention relating to the Status of Refugees and the Protocol thereto. In addition, Rwanda is a party to the four Geneva Conventions and to their additional protocols. On the other hand, the country is not yet a party to the Convention against Torture.

26. For its part, the FPR has stated to the International Committee of the Red Cross that it considers itself bound by the rules of international humanitarian law.

27. It has been reported that between October 1990 and January 1993, at least 2,000 civilians have been victims of extrajudicial, summary or arbitrary executions. Since 8 February 1993, the date on which the FPR violated the cease-fire agreement concluded at Arusha, at least 300 Tutsi and political opponents are said to have been killed, mainly in the prefectures of Gisenyi, Ruhengeri, Kibuye and Byumba.

A. *Types of violations*

1. *Massacres of civilian populations*

28. Massacres of civilian populations have been perpetrated either by the Rwandese security forces or by certain sectors of the population. Killings have taken place not only in the combat zones during or after clashes, but also in areas situated some distance from the hostilities. In the latter case, it has been shown time and time again that government officials were involved, either directly by encouraging, planning, directing or participating in the violence, or indirectly through incompetence, negligence or deliberate inaction. The number of victims has sometimes reached tragic proportions, as for example in Kibilira, where at least 348 persons were said to have been killed in 48 hours shortly after the outbreak of war in October 1990. Massacres have also been attributed to the FPR.

2. *Death threats and "political" assassinations*

29. These methods have been used to intimidate or eliminate the regime's opponents (politicians, journalists, etc.), witnesses of human rights violations, or human rights activists. Such violations of the right to life have sometimes been committed by government officials. They can also frequently be attributed to the militias of two parties, the MRND and the Coalition for the Defence of the Republic (CDR), or to clandestine armed groups allegedly close to the party in power. The techniques used include poisoning, faked robbery and death threats. It should be noted that such practices are also aimed at the Hutu and are still being used at the time of writing of the present report.

3. *Death penalty*

30. Hundreds of people have been sentenced to death in Rwanda. At the time of the Special Rapporteur's visit to Kigali prison, 205 prisoners, 29 of them women, were awaiting execution. It should be noted, however, that no death sentence has been ordered since 1982. In view of the gross shortcomings of the judicial system, described below, it is to be feared that these persons have not had a fair trial, notably in so far as the competence, independence and impartiality of the courts are concerned. In most cases it is also to be feared that the rights of defence have not been respected.

31. As to death sentences passed by the FPR on members of its own forces, the Special Rapporteur was unable to determine what guarantees were provided to ensure that innocent men did not end up facing a firing squad.

B. *Persons responsible for violations*

32. It is sometimes difficult to form a clear picture of the situation where responsibility for violations of the right to life is concerned. Indeed, in many cases, it cannot be attributed to any single person or group, since it has frequently been noted that those committing the violations have been manipulated or directed by some higher authority.

1. *Violations attributable to the Rwandese armed forces*

33. After the beginning of the armed conflict in October 1990, the Rwandese Armed Forces (FAR) carried out a massive and hurried recruitment campaign, increasing their numbers from 5,000 to 40,000 men in the space of a few months. The undue haste with which recruits were selected and instructed had negative repercussions on the discipline of the combatants and on their training in the rules of war. These inadequacies, combined with the low wages received by the soldiers, facilitated the crimes committed by the FAR, such as the endemic practice of raping Tutsi women (cases of 12-year-old rape victims have been reported, their young age being regarded as a protection against AIDS), looting, armed attacks, revenge killings and murders of civilians, both within and outside the combat zones.

34. Cases of summary executions by the FAR have also been reported; they have notably concerned non-combatant soldiers of the FPR or civilians suspected of being the latter's accomplices, who have been arrested by soldiers and killed in military camps. At the time of the Special Rapporteur's visit to the camps in Kigali and Kanombe, the camp commanders categorically denied the existence of such practices. On the other hand, they both gave similar accounts of incidents said to have taken place in the two camps: men arrested on suspicion of being enemy agents had been killed on entering the camp by war amputees wielding crutches after the soldiers escorting the suspects had failed to intervene.

35. The FAR have also played an active and well-planned role at the highest level in certain cases of killings of Tutsi by the population, notably with respect to massacres targeting the Bagogwe: for instance, soldiers of Bigogwe camp (Mutura Commune) are said to have organized fake attacks by rebels during the night of 4 February 1991, so that they could then unleash indiscriminate and bloody reprisals against those alleged to be responsible. The FAR are also accused of incitement to murder and of giving logistic support to the killers. There have also been occasions, for example in the case of the massacres at Bugesera in March 1992, when soldiers disarmed the Tutsi so that they would be unable to defend

themselves against their attackers, or prevented populations under threat of violence from fleeing the area by setting up roadblocks.

36. The FAR's involvement in the killings has been confirmed by numerous reliable witnesses, and even by the findings of a commission set up by the Government on 15 September 1992 to investigate allegations of massacres in the prefecture of Kibungo. It should be noted that these findings have not resulted in the imposition of any penalties on the accused military personnel.

2. Violations attributable to local government officials

37. The role of such officials (prefects, sub-prefects, mayors, councillors, sector leaders or cell leaders) in the massacres of civilian populations consists chiefly in encouraging, planning and directing the operation, and in some cases actually participating in it. In fact, there are numerous well-documented reports to the effect that certain mayors have spread unfounded rumours exacerbating ethnic hatred and have encouraged the population to massacre Tutsi people. In some cases, such officials have facilitated the task of those perpetrating the massacres by supplying them with equipment, such as vehicles or fuel. On many occasions, the authorities have not intervened to prevent such action and have not taken any steps to stop killings of civilians by a mob (see sect. 6, para. 42, below).

38. Although the attitude and behaviour of certain mayors and other local officials has been criminal, it should be noted that others have shown courage and refused to take any part in the massacres. Many of them have paid for it later by being censured, transferred or dismissed, and some have even received death threats.

3. Violations attributable to other government officials

39. It has been noted that the prison authorities do not provide any medicines for prisoners, on the pretext that they must pay for them themselves. If the latter are poor or have no family to help them, they do not receive proper treatment. Deaths in prison in suspicious circumstances have also been reported.

4. Violations attributable to political party militias

40. Youth organizations of some political parties have been converted into militias, sometimes armed, and used in the struggle for power. This has resulted in brawls and armed confrontations. In addition, it has been reported on numerous occasions that two of these militias, those of the MRND and the CDR, have been guilty of incitement to ethnic violence against the Tutsi, of massacres of civilian populations and of political assassina-

tions. In a few well-documented cases, it has been shown that members of these militias have been backed by plain-clothes members of the FAR and by representatives of the local authorities. In any event, it would seem that such militias have been able to commit their misdeeds and impose a reign of terror with complete impunity. For instance, they have succeeded in setting up roadblocks, in complete defiance of the law, without being in any way troubled by security forces in the vicinity. It has also been reported that these militias have been trained by members of the Presidential Guard and by members of the armed forces. It has been suggested that this state of affairs is the result of efforts by certain authorities to "privatize" violence by channelling it through such groups, so as to avoid being held responsible for the massacres. It has also been reported that the MRND and CDR militias have recruited children and displaced persons and made them take part in violent demonstrations in return for payment.

5. Violations attributable to clandestine organizations

41. The existence of "death squads" is the subject of much argument in Rwanda, particularly since the close entourage of the Head of State, and even the President himself, have been explicitly accused of being involved in a clandestine organization known as "Network Zero". It has been reported that the objective of such groups is to get rid of troublesome individuals in order to create a climate of terror and insecurity, thus discrediting democratic reforms, the multi-party system and the peace process initiated at Arusha. Methods used are said to include assassinations of the regime's opponents (notably by poisoning, terrorist attacks or faked robberies), and provoking bloody riots and confrontations, sometimes in collaboration with the militias of parties close to those in power, plain-clothes members of the armed forces or representatives of the authorities. Several observers accuse such groups of being responsible for the planning of massacres of one part of the population by another. Unfortunately, there is little first-hand and reliable evidence to corroborate these allegations. There are nevertheless sufficient indications to enable the Special Rapporteur to conclude that a second power exists alongside that of the official authorities.

6. Violations attributable to private individuals

42. The Rwandese population, 95 per cent of whom are farmers, are for the most part peace-loving. Nevertheless, the worst killings can be attributed to "out-of-control" mobs of Hutu peasants. Most of the massacres are the result of ethnic violence, said to be deliberately fomented by certain individuals allegedly close to those in power. A study of the phases preceding

outbreaks of violence among the population shows that such outbreaks were planned and prepared, with targets being identified in speeches by representatives of the authorities, broadcasts on Rwandese radio and leaflets. It is also noteworthy that at the time of the violence the persons perpetrating the massacres were under organized leadership. In this connection, local government officials have been found to play a leading role in most cases (see sect. 2, para. 37, above). This analysis appears to be confirmed by the fact that the disturbances very often follow the lines of local boundaries, depending on whether or not the authorities are involved. The fact that the attacks are simultaneous, and that the rumours spread are similar, would also suggest the existence of an organization not confined to a single commune. The above remarks should not obscure the fact that under cover of the ethnic disturbances some settling of scores between neighbours or murders accompanied by robbery may have taken place. The fact remains that such crimes, which were usually directed against the Tutsi, have also gone unpunished; the persons arrested after the violence have been quickly released without being made to stand trial.

7. *Violations attributable to the Rwandese Patriotic Front*

43. A number of alleged violations of the right to life attributable to forces of the Rwandese Patriotic Front (FPR) have been brought to the attention of the Special Rapporteur. Although several accusations of massacres of civilian populations levelled against the FPR are lacking in credibility, the fact remains that reliable sources have revealed that the FPR has in fact perpetrated executions in the areas under its control. For instance, it has been reported that, following the resumption of hostilities by the FPR on 8 February 1993, 8 representatives of the authorities and at least 100 civilians were summarily executed; members of the MRND and the CDR were said to have been specially singled out. In view of the lack of information concerning the situation on the ground, and in the light of the inaccessibility of the area in question and the limited time available to the Special Rapporteur, it was extremely difficult for him to form a personal opinion on the matter during his mission to Rwanda. On the other hand, he was able to meet reliable individuals who convinced him that these summary executions did actually take place. It is accordingly important that a more extensive investigation should be held, covering not only the areas under FPR control, but also certain border regions situated in Ugandan territory. Such an investigation could be carried out by an international team of experts providing every guarantee of independence and impartiality, such as the team which visited Rwanda in

January 1993. The contacts which the Special Rapporteur had in Rwanda with the FPR indicate that the latter would be willing to receive a fact-finding mission of this kind.

IV. Factors which have facilitated violations of the right to life

A. *Absence of the rule of law*

44. The absence of the rule of law seems to be deliberate. In fact, there is a striking contrast between, on the one hand, the close control exercised over the population and the detailed partitioning of the territory (to such an extent that a residence permit is required simply to change prefectures), and, on the other, the absence of any structure for the protection of vulnerable populations, more particularly the Tutsi minority. In fact, no effective system for preventing and punishing violations of the right to life exists. The absence of the rule of law is evident in at least two respects.

1. *Tradition of impunity*

45. As in the past, the fact that persons responsible for violations of the right to life can be certain of impunity is the chief reason for the current renewed phenomenon of summary executions. Evidence of this state of affairs has been noted on numerous occasions: political-party militias who set up roadblocks in the vicinity of army posts make identity checks in defiance of the law and commit acts of violence against passers-by; soldiers who strangled a civilian in broad daylight in front of Kigali Central Post Office on 9 March 1993 calmly walked away once the crime had been committed; crowds whipped up by agitators threatened honest local authority representatives attempting to intervene in ethnically motivated massacres; murder suspects have been released following death threats against certain representatives of the authorities, etc.

46. As Federico Andreu wrote in his foreword to a study by the Economic and Social Council on impunity, "Impunity creeps into every area of the society, undermines political life, destroys social textures, annuls democratic coexistence among peoples and individuals and consecrates the law of silence as the supreme norm for survival. Finally, impunity assures a reproduction of injustice in all its forms and the continuation of the status quo".* Thus, lessons should be learned from the past: as has been noted in the first part of the report dealing with the history of Rwanda, the country has already experienced many massacres of an ethnic character. Such acts of violence recur periodically, and the persons responsi-

* *Impunity. Impunidad. Impunité*, International League for the Rights and Liberation of Peoples, Geneva, 1993, p. 7.

ble, who in most cases are known to everyone, go unpunished. The Special Rapporteur became aware in the course of his mission that this situation was part and parcel of everyday life for many Rwandese people, and that ethnic violence had become a practice which, if not accepted, was at least firmly rooted in Rwandese folk memory.

2. *Judicial system*

47. Rwanda's judicial system is to a large extent based on the inheritance from the colonial order. It is the serious failings of this system that have made possible the impunity enjoyed by the persons responsible for the killings. The system's failure to function has been noted on many occasions, notably by the national commission set up to assess government officials by order of the Prime Minister on 6 July 1992, which reached the conclusion that many courts were in a state of paralysis. This state of affairs is partly attributable to the lack of resources available for the administration of justice, but chiefly to the lack of political will shown by the authorities in bringing guilty parties to justice, particularly when they are members of the civil service or the army.

48. The legal training given to judges is far from satisfactory. It may be noted, for instance, that out of 659 judges, only 34 have studied law at an advanced level, and that none of the cantonal court judges have any legal training. In addition, out of 84 government procurators, only 18 hold degrees in law. These weaknesses have a considerable influence on the quality of justice in Rwanda. They also provide a loophole for accused persons, whose lawyers (when they have any) can easily invoke faults in procedure as grounds for having their clients released. Such failings make judges more susceptible to corruption and to interference by the executive in the administration of justice. It may be noted that article 86 of the Constitution of the Rwandese Republic (*Journal officiel* of 10 June 1991) states that "the President of the Republic is the guarantor of the independence of the judiciary". However, the joint statement of 7 April 1993 admits that "Concerning the Rwandese judicial system, it should be emphasized that it has enormous difficulties in functioning, as a result of inadequate human and material resources and interference by the political and administrative authorities".

49. It should also be noted that the fundamental principle of the irremovability of judges, a principle which guarantees their independence, is not respected. Attention was drawn to this shortcoming by the commission set up to assess government officials, which also stated that the Higher Judicial Council did not play its proper role as "guarantor of the independence of the judiciary because it is not democratically constituted".

50. In addition, the inadequacy of resources made available makes it virtually impossible for the system to function properly: this applies to all stages of the proceedings, whether it be the arrest of suspects, the preliminary investigation or the pre-trial proceedings. For instance, there have been reports of plaintiffs who have had to bring officials writing paper and carbon paper to enable them to do their work. The authorities whom we met repeatedly said that this state of affairs was accounted for by the country's poverty. In the opinion of the Special Rapporteur, the genuine economic problems from which Rwanda is suffering are only a mask to hide a lack of political will on the part of certain authorities to make the judicial system capable of fulfilling its function.

51. The lack of a Minister of Justice makes it difficult to remedy this situation. In fact, the previous Minister, who was a member of an opposition party, resigned after a few months in office, discouraged by the way his work was being hindered by lack of cooperation on the part of the police and the systematic deficiencies in the resources made available to him, both materially and politically. Since January 1993, no successor has received the endorsement of the President of the Republic.

52. The absence of any properly constituted system of military tribunals is also to be regretted. In this connection, one of the conclusions in the joint statement is that "The Government has decided to establish a military prosecutor's department in order to speed up the examination of cases involving members of the armed forces". However, no details are given as to when this institution is to be set up.

53. If justice is to be done, there is also need for the defence to be capable of performing its task. There are only about 40 lawyers in Rwanda, and no bar association. Accordingly, almost anyone can claim to be "an attorney at law". As a result, a high proportion of accused persons are not assisted during their trial or receive only very poor assistance.

54. The few inquiries that have been conducted into violations of the right to life have only been partial. They have led not to appropriate convictions, but at most to a few penalties of an administrative nature, such as the suspension of certain mayors. In other cases, persons arrested following massacres have been held in prison only briefly, before being released without trial, on account of procedural irregularities or lack of political will.

B. *Absence of any system for the protection of ethnic minorities*

55. Despite the terrible lessons to be learned from the country's recent history, no effective system for the prevention of ethnically motivated massacres has been set up. There are no real police in the overpopulated rural

areas; at most, there are one or two local officials, who would be incapable of facing up to a rampaging mob. Nor is there any effective warning system within reach of ethnic minorities themselves or their representatives. In fact, everything is left to the diligence of local government officials, who, as has been seen on repeated occasions, are often accomplices in the massacres or even instigate them. The political and administrative commission which investigated the disturbances in the prefectures of Gisenyi, Ruhengeri and Kibuye even noted that the region's telephone system had suddenly "broken down" at the time of the events of January 1993, and had "curiously" become operational again without any need for repairs.

C. *Injurious propaganda*

56. The involvement of the media in spreading unfounded rumours and in exacerbating ethnic problems has been noted on repeated occasions. Radio Rwanda, which is the only source of information for the majority of a poorly educated population, and which is still under the direct control of the President, has played a pernicious role in instigating several massacres. This is particularly true of certain broadcasts in Kinyarwanda which differ markedly in content from news programmes broadcast in French, which is understood only by a small part of the population.

57. The Special Rapporteur had proof of this discrepancy during his mission to Rwanda. He noted that the content of news programmes broadcast on Radio Rwanda and on national television differed substantially, depending on whether the listener was receiving the French version or the version in Kinyarwanda. He also found that the two different language versions of reports of the press conference he had given in order to put an end to rumours concerning the objectives of his mission contradicted one another.

58. It should be emphasized that although all the factors contributing to human rights violations described above have been exacerbated by the state of war, the economic crisis and the political rivalries rife in Rwanda, the restoration of peace will not be sufficient to eliminate them. Indeed, there can be no real peace or stability unless all these contributing factors are eradicated systematically and for good.

V. Conclusions and recommendations

59. The Special Rapporteur's recommendations are based on the lessons he learned from his visit to Rwanda and are to a large extent derived from the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions set forth in the annex to Economic and Social Council resolution 1989/65 of 24 May 1989, and endorsed by the

United Nations General Assembly in resolution 44/162 of 15 December 1989.

60. These recommendations take as their starting-point the principle that, although their country is poor and overpopulated and they are exposed to all the evils of underdevelopment, Rwandese citizens, whatever their ethnic group, political affiliation or social origin, have the same fundamental rights as all other citizens throughout the world. There is no reason why their lives should not be as precious and well protected as the lives of citizens of the Netherlands, for example.

61. The international community cannot remain indifferent to their situation and must therefore provide its assistance wherever that of the Rwandese State is inadequate or non-existent. In addition, human rights must be the prime concern of any system for monitoring or implementing the agreements to be concluded by OAU or the United Nations. Human rights must also be at the heart of any transitional system introduced after the conclusion of the Arusha peace agreements and must be the subject of a specific and effective programme. This programme might be based on the proposals made in the joint statement by the President of the Republic and the Prime Minister, a statement which has not for the moment given rise to many practical measures.

62. The Special Rapporteur intends to follow closely the action taken on his recommendations by the Rwandese authorities. To this end, he will continue to correspond with the Government, and will transmit to it, in accordance with established procedure, the numerous specific allegations of extrajudicial, summary or arbitrary executions received before, during and after his mission. He is also considering the possibility of conducting a follow-up mission, with the agreement of the Rwandese authorities, in order to see for himself how the situation has developed.

63. Each of the 12 sections below represents one recommendation, accompanied by commentaries and conclusions.

1. *Mechanism for the protection of civilian populations against massacres*

64. A mechanism for the protection of civilian populations against massacres should immediately be set up, in terms of both prevention (see recommendations made below) and monitoring and intervention in cases of violence.

65. According to reports, in some cases of inter-communal violence the alarm was given late and the security forces did not act to end the confrontations until several days later. Too often, measures were taken to end the violence only after human rights associations and journalists had alerted public opinion. In some cases, the

delay was deliberate, in order to allow the situation to worsen; in others, it was due to failures in the communications systems and poor coordination of services. In the latter cases, those inadequacies should be corrected by setting up a system for sending information rapidly from the place where the violence is occurring directly to the security service responsible for taking action, if possible as soon as the first signs of difficulty appear, for example, by setting up a radio link. To this end, international teams of human rights observers and a civilian police force might be established, particularly in the high-risk areas; with the agreement of the Rwandese authorities, they would be placed under international supervision. The teams would enjoy the immunities and guarantees necessary in order to perform their function and would be stationed in the country until a national system could effectively take over.

66. However, if these measures are to be meaningful, the security service responsible for taking action once the alarm is given should have the means to do so effectively. This would involve more material resources (especially vehicles and fuel), more staff and staff who are better trained, especially in human rights and techniques for maintaining order. Technical cooperation in the framework of development assistance might be used for this purpose; France is already playing a not insignificant role in the training and supervision of the police. It should be noted that measures have been taken to make the police more effective in intervening during intercommunal violence. These efforts must be pursued and supported in order to provide the means for them to intervene effectively in situations of violence.

2. *Support for Rwandese non-governmental organizations directly involved in the protection of human rights*

67. Outstanding work has been done by some of the Rwandese non-governmental organizations involved in the protection of human rights (Association Rwandaise pour la Défense des Droits de l'Homme (ARDHO), Association Rwandaise pour les Droits de la Personne et des Libertés Publiques (ADL), Association des Volontaires de la Paix (AVP), Ligue Chrétienne de Défense des Droits de l'Homme au Rwanda (LICHREDHOR) and Association pour la Promotion de l'Union par la Justice Sociale (KANYARWANDA)). The members of these NGOs are all too often the only people to act, at the risk of their lives, to investigate human rights violations, bring pressure to bear on the authorities and report the culprits. These courageous efforts should therefore be stimulated and supported; the NGOs should be given material means and training opportunities in order to strengthen their activity, and especially their role in detecting the early

signs of intercommunal violence. Their presence in the field and their professionalism should therefore be increased. The highest priority, however, is to ensure their protection, so that the intimidation, death threats and attacks against members are brought to an end. These remarks and recommendations also apply to certain journalists who risk their lives to report human rights violations.

3. *National reconciliation campaign*

68. A national reconciliation campaign should be organized in order to attempt to eliminate the negative effects in people's minds of the odious disinformation advocating ethnic and political intolerance, hatred and violence which has been disseminated in the past. This campaign should begin with a solemn, public commitment, in French and Kinyarwanda, by the Head of State, the Head of Government, the leaders of all the political parties and the religious authorities to adopt a policy of non-discrimination, national unity and respect for human rights, particularly the right to life and the right to peace. This should be followed by the setting up of public education programmes in the media to make the population more aware of human rights principles and the need to combat ethnic discrimination. These measures should be taken at the national level, but in-depth work should be undertaken in each community. Special attention should be given to raising the awareness of persons displaced by war. International and national standards protecting human rights and the rights of minorities should be publicized in the appropriate language and form. Particular reference should be made to Commission on Human Rights resolution 1993/24 of 5 March 1993, entitled "Rights of persons belonging to national or ethnic, religious and linguistic minorities", and to General Assembly resolution 47/136 of 18 December 1992, entitled "Summary or arbitrary executions".

4. *Media-related action*

69. The propaganda mentioned above has sometimes been disseminated via the national radio station, which is still directly responsible to the Office of the President and not the Ministry of Information. In this connection, a reform of the role and structure of the media should be envisaged. Journalists have already begun to study this question and have adopted a code of ethics. They should be provided with training opportunities, in order to enhance their professionalism and eliminate any lingering partisan tendencies. The Minister for Information is also attempting to effect reforms, but his powers are limited and his action too often thwarted.

70. The reform of the media should take place in accordance with the spirit of the Declaration on Funda-

mental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War, proclaimed on 28 November 1978 at the twentieth session of the General Conference of UNESCO. The ensuing creation of free radio stations should also conform to these principles. Lack of respect for these principles has already caused too much loss of human life.

5. *Reform of the Rwandese judicial system*

71. There is an urgent need for radical reform of the Rwandese judicial system. The training of judges and court officers is vital, as is the allocation of the practical means necessary for the functioning of justice. But above all, the prerequisite for the necessary changes is a new attitude on the part of the authorities. Without political will at the top, no real reform is conceivable. The following are among the measures recommended:

(a) Recruitment of new judges to be limited to persons holding a law degree, who should be given adequate means and career guarantees;

(b) Judges, especially judges who are not jurists and auxiliary judges, to be given training and refresher courses;

(c) A programme to be devised for equipping the courts and government procurator's offices and renovating their premises;

(d) A human rights training programme to be devised for the judicial police, whose effective subordination to the judiciary should be ensured;

(e) Introduction of a system for the irremovability of judges and effective implementation of the reform of the Higher Judicial Council;

(f) A free and independent bar association, open only to holders of a law degree, should be established;

(g) Code of Criminal Procedure to be revised in order to permit the installation of an examining magistrate who is independent and separate from the government procurator's office, which should be under the authority of the Minister of Justice;

(h) Code of Criminal Procedure to be revised in order to enable victims or their representatives to institute criminal proceedings, even if the government procurator rejects the case, by going directly before the examining magistrate or the trial court.

6. *Death penalty*

72. Imposition of the death penalty should be suspended until the judicial system affords minimum guarantees of professionalism, impartiality and independence, within the meaning of the standards embodied in the International Covenant on Civil and Political Rights.

Pending suspension, the presence of a qualified lawyer should be obligatory whenever an accused person appears in court on a charge that is liable to give rise to the death penalty. Death sentences already handed down should be commuted.

7. *Impartial and objective inquiry into the allegations of massacres committed by the Rwandese Patriotic Front*

73. An impartial and objective inquiry into the allegations of massacres committed by the FPR is essential if this matter is to be fully clarified. Many grey areas remain, making all kinds of speculation possible. For the inquiry to be thorough, it should also cover Ugandan territory, in order to verify the charges against the FPR, in particular those involving deportations of civilians to Uganda.

8. *Dismantling of all violent organizations*

74. All violent organizations should be dismantled as a matter of urgency. Criminal organizations such as the "death squads", "Amasasu" or "Network Zero", must be identified and dismantled, and their members prosecuted, whatever their rank. The same measures must be taken against the political-party militias that have perpetrated human rights violations. It should be noted that article 4 of the Political Parties Act of 18 June 1991 (*Journal Officiel*, 1 July 1991) explicitly prohibits "the establishment of militias or other organizations using similar methods". All weapons in circulation among the population or distributed to it by certain authorities should be confiscated as a matter of urgency. In the current situation of extreme poverty, criminality and tension, one spark is all that is needed to cause the situation to degenerate.

9. *Combating impunity and compensating victims*

75. In general, thorough judicial inquiries (and administrative inquiries, if necessary), embodying all guarantees of objectivity and impartiality, should be conducted by qualified professionals provided with adequate means, in each case of violation of the right to life. Complainants, witnesses, the persons heading the inquiries and their families will have to be protected against violence or any other form of intimidation. All officials who are legitimate suspects and capable of impeding the inquiry because of their position or function should be suspended. The conclusions of these investigations should be made public, and all those responsible prosecuted. The families of the victims of violations should be given material assistance, and equitable compensation if

necessary, within a reasonable period of time. To this end, an assistance programme and fund should be established. Thorough inquiries, with the assistance of teams of specialists in medicine, archaeology and legal anthropology, should be opened into all allegations of mass graves, whether attributed to the Rwandese Armed Forces, the FPR or civilian populations.

76. In describing the need to end the vicious circle of impunity by rendering justice to the victims and their families, some of the people with whom the Special Rapporteur spoke mentioned the need for “drastic surgery” in order to bring about genuine national reconciliation and eliminate the spectre of a recurrence of the massacres. The country’s history does not seem to show that the massacres of the past have gone unpunished and that the population has, as it were, accepted that sad situation, without drawing the necessary conclusions. History now seems to be repeating itself, and the errors of the past should be avoided.

10. *Ending arbitrary arrests and detentions*

77. Arbitrary arrests and detentions and unacknowledged detentions must be stopped and those responsible for such violations punished. These are the violations that foster and pave the way for summary executions. Despite the assurances he was given by the competent authorities during his mission to Rwanda, the Special Rapporteur has in fact received allegations indicating that civilians are still being held in military camps.

11. *The genocide question*

78. The question whether the massacres described above may be termed genocide has often been raised. It is not for the Special Rapporteur to pass judgement at this stage, but an initial reply may be put forward. Rwanda acceded to the Convention on the Prevention and Punishment of the Crime of Genocide on 15 April 1975. Article II of the Convention reads:

“In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.”

79. The cases of intercommunal violence brought to the Special Rapporteur’s attention indicate very clearly that the victims of the attacks, Tutsis in the overwhelming majority of cases, have been targeted solely because of their membership of a certain ethnic group, and for no other objective reason. Article II, paragraphs (a) and (b), might therefore be considered to apply to these cases.

80. The violations of the right to life, as described in this report, could fall within the purview of article III of the Convention, which reads:

“The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.”

81. Similarly, article IV states: “Persons committing genocide or any of the other acts ... shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals”.

12. *Additional measures for protecting the right to life and restoring a lasting peace*

(a) *Preparations for demobilizing military personnel*

82. Once peace has been restored, a large number of military personnel will have to be demobilized, within both the Rwandese Armed Forces and the FPR. Preparations for their reintegration into the socio-economic life of the country should not be left until that time; many of these men were unemployed youngsters who enlisted because the army gave them the possibility of eating. According to reports, some of the recruits were also delinquents. In view of the fact that all these persons have learned how to handle weapons and that it has also become very easy to obtain weapons, there is a danger that some will turn to crime if their return to civilian life goes badly. There has already been a sharp increase in armed attacks, especially with grenades.

(b) *Preparations for the return of persons displaced by the war; mine-clearance operations*

83. Preparations for peace must include measures for the rapid return home of persons displaced by the war. Sufficient guarantees for their security must be given by the two parties to the conflict, and the combat zones must

be cleared of mines. Rwanda should accordingly be provided with technical assistance for mine clearance; it is vital to reduce the dangers to the displaced persons as far as possible when they return to their land; in addition, experience has shown that the victims of these instruments of death are all too often children. Similarly, the displaced persons should be the beneficiaries of a special assistance programme to enable them to resume their activities rapidly. The Special Representative of the Secretary-General of the United Nations on the question of internally displaced persons might perhaps be invited by the Rwandese authorities to visit the country. Assistance programmes should also be planned for refugees abroad, who might be returning as a result of the Arusha negotiations.

(c) *New identity card*

84. The Minister of the Interior told the Special Rapporteur that the Rwandese identity card, which, as we have already seen (para. 13), specifies the holder's ethnic group, should as from June 1993 be exchanged for a new version containing no ethnic reference; he further explained that this had not been done earlier because of lack of finance. This indispensable reform should be carried out as soon as possible.

(d) *Public statements by the Head of State*

85. The joint statement of 7 April 1993 (see annex II) is a positive step that should be welcomed and should be repeated whenever the human rights situation so requires. The President of the Republic, whom article 39 of the Constitution of 30 May 1991 makes the guarantor of national unity, should play a leading and unequivocal role in the protection of human rights and in national reconciliation. He should, in particular, make public statements to convince the Rwandese that human rights violations will no longer be tolerated, urge the population to report abuses to the appropriate authorities and ensure that the alleged culprits are in fact brought to justice.

(e) *Establishment of a national human rights commission*

86. A national human rights commission should be set up. It should, in particular:

- (i) Be established by means of a law and have competence to deal with any allegation of a human rights violation;
- (ii) Have an image of credibility and impartiality;
- (iii) Ensure the immunity of its members and the protection of complainants and witnesses;
- (iv) Be given adequate powers of investigation irrespective of the alleged culprit and the power to make surprise visits to places of detention, including military camps;

- (v) Be given adequate and well-trained staff;
- (vi) Enforce national and international standards;
- (vii) Be capable of instituting legal proceedings;
- (viii) Have the power to make recommendations to all authorities;

(ix) Have offices throughout the country;

(x) Ensure the promotion and dissemination of human rights standards among the population, in particular through radio programmes in Kinyarwanda.

This commission might be partially financed by international aid. Special technical assistance might also be provided by the Advisory Services, Technical Assistance and Information Branch of the Centre for Human Rights in Geneva.

[Editor's note: Annex I, Map of Rwanda showing Administrative Divisions, is not reproduced here.]

Annex II

Rwandese Republic

Office of the President of the Republic

B.P. 15, Kigali

Statement by the Government of Rwanda concerning the final report of the International Commission of Inquiry on human rights violations in Rwanda since 1 October 1990

Kigali, 7 April 1993

I. Introduction

From 7 to 21 January 1993, an International Commission of Inquiry into human rights violations committed in Rwanda since 1 October 1990 visited our country. The Commission was an independent team of international experts working on a private basis with the aim of corroborating the facts and establishing responsibilities in the matter of human rights violations in Rwanda.

The inquiry was organized at the request of the Rwandese human rights organizations represented in the Comité de Liaison des Associations de Défense des Droits de l'Homme (CLADHO). The Rwandese Government agreed to facilitate the Commission's work. It should be noted that, well before this, the Government had expressed the desire for an international commission to visit Rwanda to investigate human rights violations.

Since the war was started by the Rwandese Patriotic Front (FPR) in October 1990, there have been serious violations of human rights in Rwanda. In the combat zones, civilians have been the victims of numerous forms of ill-treatment and have been forced to abandon their property and take refuge in makeshift camps where they are living in wretched conditions. This war situation has reawakened the old demons of antagonism between the

Hutu and Tutsi ethnic groups. There have been massacres and various kinds of attacks on persons and property in several regions of the country.

After completing the inquiry, the Commission made its report public. The Rwandese Government has studied the report; it acknowledges and regrets the human rights violations committed in our country. It should, however, be pointed out that there are certain lacunae in the report.

The report gives the impression that the human rights violations in Rwanda were committed outside the context of the war. It glosses over the human rights violations committed by the FPR by qualifying its statements and saying that the crimes committed by the FPR were allegedly the work of "irregular gangs", as the FPR is supposedly composed of "disciplined and well-trained" units. The Commission has also failed to check the truth of accusations made against certain persons in the course of the inquiry.

Lastly, the Commission's report gives the impression that the human rights violations in Rwanda are directed against a particular ethnic group.

II. Observations by the Rwandese Government

The report of the International Commission of Inquiry deals essentially with the following points:

Massacres, extrajudicial executions, and various kinds of attacks against persons and property;

Human rights violations by the Rwandese Armed Forces and the Rwandese Patriotic Front;

Displaced persons;

The death squads and the climate of terror;

The breakdown in the judicial system;

The prison system;

Job losses.

1. With regard to the massacres and attacks against persons and property, the Government acknowledges and regrets that such human rights violations took place in Kibilira, north-western Rwanda, against the Bagogwe, in Bugesera and all other places in the country where ethnic and/or political unrest has occurred.

These appalling events can be explained not only by the psychosis of war, but also by intolerance among the members of certain political parties.

It should accordingly be stressed that the Rwandese Government has never had the intention of exterminating any ethnic group whatsoever.

However, the responsibility of the Rwandese Government lies in the failure of certain authorities properly to

ensure the security of individuals and their property. The Government has acknowledged this responsibility and has pledged to take appropriate measures against all authorities who have failed in their duty to ensure public security.

It should be noted, however, that the data contained in the report of the International Commission of Inquiry are not sufficient to establish the criminal responsibility of the authorities mentioned as being responsible for these human rights violations. It is incumbent on the Rwandese justice to pursue these inquiries.

2. Concerning the human rights violations by the Rwandese Armed Forces, it must be acknowledged that there have been some unfortunate excesses on the part of certain undisciplined soldiers, which have resulted in ill-treatment of the civilian population. Soldiers found guilty of looting, rape and murder have been arrested and investigations are under way.

As to the human rights violations committed by the FPR, it was impossible for the International Commission of Inquiry to clarify the question completely. It spent only two hours in the zone under FPR control and interrogated few witnesses. Furthermore, testimony was received in the presence of FPR officers.

3. As regards displaced persons, the International Commission of Inquiry did not draw the attention of the international community sufficiently to the tragic situation of the persons displaced by war, who are currently estimated to number 1 million. This considerable number is the result of the violation of the cease-fire by the FPR on 8 February 1993. The hostilities resulting from this violation have been characterized by all types of ill-treatment of the civilian population.

4. With regard to the "death squads", it is true that many people continue to be killed in our country in unexplained circumstances, which would seem to imply that there are one or more criminal organizations in existence that were responsible for their deaths. However, the report of the International Commission of Inquiry makes an inadmissible mistake in giving the impression that the Government is responsible for the criminal acts perpetrated by "death squads". This question calls for clarification by the International Commission of Inquiry, which states, on the basis of testimony by a single individual, that the President of the Republic chaired a "death squad" meeting during which it was decided to massacre the Bagogwe.

5. Concerning the Rwandese judicial system, it should be emphasized that it has enormous difficulties in functioning, as a result of inadequate human and material resources and interference by the political and administrative authorities. Assistance by the international community is desirable in this area, for it is difficult to improve the

human rights situation in a country whose judicial system is not functioning properly.

6. It must be acknowledged that the cramped and dilapidated nature of the prisons makes conditions of detention difficult. To the extent of its very limited means, however, the Rwandese Government is sparing no effort to improve conditions of detention.

In this connection, reference should be made to the observations made in October 1990 by Mr. Philippe de Bruckyer and Mr. Alain Feder, representatives of the International Federation of Human Rights, during their mission to Rwanda. They noted, in particular, that "the conditions of detention found in Rwandese prisons are those of a developing country, but the Rwandese Government is making remarkable efforts to improve them".

7. Regarding job losses, it is encouraging to note that the report of the International Commission of Inquiry mentions the instructions given by the Prime Minister and the Minister of Labour and Social Affairs concerning the rehabilitation and restoration of the rights of all persons who have suffered injustice, especially civil servants who lost their jobs. It should be noted in this connection that in the public sector nearly all such civil servants have been re-employed.

It should also be noted that with the liberalization of employment currently taking place, the State no longer intervenes directly in the private sector. Employees in the private sector whose rights have been infringed will be able to take legal action.

8. In its conclusions, the report of the International Commission of Inquiry states that Rwandese journalists continue to be subjected to threats and harassment. It is true that at one time there was tension between journalists, especially of the private press, and the authorities, due above all to the introduction of the multi-party system and the lack of a well-defined work context for journalists. However, since the adoption of the Press Act and the establishment of the Ministry of Information, there are grounds for stating that the situation has returned to normal, since the journalists themselves have set up self-monitoring mechanisms, especially in the area of professional ethics.

III. Conclusions

The President of the Republic and the Rwandese Government deplore and condemn the human rights violations that have been committed in our country. Wishing to promote respect for human rights and a State subject to the rule of law, they pledge to take the following measures:

1. The President of the Republic and the Government renew their commitment to guarantee the security of all Rwandese, whatever their ethnic and political affiliation. All necessary disciplinary and judicial meas-

ures will be taken against any public employees who have perpetrated human rights violations.

2. The President of the Republic and the Government reaffirm their commitment to ensure respect for the independence of the judiciary. The Government also pledges to pursue its efforts to improve conditions of detention and ensure that detainees are no longer held in places not intended for that purpose, such as military camps.

3. The Government pledges to conduct a campaign to increase the population's awareness of the importance of national reconciliation and respect for human rights.

4. The Government pledges to prosecute and punish individuals engaging in militia activities and to prosecute political organizations that support them.

5. The Government pledges to re-employ in the civil service personnel who have been unjustifiably dismissed.

6. The Government requests the competent judicial bodies to continue the investigations begun by the International Commission of Inquiry in order to establish the truth concerning the mass graves whose existence was revealed by the Commission.

7. The Government has decided to establish a military prosecutor's department in order to speed up the examination of cases involving members of the armed forces.

8. The Government will rapidly proceed to ratify the Convention against Torture and other relevant international human rights instruments, and to withdraw its reservations concerning certain conventions.

9. The President of the Republic and the Government pledge to respect all the agreements resulting from the Arusha peace negotiations.

10. The Government pledges to pursue the democratization process under way and to establish a National Human Rights Commission.

The Rwandese Government calls on the Rwandese Patriotic Front:

1. To cease its executions, physical attacks and abductions of civilians, and the destruction and looting of their property;

2. To cease all attacks on civilian targets, such as camps for displaced persons, hospitals and schools;

3. To end the practices of deportation and use of civilians for military purposes;

4. To punish those responsible for ill-treatment by its troops;

5. To respect the cease-fire and the agreements concluded with the Rwandese Government.

The Rwandese Government calls on the international community:

1. To continue to encourage the parties concerned to pursue the Arusha peace negotiation process and to

respect the commitments contained in the agreements already signed;

2. To strengthen its assistance in the promotion of respect for human rights and in the pursuit of the democratization process in Rwanda;

3. To mandate an international commission of inquiry, preferably established under United Nations auspices, to shed light on all the human rights violations committed by the FPR. This commission should spend sufficient time in the zone under FPR control and be authorized to meet the witnesses it chooses to interview without FPR members being present. It should also conduct investigations in Uganda in order to shed light on the cases of deported persons and prisoners of war, and in the concentration and forced-labour camps reportedly established by the FPR;

4. To help Rwanda in the training of judges and in mobilizing the material resources necessary in order to strengthen the Rwandese judicial system;

5. To help our country to improve conditions of detention.

Lastly, the Rwandese Government calls on the International Commission of Inquiry to provide clarification on the question of the death squads to which it referred in its report and, if necessary, to conduct a thorough inquiry in order to ascertain whether or not death squads exist in our country.

HABYARIMANA Juvénal
President of the Republic,
Major-General

NSENGIYAREMYE Dismas
Prime Minister

[Editor's note: Annex III, Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, is not reproduced here.]

Document 21

Further report of the Secretary-General on Rwanda, concerning the Arusha Peace Agreement and the possible role of the United Nations in its implementation

S/26350, 24 August 1993

Introduction

1. By its resolution 846 (1993) of 22 June 1993, the Security Council, *inter alia*, urged the Government of Rwanda and the Rwandese Patriotic Front (RPF) to conclude quickly a comprehensive peace agreement. It also requested the Secretary-General to report to the Council on the results of the Arusha peace talks as well as on the contribution the United Nations could make to assist the Organization of African Unity (OAU) in the implementation of the peace agreement and to begin contingency planning in the event that the Council decided such a contribution was needed.

2. The peace agreement between the Government of Rwanda and RPF was signed in Arusha on 4 August 1993 (see sect. II below).

3. It will be recalled that, in my interim report of 20 May 1993 (S/25810 and Add.1), I had indicated that I would submit a report to the Council on the goodwill mission that I had sent to the region from 2 to 19 March 1993, as well as on the outcome of the consultations that had been undertaken with OAU in pursuance

of paragraph 2 of resolution 812 (1993), after the conclusion of the Arusha peace talks.

I. The goodwill mission

4. Following consultations of the Security Council on 24 February 1993 on the situation in Rwanda, I decided to send a goodwill mission to Rwanda and Uganda to assist me in making recommendations to the Security Council on the peace process. On 22 February, the Governments of Rwanda and Uganda had called for the deployment of United Nations military observers along their common border (S/25355 and S/25356).

5. The goodwill mission, which was led by Mr. Macaire Pédanou, former Director in the Department of Political Affairs, visited the region from 4 to 19 March 1993. In addition to Rwanda and Uganda, the mission visited Dar-es-Salaam and Addis Ababa for consultations with the Facilitator and the Coordinator of the Arusha peace talks respectively.

6. The mission held consultations with the Government of Rwanda from 4 to 9 March 1993. It met, in Kigali, with President Habyarimana, the Prime Minister, the Minister for Foreign Affairs and Cooperation and the

Minister of Defence. It also travelled to the region of Byumba in the northern part of the country, where it met with the representatives of RPF, and visited the Katuna border post with Uganda.

7. In Rwanda, the mission also visited two camps of displaced persons. It was informed that the population of the displaced persons in the country was estimated at 900,000. In discussions with the mission, the Rwandese parties urged the international community to provide the necessary assistance to ameliorate the plight of the displaced persons and to facilitate their return to their villages. Taking these developments into account, the Department of Humanitarian Affairs led an inter-agency mission to Rwanda from 18 to 25 March 1993 to prepare a consolidated appeal of US\$ 78 million to meet the needs of 900,000 displaced persons from April to December 1993. The appeal was launched in Geneva on 15 April 1993.

8. During its visit to Rwanda, the goodwill mission also met with members of the OAU Neutral Military Observer Group (NMOG) which was monitoring and supervising the implementation of the cease-fire that had come into force in July 1992. The mission was informed that NMOG comprised 10 army officers each from Mali, Nigeria, Senegal and Zimbabwe, as well as 5 officers each from the Rwandese and the RPF armies. The discussions with senior officials of NMOG focused on cooperation between the United Nations and OAU, the role of an expanded NMOG and the assistance that it would require from the international community with respect to the mandate entrusted to it.

9. The mission exchanged views with the parties on the military situation, including the cease-fire, as well as on the respective roles they envisaged for the United Nations and OAU in the process. While the parties agreed on the need for deployment of an international force to assist in the implementation of the peace agreement and related transitional arrangements, they were not in complete agreement, at that time, on the roles of the United Nations and OAU.

10. On 7 March 1993, while the goodwill mission was still in Rwanda, the Government of Rwanda and RPF agreed in Dar-es-Salaam to cease hostilities starting on 9 March 1993 at midnight and to resume the peace talks in Arusha on 15 March 1993 (S/25385). On 12 March 1993, the Security Council adopted resolution 812 (1993), by which it welcomed my decision to send a goodwill mission to the region. The Council also invited me to examine, in consultation with OAU, the contribution that the United Nations could bring to strengthen the peace process in Rwanda, in support of its ongoing efforts. By the same resolution, the Security Council welcomed the Dar-es-Salaam agreement of 7 March 1993,

and urged the Government of Rwanda and RPF to resume the negotiations on 15 March, as agreed.

11. The goodwill mission visited Kampala from 10 to 13 March 1993, and held consultations with President Museveni and with senior officials of his Government, within the framework of the Dar-es-Salaam agreement and Security Council resolution 812 (1993). It also met with the representatives of RPF in Kampala. President Museveni welcomed the Dar-es-Salaam agreement and confirmed his willingness to welcome observers on the Ugandan side of the border in order to demonstrate that his country was not providing military assistance or personnel to RPF.

12. The goodwill mission then visited the United Republic of Tanzania from 13 to 15 March 1993. In Dar-es-Salaam, it met with President Mwinyi and senior officials of the Government who briefed them on the role of the United Republic of Tanzania as Facilitator of the Arusha peace process and confirmed that the peace talks would resume in Arusha on 15 March 1993.

13. During its visit to Addis Ababa, from 17 to 19 March 1993, the mission met with Mr. Salim Ahmed Salim, Secretary-General of OAU, to exchange views on cooperation between the United Nations and OAU, within the context of the Dar-es-Salaam agreement and Security Council resolution 812 (1993). Mr. Salim recalled that the parties to the Dar-es-Salaam agreement had asked him to extend the mandate of NMOG and to expand it. He informed the mission about the efforts he was making to that end and requested the assistance of the United Nations. Following exchanges of communications on this matter, I sent to Addis Ababa two senior officials with the necessary expertise to provide technical assistance to OAU to finalize a submission to the donor community for the funding of an expanded NMOG (see S/25810, para. 22).

14. As indicated in my interim report to the Security Council (S/25810), I sent a technical mission to Uganda and Rwanda, from 2 to 6 April 1993, which was led by my military adviser, Brigadier-General Maurice Baril, to gather and evaluate all information relevant to the possible deployment of United Nations military observers on the Rwanda/Uganda border. The technical mission was joined in Uganda by Mr. Macaire Pédanou, the leader of the goodwill mission.

15. On 8 April 1993, I informed the Security Council that, taking into account developments concerning Rwanda, I had decided to strengthen the goodwill mission by the addition of three military advisers (S/25561).

II. The Arusha peace talks

16. The Arusha peace talks, which resumed on 16 March 1993, were successfully concluded on 3 August

1993. The agenda for the negotiations covered military issues, refugees and displaced persons and outstanding political matters including the amendment of the Constitution, as well as the duration of the transitional period. On the military side, the negotiations focused on the composition and size of the new army, including the representation of the armed forces of the Government and those of RPF in the new army. Other issues covered arrangements related to security services including the gendarmerie, demobilization and assistance required from the international community. The two parties also discussed the establishment of an international neutral force for the implementation of the peace agreement.

17. I was represented at the Arusha peace talks in an observer capacity by Mr. Macaire Pédanou, the leader of the goodwill mission. Mr. Pédanou was later joined by a military officer from the Department of Peace-keeping Operations, who provided technical advice on the military aspects of the negotiations.

18. During the meeting of the Assembly of Heads of State and Government of OAU in Cairo in June, I had the opportunity to exchange views with the President of Rwanda and the Secretary-General of OAU on the situation in Rwanda and on the progress of the Arusha talks. We also discussed ways and means of assisting in the peace agreement, following its signature by the parties.

19. The Arusha peace agreement, including six protocols, was signed on 4 August 1993 by Major General Juvénal Habyarimana, President of Rwanda, and Colonel Alexis Kanyarengwe, Chairman of RPF. The signing ceremony took place in the presence of H.E. Mr. Ali Hassan Mwinyi, President of the United Republic of Tanzania, in his capacity as the Facilitator, Mr. Salim Ahmed Salim, Secretary-General of OAU, and Mr. Vladimir Petrovsky, Under-Secretary-General and Director of the United Nations Office at Geneva, who represented me on that occasion. The signing ceremony was witnessed by the Presidents of Uganda and Burundi, the Prime Minister of Zaire and the representatives of the current and former Chairmen of OAU and of the observer countries to the Arusha talks, namely Belgium, Burundi, France, Germany, Nigeria, Uganda, the United States of America and Zimbabwe.

20. In signing the peace agreement, the two parties agreed that the war between them had come to an end and that they would spare no effort to promote national unity and reconciliation. They also agreed that all the six protocols of agreement which they had concluded and signed during the Arusha talks would be attached to the peace agreement, of which they would form an integral part. These documents are:

(a) The N'Sele cease-fire agreement of 29 March 1991, as amended in Gbadolite on 16 September and at Arusha on 12 July 1992;

(b) *Protocol of agreement on the rule of law*, signed at Arusha on 18 September 1992, which defined the basic principles of Rwandese politics for the future, namely national unity, democracy, pluralism and respect for human rights;

(c) *Protocols of agreement on power-sharing*, signed at Arusha on 30 October 1992 and on 9 January 1993, by which the Government of Rwanda and RPF accepted the principle of sharing political power within the framework of a broad-based transitional Government with the participation of the main political parties;

(d) *Protocol of agreement on the repatriation of refugees and the resettlement of displaced persons*, signed at Arusha on 9 June 1993, which defined provisions for the repatriation and resettlement of refugees and displaced persons, as well as arrangements for a donors' conference to be jointly organized by OAU and the Office of the United Nations High Commissioner for Refugees (UNHCR);

(e) *Protocol of agreement on the integration of the armed forces of the two parties*, signed at Arusha on 3 August 1993, which covered, among other things, the size, composition and ratio of the two parties in the new army, as well as the establishment of a neutral international force to oversee the transitional arrangements;

(f) *Protocol of agreement on miscellaneous issues and final provisions*, signed at Arusha on 3 August 1993, by which the parties reached agreement on the appointment of the Prime Minister and the transitional period, which was set at 22 months.

III. Reconnaissance mission

21. In a communication addressed to me on 3 August 1993, President Habyarimana reiterated the request that the Government of Rwanda and RPF had jointly addressed to me on 11 June 1993 to send a reconnaissance mission to Rwanda in order to assess the needs of the proposed international force (S/25951).

22. As envisaged by the two parties, a neutral international force would be deployed in Rwanda to monitor and supervise the cease-fire; secure the continued distribution of humanitarian assistance; and assist in the protection of the expatriate community and in the implementation of the provisions of the peace agreement pertaining to the demobilization and encampment of the belligerent forces, their retraining and integration to form a new national army.

23. In communications I addressed on 11 August 1993, to President Juvénal Habyarimana of Rwanda and the Chairman of RPF, Colonel Alexis Kanyarengwe, I

stressed that it was now incumbent on all concerned to observe strictly the provisions of the peace agreement in order to ensure its implementation and to allow the people of Rwanda to advance national reconciliation as well as the rehabilitation and the reconstruction of their country.

24. In a communication addressed to me on 4 August 1993, the Secretary-General of OAU informed me that the mandate of the OAU NMOG, which had been supervising the implementation of the cease-fire agreement signed in Arusha in July 1992, had expired on 31 July 1993. NMOG was being replaced by NMOG II, whose mandate had commenced on 3 August 1993 and whose first contingent had arrived in Rwanda on 31 July 1993. More contingents from several OAU member States were expected to arrive in Rwanda as part of the OAU effort to constitute and deploy an enlarged NMOG as requested by the two parties. Mr. Salim stated that NMOG would continue to operate as an interim measure, pending the deployment of the neutral international force proposed by the parties.

25. I welcomed the decision of Mr. Salim that as an interim measure he would ensure that NMOG would continue to operate, pending a final determination by the Security Council on the establishment of the neutral international force, as well as on its role and responsibilities.

26. Taking into account the communications addressed to me by the President of Rwanda and the Secretary-General of OAU, and in pursuance of paragraph 11 of resolution 846 (1993), I decided to send a reconnaissance mission to Rwanda to make an assessment of the situation on the ground, in order to assist me in making recommendations to the Security Council. The mission, which is composed of officials from concerned departments, is led by Brigadier General Romeo A. Dallaire (Canada), Chief Military Observer of the United Nations Observer Mission Uganda-Rwanda (UNOMUR). It arrived in Kigali on 19 August and is expected to stay there for up to two weeks in order to consult with senior officials of the Government and with representatives of RPF on the implementation of the agreement within the framework of Security Council

resolution 846 (1993). It will also meet with OAU representatives in Rwanda and with the members of its NMOG.

27. As I have indicated earlier, the Government of Rwanda and RPF have called for the establishment of a neutral international force, to facilitate the implementation of the provisions of the peace agreement. The reconnaissance mission will examine the possible functions of such a force and evaluate the human and financial resources that would be needed to carry them out. In addition to Rwanda, the senior officials of the mission will visit Dar-es-Salaam and Addis Ababa for consultations with the Government of the United Republic of Tanzania and with OAU, which acted as Facilitator and Coordinator, respectively, at the Arusha peace talks.

IV. Observations

28. The signing of the Arusha peace agreement has presented the Government of Rwanda and RPF with a political and democratic framework to resolve their conflict. The successful conclusion of the peace process will also provide the people of Rwanda with the opportunity to begin the reconstruction and rehabilitation of their country and would make it possible for nearly 1 million Rwandese refugees and internally displaced persons to return to their homes and to begin the arduous task of rebuilding their lives.

29. The Government of Rwanda and RPF should be commended for concluding the peace agreement. The United Republic of Tanzania's role as Facilitator was crucial to the success of the peace process as was that of the Secretary-General of OAU as Coordinator of the Arusha talks. A number of countries both within and outside the region, most notably Uganda, have also made positive contributions to the process. It is now incumbent on the Government of Rwanda and RPF to abide fully by the letter and spirit of the Arusha peace agreement.

30. On the basis of the findings of the reconnaissance mission, I shall submit a report to the Security Council regarding the contribution the United Nations could make to facilitate the implementation of the peace agreement.

Document 22

Statement by the President of the Security Council urging the Government of Rwanda and the RPF to honour the Arusha agreements

S/26425, 10 September 1993

The Security Council welcomes the peace agreement concluded by the Government of Rwanda and the Rwandese Patriotic Front at Arusha on 4 August 1993. The Council is aware of the hopes the Rwandese parties entertain that the international community will lend its assistance in the implementation of the agreement. It has also taken note of the importance they attach to 10 September 1993, the date that is to mark the establishment of transitional institutions.

The Security Council welcomes in this regard the decision taken by the Secretary-General to send a reconnaissance mission to Rwanda. The Council hopes to have

the report of the Secretary-General based on the recommendations of the reconnaissance mission in the next few days so that it can consider the contribution the United Nations could make to facilitate the implementation of the Arusha peace agreement.

The Security Council urges the Government of Rwanda and the Rwandese Patriotic Front to continue to honour the Arusha agreements in accordance with their commitments. It further urges them to continue to cooperate with the Neutral Military Observer Group, whose mandate the Secretary-General of OAU has decided to extend on an interim basis.

Document 23

Report of the Secretary-General on Rwanda, requesting establishment of a United Nations Assistance Mission for Rwanda (UNAMIR) and the integration of UNOMUR into UNAMIR

S/26488, 24 September 1993, and addendum: S/26488/Add.1, 29 September 1993

Introduction

1. The present report is submitted to the Security Council in pursuance of resolution 846 (1993) of 22 June 1993. By paragraph 9 of that resolution, the Council urged the Government of Rwanda and the Rwandese Patriotic Front (RPF) to conclude a comprehensive peace agreement. Paragraph 11 of the same resolution requested me to report on the contribution the United Nations could make to assist the Organization of African Unity (OAU) in the implementation of such an agreement and to begin contingency planning in the event that the Council decided that such a contribution was needed.

2. In my last report on Rwanda (S/26350), I informed the Security Council that the peace agreement between the Government of Rwanda and RPF had been signed at Arusha (United Republic of Tanzania) on 4 August 1993. I indicated that the Government of Rwanda and RPF had called for the establishment of a neutral international force to facilitate the implementation of the peace agreement. I informed the Security Council that I had decided to send a reconnaissance mission to Rwanda,

in order to examine the functions that such a force could perform and to assess the human and financial resources that would be needed to carry them out. I stated that, in addition to Rwanda, the mission would also visit Dar-es-Salaam and Addis Ababa for consultations with the Government of the United Republic of Tanzania and the Secretary-General of OAU.

3. The reconnaissance mission, comprising officials of the Department of Political Affairs, the Department of Peace-keeping Operations, the Department of Humanitarian Affairs and the Office of the United Nations High Commissioner for Refugees (UNHCR), visited Rwanda from 19 to 31 August 1993. Its senior officials visited Dar-es-Salaam on 1 and 2 September and Addis Ababa on 3 September.

I. The Arusha peace agreement

4. The Council's attention is drawn to the provisions of the Arusha peace agreement and to those of its six protocols that are relevant to the Council's consideration of the contribution the United Nations could make

towards the implementation of the agreement (see S/26350, para. 20).

5. The Protocols of Agreement on Power-sharing provide that the institutions for the transitional period, up to the elections for a democratically elected Government, will comprise a broad-based transitional Government with the participation of all main political parties. The major parties identified in the agreements are the Mouvement républicain pour la démocratie et le développement (MRND), RPF, the Mouvement démocrate républicain (MDR), the Parti social démocrate (PSD), the Parti libéral (PL) and the Parti démocrate chrétien (PDC). The Transitional Assembly will be composed of members appointed by the various political parties.

6. Article 7 of the agreement provides that the transitional institutions will be set up in Kigali 37 days after the signing of the agreement, i.e., on 10 September 1993. However, this was based on the assumption that a neutral international force would be deployed by that date and that, with the arrival of that force, foreign troops stationed in Rwanda would withdraw. At that point, in accordance with the Agreement, RPF would deploy a battalion in Kigali to ensure the protection of its political leaders and to enable them to participate fully in the transitional institutions.

7. The Protocol of Agreement on Miscellaneous Issues and Final Provisions states that the duration of the transitional period will be 22 months, with the possibility of one extension, which would have to be approved by a majority of 60 per cent of the Transitional Assembly.

8. The Protocol on the Integration of the Armed Forces of the Two Parties, including the Gendarmerie, specifically requests the assistance of a neutral international force led by the United Nations in the disengagement, disarmament, demobilization and retaining of the military personnel of the parties to be integrated in the national army. It also calls on the establishment of such a force to ensure the overall security of the country, especially the capital city of Kigali, as well as the protection of the expatriate community, and security of the continued distribution of humanitarian assistance.

9. The Protocol defines the neutral international force as a United Nations-led force, integrating as necessary the current OAU Neutral Military Observer Group (NMOG II) and made up of countries representing a cross-section of the international community. The NMOG I force, made up of 50 personnel from OAU countries, monitored the cease-fire from July 1992 to July 1993. In early August 1993, the force was replaced by the NMOG II force, which is currently made up of 132 personnel from OAU member countries.

10. The Protocol on the Repatriation of Refugees and the Resettlement of Displaced Persons calls for the involvement of the United Nations in the repatriation of refugees and is elaborated upon below (see sect. III C).

II. Activities of the reconnaissance mission

11. During its visit to Rwanda, the mission was led by Brigadier General Romeo A. Dallaire (Canada), Chief Military Observer of the United Nations Observer Mission Uganda-Rwanda (UNOMUR). Between 19 and 31 August 1993, the mission held consultations with the President of Rwanda, General Juvénal Habyarimana, and with the Chairman of RPF, Colonel Alexis Kanyarengwe, as well as with other senior members of the Government and RPF, including Mrs. Agathe Uwilingiyimana, current Prime Minister, Mr. Faustin Twagiramungu, Prime Minister-designate of the broad-based transitional Government, and Mr. Paul Kagamé, Vice-Chairman of RPF and Commanding Officer of its armed forces. The mission also met with members of the diplomatic community accredited to Rwanda, with representatives of United Nations agencies and programmes and with non-governmental organizations (NGOs) executing humanitarian projects in the country. The reconnaissance mission also met with the OAU representative in Rwanda and the Commanding Officer of NMOG II.

12. During their visit to Dar-es-Salaam and Addis Ababa, the senior officials of the reconnaissance mission were joined by Mr. Macaire Pédanou, my Special Representative at the Arusha peace talks. They held consultations with President Ali Hassan Mwinyi and other high officials of the Government of the United Republic of Tanzania and, in Addis Ababa, with Mr. Salim Ahmed Salim, the Secretary-General of OAU, and his senior staff.

13. One of the major points raised by all those with whom the mission met related to the deployment of a neutral international force by 10 September, the date set in the peace agreement for the installation of the transitional institutions in Kigali. The concern of all parties was that, should the neutral international force not be deployed in a timely manner, a political vacuum might occur if the transitional Government was not established in Kigali. The mission responded by clarifying the decision-making process at the United Nations and by stressing that the dispatch of a peace-keeping force to Rwanda would depend on a final determination by the Security Council. President Habyarimana felt that it would be dangerous and hazardous to set up the transitional Government before the arrival of the neutral international force and emphasized that such a force should be strong enough to be credible. For his part, Colonel Kanya-

rengwe, Chairman of RPF, stated that it was imperative that the security of RPF be ensured by the United Nations and expressed his concern that the vacuum caused by the absence of a United Nations peace-keeping mission might be filled by paramilitary groups in the country.

14. After the reconnaissance mission explained that it would not be realistic to expect the deployment of the proposed neutral international force by 10 September, a number of alternative measures were put forward by the parties and OAU. In addition, the role that an enlarged NMOG might play in the implementation of the agreements was discussed. In this connection, it should be noted that the OAU Secretary-General explained to the mission that he was planning to enlarge NMOG II to a total of approximately 240 all ranks, and that OAU did not have the resources to sustain a larger force. Mr. Salim pointed out that, even for the enlargement of NMOG II to the size of a company, OAU would have to rely, for logistic support, on the contributions of the donor countries which had assisted in the establishment of NMOG I. Most importantly, Mr. Salim informed the mission that the mandate of NMOG II would necessarily be confined to monitoring the cease-fire.

15. Mr. Salim recalled that the mandate of NMOG II would expire on 31 October 1993, adding that if the Security Council authorized United Nations involvement in the implementation of the peace agreement, the expeditious deployment of a United Nations peace-keeping force would be essential. With regard to the possible integration of NMOG II into such a force, Mr. Salim expressed the view that the United Nations would have to work out arrangements directly with troop-contributing countries.

16. It was also suggested that, since it was not feasible to meet the expectations of the two parties with regard to the deadline of 10 September for the installation of the transitional institutions, the United Nations should reassure the Rwandese people by giving a positive signal regarding its willingness to contribute to the restoration of peace and national reconciliation in Rwanda. In this connection, in a statement issued on 10 September 1993 (S/26425), the President of the Security Council pointed out that the Council was aware of the hopes the Rwandese parties entertained regarding the assistance that the international community would provide for the implementation of the Arusha peace agreement. The President of the Council in his statement also urged the parties to continue to honour the Arusha agreement in accordance with their commitments.

17. Many of those with whom the reconnaissance mission held consultations, including representatives of the diplomatic community, felt that the Arusha accords

constituted the best way for the Rwandese people to work together towards peace and stability. They also stressed the urgency of implementing those accords so that the people of Rwanda could proceed with the challenging tasks of reconstruction and economic development. The mission reported that most Governments represented in Rwanda, also anxious to see a sound economic recovery programme instituted, expressed their willingness to assist the Rwandese people in carrying out the task of economic recovery.

18. During its stay in Rwanda, the reconnaissance mission visited the areas controlled by RPF in the north, as well as government military positions and outposts. It carried out a detailed survey of the forces of the parties, including their respective structures and equipment, troop dispositions and topography, by land and by air. It received detailed briefings from the NMOG II Commander on the present status and role of NMOG II in Rwanda.

19. The mission discussed with the parties the tasks envisaged for the neutral international force in the Arusha agreement in order to determine the contribution that could be made by the United Nations. In particular, the mission undertook an assessment of the essential requirements that would enable the proposed force to execute its monitoring functions in Rwanda. This included an assessment of the following areas: cease-fire compliance in the demilitarized zone (DMZ), establishment of cantonment and assembly areas for weapons and personnel, mine clearance, security of humanitarian aid efforts, return of the refugees and displaced persons, disarmament and demobilization of armed personnel and restructuring of the Rwandese Defence Forces and the Gendarmerie.

20. In regard to relief assistance, the mission worked out arrangements that could enhance the various aspects of ongoing humanitarian activities described below (see sect. III C).

III. United Nations contribution

A. *Military aspects*

21. The main provisions of the Arusha peace agreement relevant to the proposed United Nations peace-keeping mission (herein referred to as "the Mission") are contained in the Protocol on the Integration of the Armed Forces and the Gendarmerie. The principal functions of the Mission could be grouped in four categories: (a) to assist in ensuring the security of the city of Kigali, (b) to monitor the cease-fire agreement, including establishment of an expanded DMZ and demobilization procedures, (c) to continue to monitor the security situation

during the final period of the transitional Government's mandate leading up to the elections, and (d) to assist with mine clearance, including training and mine-awareness programmes.

22. Under article 64 of the Protocol on the integration of the armed forces, the Mission would also be charged with the task of undertaking investigations, either on complaints from the parties or on its own, of alleged non-compliance with any of the provisions relating to the agreement. In addition, the Mission would be called upon to provide security for the repatriation of Rwandese refugees and displaced persons.

23. To ensure the effective conduct of the Mission's responsibilities, the Protocol calls for close cooperation and continuing consultations between the Force Commander, or his representative, the new Rwandese Defence Forces High Command Council and the "*Conseil de Commandement de la Gendarmerie Nationale*". This will be ensured through the holding of regular joint working sessions at all relevant command levels.

1. *Concept of operations*

24. The Mission would be based on the concept of operations described below.

25. Owing to the presence of several battalions of government forces in Kigali and the introduction into the city of the RPF leadership with a fully equipped RPF battalion, the Mission would establish a weapons-secure area in and around Kigali. This zone would be defined as an area of approximately 10 kilometres in radius from the centre of Kigali within which the military units would be required to store their weapons and ammunition, except in those cases previously agreed to by all parties. The security of the city would be accomplished in four ways. First, the Mission would deploy an infantry battalion throughout the Kigali area with the aim of providing security for the international airport, the RPF battalion compound and government buildings and to assist in the recovery of arms from civilians. The battalion would require a wheeled armoured personnel carrier (APC) company for emergency deployment both in Kigali and in the expanded DMZ. Secondly, the Mission would monitor and verify the securing of weapons and the movement of all forces from both parties in the Kigali sector through the use of infantry and military observers. Thirdly, in monitoring the activities involved in the establishment of the new Integrated Rwandese Defence Forces and Gendarmerie, the Mission would deploy liaison officers to the headquarters of these new forces. Fourthly, the Mission would take appropriate measures,

as necessary, to assist in providing security for members of the transitional Government.

26. The Mission would monitor the cease-fire agreement through verification and control of the expanded DMZ and by the concentration, disarming, demobilization and integration of troops of both the parties and the Gendarmerie. This would be achieved by the deployment of military observers and a second infantry battalion (in addition to the two existing infantry platoons of NMOG II) in the DMZ and at the assembly points, cantonment points and integrated training centres. In accordance with the peace agreement, the responsibility for the identification of assembly zones, and thus the demarcation of the new DMZ, would rest with the Mission. A key task for the Force Commander would therefore be to confirm the proposed assembly zones, assembly points, cantonment points, integrated training centres and the demarcation of a new DMZ, in accordance with the agreement. From a total of 48 assembly and cantonment points and integrated training centres proposed by the two parties, the reconnaissance mission recommended that the number be reduced, subject to review by the Force Commander, to approximately 26 assembly and cantonment points and integrated training centres.

27. The reconnaissance mission conducted a survey of all armed forces in the country. The Rwandese Government declared it had an effective strength of 23,100 personnel deployed essentially in the northern part of the country and in the Kigali area. The RPF forces declared a strength of approximately 20,000 personnel concentrated north of the current DMZ. It was reported that the government Gendarmerie is made up of 6,000 personnel deployed essentially in the front lines. RPF does not have a gendarmerie. According to the Protocol, the process of demobilization of all of the forces and the Gendarmerie, and the subsequent training and integration of up to 13,000 personnel for the new National Army and 6,000 personnel for the new National Gendarmerie, is to be completed over a 7- to 9-month period. This process would commence on a date agreed to by the Mission and the transitional Government. The possible need to assist the parties with transporting their personnel, constructing shelters to accommodate the assembled troops and resupplying and/or feeding them would require special attention.

28. The approximately 35,000 (31,000 soldiers and 4,000 Gendarmerie) demobilized personnel who would not form part of the new Rwandese Defence Forces and Gendarmerie would benefit from vocational retraining and employment, in accordance with the agreement, under the auspices of the Rwandese Ministry of Rehabili-

tation and Social Reintegration and with the assistance of the United Nations programmes and agencies and NGOs.

29. The reconnaissance mission recommended that the Mission should have the capacity to provide escort and protection for humanitarian activities, as required, until relieved by the new Rwandese Defence Forces and Gendarmerie. It was also recommended that the Mission conduct essential force-related mine clearance. An overall mine-clearance programme is described in section III C below.

30. The effective execution of the Mission's tasks, as well as the rate at which they can proceed, depends not only upon the timely availability of resources, but also on the capacity of the local infrastructure (roads, fuel supply, power supply, communications, warehousing space and personnel accommodation), as well as the Mission's repair and maintenance capabilities. Taking into account the state of the existing infrastructure in Rwanda, it would be essential for an engineer company to be deployed expeditiously to assist in restoring basic infrastructure, including roads and bridges necessary for the work of the Mission.

2. Proposed Force structure

31. The military observers of UNOMUR, established under Security Council resolution 846 (1993), would come under the command of the United Nations Mission in Rwanda, while maintaining their monitoring tasks on the Uganda/Rwanda border. The Mission would incorporate elements of the NMOG II forces already in place in the current DMZ (see annex I) under its command at the earliest opportunity. [Editor's note: Annex I, map of Current demilitarized zone, is not reproduced here.]

32. The Mission's operations would be divided into five sectors. There would be a Kigali sector and a DMZ sector. Two other sectors would be located with the government forces and RPF forces respectively. UNOMUR would constitute the fifth sector. The Mission would be supported by engineer, aviation, communications and medical units, as well as by the necessary logistic and administrative staff. The Mission's Force headquarters would be located in Kigali.

33. A Military Observer Group headquarters would be responsible for command and control of the Military Observer Sectors and for administering all military observers in theatre. It would consist of a total of 20 military observers and would be comprised of the traditional branches of military staff.

34. The Government forces, RPF forces and UNOMUR Sectors would be composed entirely of United

Nations military observers. These three Sectors, through their military observer teams, would be responsible for monitoring the implementation of the Protocol of Agreement on the Integration of the Armed Forces of the two parties. The military observer Sectors would be responsible for, *inter alia*, the following tasks: monitoring the observance by the two parties of modalities for the definite cessation of hostilities as provided for in the peace agreement; monitoring the assembly zones and the preparation and maintenance of assembly and cantonment points; verifying the disengagement of forces, the movement of troops to assembly points and of heavy weapons to cantonment points; monitoring discipline of troops inside and outside assembly points; verifying inventories of weapons and ammunition of the two parties and monitoring operations for the separation of heavy weapons from light weapons; verifying the identification of military personnel in the assembly points; verifying the distribution of non-lethal supplies to troops in assembly points; monitoring the security of troops in the integrated training centres; and monitoring the operations for the demobilization of servicemen and gendarmes.

35. The Kigali and the DMZ Sectors would each consist of an infantry battalion and military observers, who would perform tasks similar to those described in paragraph 34, as well as assist in arms recovery and verification through the use of checkpoints and patrols and in providing security at assembly and cantonment points. The DMZ Sector would also take under its command the two NMOG II platoons currently serving in Rwanda.

36. The two infantry battalions (800 all ranks each) must be capable of supporting themselves for at least 60 days. They would each consist of a heavy logistics company and four rifle companies.

37. The Mission would also need an engineer company consisting of 203 personnel which would be responsible, *inter alia*, for supervising the rehabilitation and repair of basic infrastructure to meet the Mission's operational requirements and for undertaking essential demining tasks, including explosive ordnance disposal.

38. The Mission's support elements would consist of a helicopter unit of 40 personnel and 4 utility helicopters and a light twin-engine aircraft, a movement control section of 20 personnel, a logistics company of 200 personnel and a medical platoon of 50 personnel.

3. Deployment schedule

39. The military personnel of the Mission would be deployed progressively as shown in annex II and would conduct the operation in four phases.

40. Phase 1 would commence on the day on which the Security Council adopts the enabling resolution and would end on D-Day, the day on which the transitional Government is installed in Kigali. Given the time required to establish and deploy the proposed Mission, it is estimated that the transitional Government may not be installed until the end of 1993. The objective of this phase would be to establish the essential conditions needed to permit the secure installation of the transitional Government. The necessary command and control, service support, infrastructure and equipment would be put in place. This would require the immediate deployment of the military planning staff of the Mission headquarters (including approximately 25 military, 3 civilian police and 18 civilians). This phase would also see elements of the expanded NMOG II and UNOMUR observers continuing their respective mandates in the DMZ and on the Uganda-Rwanda border, but under command of the Mission. By the end of phase 1, the strength of the Mission would number a total of 1,428 military personnel, of whom 1,217 would be staff officers and formed troops and 211 would be military observers (including 77 military observers from UNOMUR and 54 from NMOG II).

41. Phase 2 would commence on D-Day and last until D-Day+90 or when the process of disengagement, demobilization and integration of the Forces and Gendarmerie begins. This phase would see the continued build-up of the Mission to its peak strength. The expanded NMOG II and UNOMUR would be fully integrated as entities into the Mission and would continue to discharge their mandates. The major activities during this phase would be to continue monitoring the DMZ and the Uganda-Rwanda border and assisting in providing security in Kigali, the demarcation of the assembly zones, monitoring the modification of the DMZ and ensuring that all preparations for the disengagement, demobilization and integration process are in place. While the agreement did not specify a date for the start of the demobilization process, it did estimate that one month would be required to set up the support elements needed to conduct this operation. However, the reconnaissance mission's estimate is that two to three months would be required to ensure that the infrastructure needed for demobilization is in place. By the end of this phase, the strength of the Mission would include a total of 2,548 military personnel, of whom 2,217 would be staff officers and formed troops and 331 would be military observers.

42. Phase 3 would commence on D-Day+90, or when the disengagement, demobilization and integration process begins, and would last until D-Day+360, or when the process is completed. During this phase, the Mission

would establish, supervise and monitor the new DMZ with a second infantry battalion, and would continue to monitor the Uganda-Rwanda border. It would establish approximately 26 assembly/cantonment points and integrated training centres, monitor the movement of large bodies of military personnel in and through the DMZ and assist in maintaining general security in the country. Security would also continue to be provided in Kigali. By the end of this phase, the strength of the Mission would be in the process of reduction to approximately 1,240 all ranks.

43. Phase 4 would commence on D-Day+360, or when the disengagement, demobilization and integration process is completed. This phase would last about 10 months. It would see the further reduction of the Mission's strength to the minimum level needed to assist in ensuring the secure atmosphere required in the final stages of the transitional period leading up to the elections. During this phase, the monitoring of the DMZ and of the Uganda-Rwanda border would cease. The residual strength of the Mission would amount to approximately 930 military personnel, of whom 850 would be staff officers and formed troops and 80 would be military observers.

B. Civilian police

44. The Arusha peace agreement calls on the United Nations to assist in maintaining public security through the monitoring and verification of the activities of the Gendarmerie and Communal Police.

45. The law and order situation during the transitional phase would be dependent on several internal security considerations: possible political and ethnic tensions; the potential for a dramatic rise in armed banditry after the demobilization of the forces of the parties; the easy availability of weapons; the possible disruption of the humanitarian aid effort; and the inability of local agencies to cope effectively with rising crime in the country, particularly in Kigali.

46. In accordance with the Protocol on the Integration of the Armed Forces, the Gendarmerie would be reduced from a strength of approximately 6,000 to a strength of 1,800 during the demobilization phase. All members of the Gendarmerie would be screened, along with RPF candidates, for positions in the new Gendarmerie or for complete demobilization into the community. The Gendarmerie would subsequently be reconstituted with a maximum force level of 6,000 all ranks.

47. In order to verify that law and order are maintained effectively and impartially, a small United Nations

civilian police unit, headed by a Police Commissioner, would be deployed in Kigali and the nine prefecture capitals and in specific police installations. It is estimated that a total of 60 police officers would be required. The police unit would consist of a headquarters of 10 officers, including a special investigation team; a Kigali district consisting of 20 personnel; and a provincial district consisting of monitoring teams for each of the prefectures (except Kigali), requiring a total of 30 personnel.

C. *Humanitarian assistance*

48. In addition to the provisions of the Protocol on Refugees and Displaced Persons, both the Government and RPF have indicated that international assistance will be essential in bringing about the successful implementation of the peace agreement. Humanitarian agencies will continue to provide assistance based on the principle of humanity, neutrality and impartiality.

49. By March 1993, a total of 900,000 people, or approximately 13 per cent of the nation's population, had been displaced. The Secretary-General launched a consolidated appeal in April 1993 to meet the emergency needs of these displaced people. The international community has made cash and in-kind contributions of up to US\$ 100 million since January 1993. With the signing of the peace agreement, it is estimated that some 600,000 individuals have already returned to their homes. With their return, the emergency situation that arose earlier in the year has eased. For the estimated 300,000 people who remain displaced and continue to rely on emergency assistance in the camps, such assistance will continue to be provided.

50. If a United Nations operation is deployed in Rwanda, humanitarian assistance would need to be coordinated with the Mission's activities. Currently, the United Nations Resident Coordinator ensures coordination among United Nations agencies, and with the donor community and NGOs. He will continue to do so during the transitional period.

51. As a result of the decision of the Governing Council of the United Nations Development Programme (UNDP) in February 1993 on its programme for Rwanda, UNDP and the United Nations Department of Humanitarian Affairs will hold a Round-table Meeting on humanitarian assistance, which will include aspects of demobilization and reconstruction, in early 1994. In addition to local fund-raising efforts, the meeting will provide an excellent opportunity to solicit support from a larger number of donors and to inform them of the latest situation in the country. I hope that the donor community

will continue to respond favourably to the financial needs in the humanitarian sector.

52. Regarding assistance to demobilized soldiers, a comprehensive programme catering to their needs is being studied using previous United Nations peace-keeping experience in other regions. The United Nations is encouraging the donor community to examine the possibility of pooling resources for the preparation and implementation of such a programme.

53. Finally, regarding the Rwandese who have taken refuge in neighbouring countries, the starting-point of the implementation of the activities envisaged for the repatriation and reintegration of the returnees is the establishment of the transitional Government. UNHCR has been coordinating refugee activities and has been making advance preparations in the countries of asylum. The return of refugees will be regulated through tripartite agreements among country of origin, country of asylum and UNHCR. The establishment of national committees for repatriation and local integration is also foreseen, as is the establishment of a Commission for Repatriation under the transitional Government.

54. It has been recommended that an information campaign be launched both in the countries of asylum and in Rwanda to promote the provisions of the peace agreement. Information relating to refugees and the options offered to them (repatriation, naturalization or to remain as aliens) should also be part of this information campaign.

55. Mine clearance has been earmarked as a priority to ease the constant threat to the lives of the displaced persons. It has also been pointed out that, with their removal, a more direct access by humanitarian agencies to areas needing assistance would be possible. This requirement is specifically addressed in article 40 of the Protocol on refugees and displaced persons.

56. It has been estimated that a mine-clearance programme would be confined to a small area of the northern part of the country. The most serious mine problem, however, would be the location and detection of mines in tea and banana plantations, as well as on open grassland and on tracks. At present, land-mines already pose a serious threat to the local population. This threat will continue to increase as displaced persons return to their villages.

57. The reconnaissance mission recommended that the United Nations initiate a mine-clearance programme, including a survey of existing locations, a mine-awareness campaign for displaced persons and refugees and a training programme in mine deactivation for the government and RPF engineer forces. An engineer element should be included within the military component to provide a local

mine-clearance capability on routes necessary to the Mission's operations. In addition, should the training programme for both parties be deemed unworkable or unsafe, a professional mine-clearance company would be subcontracted as has been the practice in other peace-keeping missions.

58. There will be a need to continue substantial humanitarian assistance activities in the future. The United Nations Resident Coordinator will continue to serve as the coordinator for these activities, working in close cooperation with all relevant organizations of the United Nations system. It is anticipated that a capacity would be established in the Mission for liaison and coordination with the humanitarian assistance programme, in particular with respect to adequate security as may be necessary for the distribution of humanitarian relief supplies and the process of demobilization and reintegration of armed forces into society.

D. *Administrative aspects*

59. The Mission would require an administrative component based in Kigali, with two regional offices. One regional office would be located in the northern city of Byumba. The second would be in Kabale, which is the present headquarters of UNOMUR. The administrative component would provide necessary support in areas of personnel, finance, procurement, communications, travel, compensation, translation and interpretation, electronic data processing, etc. In order to provide information to the general public on the activities of the mission, the Mission would seek access to an established radio station.

60. It is estimated that a total of 127 international staff (26 Professional and 101 Field and General Service staff) and 68 locally recruited staff would be required. These figures include the 17 international staff and 7 locally recruited staff currently working in Uganda with UNOMUR. The 26 Professional staff would include 4 political officers, 2 public information officers, 1 human rights officer and humanitarian assistance officers.

IV. *Conclusions and recommendations*

61. In my report of 24 August (S/26350), I stated that the signing of the Arusha peace agreement had provided the Government of Rwanda and RPF with a political and democratic framework for resolving their conflict. The agreement gives the international community an opportunity to contribute to the successful implementation of the peace process. In this connection, I should like to acknowledge, with deep gratitude, the continuing efforts of the Facilitator, the President of the

United Republic of Tanzania, Mr. Mwinyi, and of the Secretary-General of OAU, Mr. Salim Ahmed Salim, to encourage the parties to abide by the commitments they freely entered into when they concluded the Arusha agreement.

62. The Rwandese people face extensive hardship and a critical economic situation. There is a strong grass-roots desire to see an end to the destruction and suffering brought about by a protracted conflict. Both sides seem determined to achieve a durable peace through disarmament, demobilization and national reconciliation. At the same time, there is serious concern over the possibility that any inordinate delay in establishing the transitional Government may endanger the peace process. These concerns have been expressed to my reconnaissance mission by the leadership of both sides, the resident diplomatic community in Rwanda, NGOs and, especially, the Secretary-General of OAU. I therefore consider that the United Nations should respond positively to the appeal of the parties for assistance in the implementation of the peace agreement, especially since the mandate of the OAU NMOG II force will terminate by 31 October 1993.

63. The proposed United Nations Mission in Rwanda should be deployed without delay following Security Council authorization in order to allow for the prompt establishment of the transitional institutions. The immediate deployment of an advance party, including the Force Commander, would underscore the determination of the United Nations for the rapid build-up of the military presence needed in Kigali and of the logistic base for deployment of the force. The subsequent introduction of observers and formed units would enable the force to contribute to the implementation of the disengagement, demobilization and integration phase, while providing an adequate level of security and a credible United Nations presence. Finally, the reduction of the military and civilian police components should ensure that the operation is carried out in a cost-effective manner while contributing, at the same time, to the maintenance of the stability required for the period culminating with the elections.

64. The UNOMUR observers currently deployed on the Uganda side of the Uganda-Rwanda border remain a necessary stabilizing factor. It is therefore considered that UNOMUR must continue to monitor that border until the end of the demobilization process. However, UNOMUR's chain of command and future logistics would be integrated into the proposed Mission.

65. I am encouraged by the restraint and desire for a lasting peace and national reconciliation shown by the parties since the signature of the Arusha peace agreement.

They have demonstrated their goodwill by holding a number of joint informal working groups and by the support they provided to the reconnaissance mission in all of its fact-finding activities. The two parties also sent a joint delegation to the United Nations, which I met on 15 September. The joint delegation stressed to me the urgency of the establishment of a United Nations force, since the successful implementation of the Arusha agreement was predicated on its deployment. The delegation emphasized that, unless immediate action was taken to deploy the force, the implementation of the peace agreement would be seriously compromised as a result of the vacuum that would be created. I explained to the joint delegation that the decision regarding the establishment of such a force rested with the Security Council and that, even with the approval of the Council, it could take up to three months for such a force to be fully deployed. Under the circumstances, I urged the parties, in the interim, to respect the commitments they had undertaken in Arusha to work together for national reconciliation and the reconstruction of the country and to strictly adhere to the cease-fire.

66. In the light of the above, I recommend that the Security Council authorize the establishment of a United Nations Assistance Mission for Rwanda, to be known as UNAMIR, with the mandate of contributing to the establishment and maintenance of a climate conducive to the secure installation and subsequent operation of the transitional Government. This operation would be deployed according to the schedule described in section III of the present report.

67. I further recommend that the Security Council urge Member States to support the current United Nations aid effort in Rwanda. UNAMIR and the United Nations Resident Coordinator would closely coordinate their respective activities in this regard.

68. Should the Security Council authorize the establishment of UNAMIR, it would be my intention to

appoint a Special Representative who would lead the Mission in the field and exercise authority over all its elements. The military component of the Mission would be headed by a Force Commander. The Mission would operate under the command of the United Nations, vested in the Secretary-General under the authority of the Security Council. I would report regularly to the Security Council on the operations of UNAMIR. All matters that might affect the nature of the continued effective functioning of the Mission would be referred to the Security Council for its decision.

69. In accordance with established practice, UNAMIR would need to have freedom of movement, communications and inspection and to enjoy the other rights that would be necessary for the performance of its tasks in Rwanda. UNAMIR and its personnel would also have to be granted all relevant privileges and immunities provided by the Convention on the Privileges and Immunities of the United Nations. Should the Security Council decide to establish UNAMIR, it would be my intention to initiate consultations with the transitional Government with a view to promptly concluding a status-of-forces agreement along the usual lines.

70. In conclusion, I wish to stress that two essential conditions must be met to enable the United Nations to carry out its recommended role in Rwanda successfully and effectively. First, the parties must cooperate fully with one another and the United Nations in carrying out their commitments under the Arusha agreement. Secondly, the United Nations must be provided in a timely manner with the necessary human and financial resources. At a time of unprecedented financial constraints facing the United Nations, it is imperative that Member States be prepared to assume the obligations resulting from the new mandates they entrust to the Organization.

Annex II
Deployment schedule and strengths by month - military component

| MONTH | PHASE 1 <i>Preparatory</i> | | | PHASE 2 <i>Broad-based Transitional Government</i> | | | PHASE 3 <i>Demobilization/integration</i> | | | | | | | | PHASE 4 <i>Electoral</i> | | | | | | | | | | | | | | | | | | |
|------------------|-------------------------------|-----------|-----------|---|----------|----------|--|----------|----------|----------|----------|----------|-----------|-----------|-----------------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|-----------|---|----|-----|---|--|--|---|
| | 10. 93 | 11. 93 | 12. 93 | 1. 94 | 2. 94 | 3. 94 | 4. 94 | 5. 94 | 6. 94 | 7. 94 | 8. 94 | 9. 94 | 10. 94 | 11. 94 | 12. 94 | 1. 95 | 2. 95 | 3. 95 | 4. 95 | 5. 95 | 6. 95 | 7. 95 | 8. 95 | 9. 95 | 10. 95 | 11. 95 | | | | | | | |
| | M-DAY | | D- | DAY | | | | | | | | | | | E-DAY | | | | | | | | | | | | | | | | | | |
| FORCE HQ | 43 | 54 | | | | | | | | | | | | | 40 | | | | | | | | | | | 30 | 0 | | | | | | |
| KIGALI SECTOR HQ | 15 | | | | | | | | | | | | | | 0 | | | | | | | | | | | | 0 | | | | | | |
| KIGALI INF BN | | 300 | 800 | | | | | | | | | | | | | | | | | | | | | | | 675 | 0 | | | | | | |
| KIGALI UNMOS | 15 | 78 | | 42 | | | | | | | | | | | 0 | | | | | | | | | | | | 0 | | | | | | |
| DMZ SECTOR HQ | 18 | | | 15 | | | | | | | | | | | 0 | | | | | | | | | | | | 0 | | | | | | |
| DMZ INF BN | | | | 500 | 800 | | | | | | | | | | 700 300 | | | | | | | | | | | | 0 | | | | | | |
| DMZ PL | 60 | | | | | | | | | | | | | | 0 | | | | | | | | | | | | 0 | | | | | | |
| DMZ UNMOS | 36 | | | 18 | | | | | | | | | | | 0 | | | | | | | | | | | | 0 | | | | | | |
| UNMO GROUP HQ | 20 | | | | | | | | | | | | | | 80 | | | | | | | | | | | 80 | 0 | | | | | | |
| UNOMUR SECTOR | 77 | | | | | | | | | | | | | | 0 | | | | | | | | | | | | 0 | | | | | | |
| RPF SECTOR | | | | 66 | | 87 | | | | | | | | | 51 | 15 | 0 | | | | | | | | | | | | | 0 | | | |
| GOVT. SECTOR | | | | 51 | | 87 | | | | | | | | | 51 | 15 | 0 | | | | | | | | | | | | | 0 | | | |
| ENGR COY | | 100 | | 203 | | | 88 | | | 0 | | | | | | | | | | | | | | | | | 0 | | | | | | |
| LOG COY | | 100 | | 200 | | | | | | | | | | | 89 | | | | | 0 | | | | | | | | | | | | | 0 |
| MED PL | | 50 | | | | | | | | | | | | | 0 | | | | | | | | | | | | 0 | | | | | | |
| MOV CTL | 20 | | | | | | | | | | | | | | | | | | | | | | | | | 10 | | 10 | 0 | | | | |
| TOTAL | 304 a/ | 928 | 1 428 | 1 748 | 2 248 | 2 548 | 2 433 | | | 2 216 | | | | | 1 840 | 1 240 | 930 | | | | | | | | | | | | 795 | 0 | | | |

a/ Of total, 191 are already in Rwanda and Uganda with NMOG II and UNOMUR.

Addendum

1. In my report of 24 September 1993 to the Security Council (S/26488), I recommended, in paragraph 66, that the Council authorize the establishment of a United Nations Assistance Mission for Rwanda, to be known as UNAMIR, with the mandate of contributing to the establishment and maintenance of a climate conducive to the secure installation and subsequent operation of a transitional Government in Rwanda. This operation would be deployed according to the schedule described in section III, paragraphs 39 to 43, of my main report.

2. Based on the operational plan and general assumptions outlined in my main report, it is estimated that an amount of \$62.6 million would be required for a period of six months. This amount includes the costs of start-up and acquisition of capital equipment. A breakdown of the estimated cost by main categories of expenditure is provided for information purposes in the annex to the present addendum.

3. It would be my recommendation to the General Assembly that, should the Security Council agree to the establishment and deployment of UNAMIR, the cost relating thereto should be considered as an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations and that the assessment to be levied on

Member States be credited to a special account to be established for that purpose.

Annex
Cost estimates by objects of expenditure
(Thousands of United States dollars)

| <i>Objects of expenditure</i> | <i>Initial six months</i> |
|--|---------------------------|
| 1. Military component | |
| (a) Observers | 4 682 |
| (b) Contingent personnel | 13 147 |
| (c) Other costs pertaining to contingents | 1 536 |
| 2. Civilian police | 851 |
| 3. Civilian staff costs a/ | 6 956 |
| 4. Premises/accommodation | 2 700 |
| 5. Infrastructure repairs | 1 036 |
| 6. Transport operations | 8 958 |
| 7. Air operations | 2 530 |
| 8. Communications | 2 998 |
| 9. Miscellaneous equipment | 6 868 |
| 10. Miscellaneous supplies, services, freight and support costs | 7 844 |
| 11. Mine-clearing programme | 510 |
| 12. Programme related to former combatants in the assembly areas | <u>2 002</u> |
| Total | <u>62 618</u> |

a/ Provides for 127 international staff and 68 locally recruited staff.

Document 24

Security Council resolution establishing UNAMIR for a six-month period and approving the integration of UNOMUR into UNAMIR

S/RES/872 (1993), 5 October 1993

The Security Council,

Reaffirming its resolutions 812 (1993) of 12 March 1993 and 846 (1993) of 22 June 1993,

Reaffirming also its resolution 868 (1993) of 29 September 1993 on the security of United Nations operations,

Having considered the report of the Secretary-General of 24 and 29 September 1993, 1/

Welcoming the signing, on 4 August 1993, of the Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front (including its Protocols) at Arusha, United Republic of Tanzania, 2/ and urging the parties to continue to comply fully with it,

Taking note of the conclusion of the Secretary-General that in order to enable the United Nations to carry out its mandate successfully and effectively, the full cooperation of the parties with one another and with the Organization is required,

Stressing the urgency of the deployment of an international neutral force in Rwanda, as underlined both by the Government of the Republic of Rwanda and by the Rwandese Patriotic Front 3/ and as reaffirmed by their

1/ See *Official Records of the Security Council, Forty-eighth Year, Supplement for July, August and September 1993*, document S/26488 and Add.1.

2/ See S/26915 of 23 December 1993, annexes I to VII.

3/ *Ibid.*, *Supplement for April, May and June 1993*, document S/25951.

joint delegation to the Headquarters of the United Nations in New York,

Paying tribute to the role played by the Organization of African Unity and by the Government of the United Republic of Tanzania in the conclusion of the Arusha Peace Agreement,

Resolved that the United Nations should, at the request of the parties and under peaceful conditions with the full cooperation of all the parties, make its full contribution to the implementation of the Arusha Peace Agreement,

1. *Welcomes* the report of the Secretary-General; 1/

2. *Decides* to establish a peace-keeping operation entitled "United Nations Assistance Mission for Rwanda" for a period of six months subject to the proviso that it will be extended beyond the initial ninety days only upon a review by the Council on the basis of a report from the Secretary-General as to whether or not substantive progress has been made towards the implementation of the Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; 2/

3. *Also decides* that, drawing from the Secretary-General's recommendations, the Mission shall have the following mandate:

(a) To contribute to the security of the city of Kigali, *inter alia*, within a weapons-secure area established by the parties in and around the city;

(b) To monitor observance of the cease-fire agreement, which calls for the establishment of cantonment and assembly zones and the demarcation of the new demilitarized zone and other demilitarization procedures;

(c) To monitor the security situation during the final period of the transitional Government's mandate, leading up to the elections;

(d) To assist with mine clearance, primarily through training programmes;

(e) To investigate at the request of the parties, or on its own initiative, instances of alleged non-compliance with the provisions of the Protocol of Agreement on the Integration of the Armed Forces of the Two Parties, and to pursue any such instances with the parties responsible and report thereon as appropriate to the Secretary-General;

(f) To monitor the process of repatriation of Rwandese refugees and resettlement of displaced persons to verify that it is carried out in a safe and orderly manner;

(g) To assist in the coordination of humanitarian assistance activities in conjunction with relief operations;

(h) To investigate and report on incidents regarding the activities of the gendarmerie and police;

4. *Approves* the proposal of the Secretary-General that the United Nations Observer Mission Uganda-

Rwanda established by resolution 846 (1993) should be integrated within the Assistance Mission;

5. *Welcomes* the efforts and the cooperation of the Organization of African Unity in helping to implement the Arusha Peace Agreement, in particular the integration of the Neutral Military Observer Group within the Assistance Mission;

6. *Also approves* the proposal of the Secretary-General that the deployment and withdrawal of the Assistance Mission should be carried out in stages, and notes in this connection that the mandate of the Assistance Mission, if extended, is expected to terminate following national elections and the installation of a new Government in Rwanda, events which are scheduled to occur by October 1995, but no later than December 1995;

7. *Authorizes* the Secretary-General in this context to deploy, in the shortest possible time, the first contingent, at the level specified in the report of the Secretary-General, to Kigali for an initial period of six months, which, when fully in place, will permit the establishment of the transitional institutions and implementation of the other relevant provisions of the Arusha Peace Agreement;

8. *Invites* the Secretary-General, in the context of the report referred to in paragraph 2 above, also to report on the progress of the Assistance Mission following its initial deployment, and resolves to review as appropriate, on the basis of that report and as part of the review referred to in paragraph 2 above, the requirement for further deployments in the scale and composition recommended by the Secretary-General in his report;

9. *Also invites* the Secretary-General to consider ways of reducing the total maximum strength of the Assistance Mission, in particular through phased deployment without thereby affecting its capacity to carry out its mandate, and requests the Secretary-General, in planning and executing the phased deployment, to seek economies and to report regularly on what is achieved in this regard;

10. *Welcomes* the intention of the Secretary-General to appoint a special representative to lead the Assistance Mission in the field and exercise authority over all its elements;

11. *Urges* the parties to implement the Arusha Peace Agreement in good faith;

12. *Requests* the Secretary-General to conclude expeditiously an agreement on the status of the Mission, and all personnel engaged in the operation in Rwanda, to come into force as near as possible to the outset of the operation and no later than thirty days after the adoption of the present resolution;

13. *Demands* that the parties take all appropriate steps to ensure the security and safety of the operation and personnel engaged in the operation;

14. *Urges* Member States, the specialized agencies and non-governmental organizations to provide and in-

tensify their economic, financial and humanitarian assistance to the Rwandese population and of the democratization process in Rwanda;

15. *Decides* to remain actively seized of the matter.

Document 25

Report of the Secretary-General on UNOMUR for the period from 22 June to 22 October 1993

S/26618, 22 October 1993

1. The present report is submitted in pursuance of paragraph 12 of resolution 846 (1993) which was adopted by the Security Council on 22 June 1993.

2. Following the adoption of the resolution, and with the consent of the Security Council, Brigadier-General Romeo A. Dallaire (Canada) was appointed Chief Military Observer of UNOMUR (see S/26019 and S/26020).

3. In accordance with paragraph 4 of the resolution, consultations were undertaken with the Government of Uganda with a view to concluding a Status of Mission Agreement, which was finalized and entered into force on 16 August 1993. This opened the way to deployment of the advance party which arrived in the mission area on 18 August 1993.

4. I am pleased to report that UNOMUR is now fully deployed and that it has reached its authorized strength of 81 military observers. Eleven international civilian staff have also been deployed.

5. Within the first three weeks of its deployment, UNOMUR concluded a thorough reconnaissance of the Uganda/Rwanda border, set up a communication network and established its Headquarters and a Sector

Headquarters in Kabale and a second Sector Headquarters in Kisoro. In accordance with the concept of operations set out in my report of 20 May (S/25810), the mission has also established observation posts at two major crossing sites on the Ugandan side of the border at Katuna and Cyanika. UNOMUR has also been monitoring the border through mobile patrols.

6. UNOMUR is preparing to establish additional observation posts at three secondary crossing sites and to enhance its operational capability with airborne coverage.

7. On 5 October, the Security Council adopted resolution 872 (1993), authorizing the establishment of the United Nations Assistance Mission for Rwanda (UNAMIR). The Council also approved the proposal that UNOMUR be integrated into UNAMIR. I am consulting the Government of Uganda on the modalities of this integration, on the understanding that it will be without prejudice to the mandate of UNOMIR as set out in resolution 846 (1993).

8. I should like to express my appreciation to the Government of Uganda for the cooperation and support it has provided to UNOMUR and for the assistance it has extended to the mission to enable it to discharge its mandate.

Document 26

Second report of the Secretary-General on UNOMUR for the period from 22 October to 15 December 1993

S/26878, 15 December 1993

Introduction

1. The present report is submitted in pursuance of paragraph 2 of Security Council resolution 846 (1993) of 22 June 1993, by which the Security Council established the United Nations Observer Mission Uganda-Rwanda

(UNOMUR), to be deployed on the Ugandan side of the border for an initial period of six months, subject to review every six months.

2. By paragraph 3 of the same resolution, the Security Council decided that UNOMUR would monitor

the Uganda-Rwanda border to verify that no military assistance reached Rwanda, focus being primarily in that regard on transit or transport, by roads or tracks that could accommodate vehicles, of lethal weapons and ammunition across the border, as well as any other material that could be of military use.

I. Deployment and activities

3. In my report of 22 October 1993 (S/26618), I informed the Security Council that, following the conclusion of a status-of-mission agreement with the Government of Uganda on 16 August, UNOMUR had been fully deployed and that it had reached its authorized strength.

4. As of 10 December 1993, UNOMUR was composed of 81 military observers from the following countries: Bangladesh (22), Botswana (9), Brazil (13), Hungary (4), Netherlands (9), Senegal (10), Slovakia (5) and Zimbabwe (9). In addition, 16 international and 6 locally recruited civilian staff provide substantive and administrative support to the Mission.

5. UNOMUR has established its headquarters in Kabale, about 20 kilometres north of the border with Rwanda. For operational purposes, UNOMUR has divided the border area into two sectors. The eastern sector headquarters are collocated with UNOMUR's headquarters in Kabale. The headquarters of the western sector are in Kisoro.

6. In accordance with the concept of operations set out in my report of 20 May 1993 (S/25810), UNOMUR has established observation posts at two major crossing sites, at Katuna and Cyanika, and at three secondary sites, at Bigaga, Kafunzo and Lubirizi, on the Ugandan side of the border. The deployment of UNOMUR is shown on the attached map [not reproduced here]. The mission also monitors the border area through mobile patrols and is planning to enhance its operational capability in the near future with airborne coverage.

7. During the period under review, the border between the two countries has remained largely closed, although some vehicles have been allowed to cross. UNOMUR has facilitated the transit of several vehicles transporting food and medical supplies to Rwanda for the World Food Programme (WFP) and the International Committee of the Red Cross (ICRC).

8. UNOMUR's activities, consisting of surveillance, patrolling and investigations, have been effective both as a deterrent and as interdiction. As a result, clandestine cross-border traffic has decreased appreciably. There now is only restricted movement along previously well-used routes across the border, and no evidence of any significant traffic in armaments. With the arrival of specialized equipment, UNOMUR's surveillance capacity will be further enhanced.

9. The attitude of the civilian and military authorities in the mission area has generally been cooperative. However, there have been a few isolated attempts to curtail the freedom of movement of UNOMUR patrols. Allegations that the Rwandese Patriotic Front (RPF) was gathering troops on the Ugandan side of the border for a possible resumption of hostilities have been carefully investigated, but they could not be substantiated. These investigations have served as a confidence-building mechanism and helped to defuse tension in the border area.

II. Administrative and financial aspects

10. On 5 October, the Security Council adopted resolution 872 (1993) authorizing the establishment of the United Nations Assistance Mission for Rwanda (UNAMIR). The Council also approved the proposal that UNOMUR be integrated within UNAMIR. However, as the members of the Security Council are aware, Uganda has expressed some concern about the proposed integration. In my last report (S/26618), I informed the Council that I was consulting the Government of Uganda on the modalities of this integration. In the light of these consultations, which were held both in New York and in Kampala, the Under-Secretary-General for Peace-keeping Operations addressed a letter to the Permanent Representative of Uganda on 22 October 1993. The letter confirmed that the proposed integration would be purely administrative in nature and that it would in no way affect the mandate of UNOMUR as set out in resolution 846 (1993). Assurances were also provided that the UNOMUR status-of-mission agreement, concluded on 16 August 1993, remained valid and would continue to govern relations between Uganda and the United Nations in this matter.

11. The total cost of UNOMUR for the period 22 June to 21 December 1993, including pre-implementation costs, has been estimated at \$4,392,900 gross (\$4,308,000 net). This cost estimate takes into account the actual dates of arrival of military and civilian personnel in the mission area and savings made as a result of redeployment to UNOMUR of equipment from other peace-keeping operations. Should the Security Council decide to extend the mandate of UNOMUR, the costs relating to the activities of the mission for the period beyond 21 December 1993 will be included in my report on the financing of UNAMIR, which is under preparation.

III. Concluding observations

12. It will be recalled that UNOMUR was established by the Security Council following requests from

the Governments of Uganda and Rwanda for the deployment of United Nations observers along their common border (S/25355, S/25356 and S/25797). The establishment of UNOMUR was intended to create an atmosphere conducive to a negotiated settlement of the conflict in Rwanda and to underscore the importance that the international community attaches to the maintenance of peace and security in the region. I believe that UNOMUR has been a factor of stability in the area and that it is playing a useful role as a confidence-building mechanism. It is also my understanding that this view is shared by the Governments of Uganda and Rwanda. I therefore recom-

mend to the Security Council that the mandate of UNOMUR be extended for a period of six months, as envisaged in resolution 846 (1993).

13. In conclusion, I would like to express my appreciation to the Government of Uganda for its cooperation. UNOMUR's ability to discharge its mandate effectively will continue to depend on the assistance and cooperation extended by the Ugandan authorities. I also wish to pay tribute to the military and civilian personnel of UNOMUR for the professionalism with which they have carried out their tasks.

Document 27

Security Council resolution extending the mandate of UNOMUR for a period of six months

S/RES/891 (1993), 20 December 1993

The Security Council,

Reaffirming its resolutions 812 (1993) of 12 March 1993 and 846 (1993) of 22 June 1993,

Recalling its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda,

Having examined the report of the Secretary-General of 15 December 1993 on the United Nations Observer Mission Uganda-Rwanda,

Welcoming the substantial results obtained by the deployment of the Observer Mission,

Endorsing the Secretary-General's view, shared by the Governments of Uganda and Rwanda, that the Observer Mission has been a factor of stability in the area and that it is playing a useful role as a confidence-building mechanism,

1. *Welcomes with satisfaction* the report of the Secretary-General; 1/

2. *Decides* to extend the mandate of the United Nations Observer Mission Uganda-Rwanda for a period of six months, as envisaged in resolution 846 (1993);

3. *Notes* that the integration of the Observer Mission within the United Nations Assistance Mission for Rwanda is purely administrative in nature and that it will in no way affect the mandate of the Observer Mission as set out in resolution 846 (1993);

4. *Expresses its appreciation* to the Government of Uganda for its cooperation and support of the Observer Mission;

5. *Urges* the civilian and military authorities in the mission area to continue to have a cooperative attitude;

6. *Decides* to remain seized of the matter.

1/ *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993, document S/26878.*

Document 28

General Assembly resolution on emergency assistance for the socio-economic rehabilitation of Rwanda

A/RES/48/211, 21 December 1993

The General Assembly,

Recalling Security Council resolutions 812 (1993) of 12 March 1993 and 846 (1993) of 22 June 1993 on the situation in Rwanda,

Recalling also Security Council resolution 872 (1993) of 5 October 1993, in which the Council urged Member States, United Nations agencies and non-governmental organizations to provide and intensify their economic, financial and humanitarian assistance in favour of the Rwandese population and of the democratization process in Rwanda,

Noting with satisfaction the signing, on 4 August 1993 at Arusha, United Republic of Tanzania, of the Peace Agreement between the Government of Rwanda and the Rwandese Patriotic Front, 1/ which put an end to the armed conflict,

Taking into account the serious consequences of the breakdown of the national economy and the destruction of important social, economic and administrative infrastructures in the areas affected by the war, as well as the imperious necessity to satisfy the needs of the displaced persons and the refugees,

Taking into consideration the fact that the implementation of the Arusha Peace Agreement would create favourable conditions for the socio-economic rehabilitation of Rwanda,

Also taking into consideration the fact that the insufficiency of economic and financial resources of Rwanda requires the assistance of the international community in order to enable the implementation of the Arusha Peace Agreement,

Noting the recent large-scale inflow of refugees from Burundi into Rwanda,

1. *Calls upon* all parties to do their utmost to achieve the full and effective implementation of the Arusha Peace Agreement and national reconciliation

goals, thus creating conditions conducive to the socio-economic rehabilitation of Rwanda;

2. *Expresses its appreciation* to all States, United Nations organizations and intergovernmental and non-governmental organizations for the emergency humanitarian assistance rendered to Rwanda since the beginning of hostilities;

3. *Welcomes* the United Nations Consolidated Inter-Agency Appeal for Rwanda, 2/ launched in April 1993 by the Department of Humanitarian Affairs of the Secretariat in favour of displaced persons in Rwanda;

4. *Urges* all States, United Nations organizations and intergovernmental and non-governmental organizations to intensify, in favour of Rwanda, economic, financial, material and technical assistance in order to encourage the process of rehabilitation and sustained development, especially by raising its economy, rebuilding and rehabilitating various infrastructures destroyed by the war;

5. *Invites* all States, United Nations organizations and intergovernmental and non-governmental organizations to provide to Rwanda adequate assistance for the settlement of displaced persons and the repatriation of refugees, the demobilization of soldiers and reintegration of demobilized soldiers into civil life, the clearance of mines and the completion of the democratic process;

6. *Requests* the Secretary-General to support with all possible assistance the consolidation of peace in Rwanda and to submit a report to the General Assembly at its forty-ninth session on the implementation of the present resolution;

7. *Decides* to include in the provisional agenda of its forty-ninth session the item entitled "Emergency assistance for the socio-economic rehabilitation of Rwanda".

1/ See S/26350; see *Official Records of the Security Council, Forty-eighth Year, Supplement for July, August and September 1993*, document S/26350.

2/ DHA/93/54.

Document 29

Report of the Secretary-General on UNAMIR

S/26927, 30 December 1993

Introduction

1. The present report is submitted in response to Security Council resolution 872 (1993) of 5 October 1993, by which the Council established the United Nations Assistance Mission for Rwanda (UNAMIR) for a period of six months, subject to the proviso that it would be extended beyond the initial 90 days upon a review by the Council based on a report from the Secretary-General as to whether or not substantive progress had been made towards the implementation of the Arusha peace agreement.

2. By the same resolution, the Security Council also approved the Secretary-General's proposal that the United Nations Observer Mission Uganda-Rwanda (UNOMUR), established by Council resolution 486 (1993), should be integrated within UNAMIR. Finally, the Security Council invited the Secretary-General to report on the progress of UNAMIR following its initial deployment, and resolved to review as appropriate, on the basis of that report, the requirement for further deployments in the scale and composition recommended by the Secretary-General in his report of 24 September 1993 (S/26488).

3. The Arusha peace agreement, signed on 4 August 1993, called on the United Nations to play a major support role during a 22-month transitional period, beginning with the installation of a broad-based transitional government and ending with the holding of national elections. The Security Council in resolution 872 (1993) authorized UNAMIR, *inter alia*, to contribute to the security of the city of Kigali through the establishment of a weapons-secure area; to monitor observance of the cease-fire agreement, including cantonment, demobilization and integration of the armed forces of the parties; to monitor the security situation during the final period of the transitional government's mandate; to assist with mine clearance, primarily through training programmes; to investigate, at the request of the parties or on its own initiative, instances of alleged non-compliance with the provisions of the Arusha peace agreement; to monitor the process of repatriation of Rwandese refugees and resettlement of displaced persons; to assist in the coordination of humanitarian assistance activities in conjunction with relief operations; and to investigate and report on incidents regarding the activities of the Gendarmerie and police.

I. Political aspects

4. My Special Representative, appointed in pursuance of paragraph 10 of Security Council resolution 872 (1993), arrived in Kigali on 23 November 1993 and established his headquarters in the Rwandese capital. Since his arrival, my Special Representative has established contacts and working relations with the parties signatories to the Arusha peace agreement as well as with the diplomatic missions accredited to the Rwandese Government and the religious and traditional leaders of the country. Pursuant to resolution 872 (1993), my Special Representative will help in bringing about the appropriate political environment to promote and enhance a dialogue between the parties to the Arusha peace agreement.

5. In his meetings with representatives of concerned Governments and diplomats, my Special Representative stressed the need to harmonize their efforts and activities with those of UNAMIR in order to reach a successful conclusion of the Arusha peace agreement. Following a series of violent incidents in the months of November and December 1993, which caused the death of some 40 persons, my Special Representative undertook several initiatives in order to help defuse the tension prevalent in the country and to get the parties signatories to the Arusha peace agreement to renew their commitment to implement the peace plan.

6. Those initiatives included the convening of a meeting between the Government of the Rwandese Republic and the Rwandese Patriotic Front (RPF) at Kinihira, 80 kilometres from Kigali. At that meeting, the two parties issued a joint declaration in which they reaffirmed their commitment to do their utmost in order to achieve the goals set by the Arusha peace agreement, namely peace and national reconciliation. They agreed to set up a broad-based transitional government before 31 December 1993. During that meeting, the Chairman of RPF reaffirmed that the Front was more willing than ever to respect all its commitments, especially the one relating to the cantonment of its security battalion in Kigali.

II. Military aspects

7. By paragraph 12 of resolution 872 (1993), the Security Council requested me to conclude expeditiously an agreement on the status of UNAMIR and its personnel in Rwanda. The Council requested that this agreement

come into force as near as possible to the outset of the operation and no later than 30 days after the adoption of the resolution. Following the adoption of resolution 872 (1993), a draft status of forces agreement was presented to the Government of Rwanda. After consultations with the Government, the agreement was signed on 5 November 1993. A copy of the agreement was then forwarded to RPF, which confirmed its readiness to cooperate in the implementation of its provisions.

8. It will be recalled that in my report of 24 September 1993 (S/26488) I had proposed, and the Council had approved, a concept of operations with an implementation schedule comprising four phases. Phase I commenced on 5 October 1993 with the adoption by the Council of resolution 872 (1993). During this phase, preparations for the establishment of a secure area in Kigali were to be made, the monitoring of the cease-fire between the two parties in the demilitarized zone (DMZ) was to be undertaken by UNAMIR and the foreign forces stationed in Kigali were to depart. This phase was to last approximately 90 days, until the establishment of the broad-based transitional government in Kigali. Phase II would begin the day after the transitional government was installed and would end when the preparations for the disengagement, demobilization and integration of the armed forces and Gendarmerie were completed. It was estimated that this phase would also last about 90 days. Phase III would comprise the actual disengagement, demobilization and integration process. The duration of this phase was estimated at about 9 months. Finally, during phase IV, which would last 10 months, UNAMIR would assist in maintaining a secure environment and creating conditions conducive to the holding of free and fair elections.

9. As stated in my report of 24 September, it was foreseen that the strength of military personnel required for the implementation of UNAMIR's mandate would stand at 1,428 all ranks by the end of phase I and that it would reach a peak at the end of phase II, with a total of 2,548 military personnel. A process of gradual reduction would begin during phase III, leading to a residual strength of some 930 military personnel by the beginning of phase IV.

10. In my implementation plan, I had indicated that the mission's operations would be divided into five sectors, including a Kigali sector and a demilitarized zone sector. Two other sectors would be located with the Rwandese Government forces (RGF) and the forces of the Rwandese Patriotic Front (RPF) respectively (see attached map). [Editor's note: Map of UNAMIR deployment as of December 1993 is not reproduced here.] For internal administrative purposes, UNOMUR would be considered as the fifth sector.

11. The Force Commander of UNAMIR, General Romeo A. Dallaire (Canada), arrived in Kigali on 22 October 1993, followed by an advance party of 21 military personnel on 27 October 1993. On 1 November, as foreseen in my report, the OAU Neutral Military Observer Group (NMOG II), which had been monitoring the cease-fire in the DMZ, was integrated into UNAMIR. UNAMIR's headquarters were formally inaugurated on 17 November in the presence of General Juvénal Habyarimana, President of Rwanda. The Force headquarters has been able to fulfil most of its projected tasks for phase I, though under certain logistic constraints due to delays in the arrival of vehicles, communications equipment and other supplies.

12. The Kigali sector headquarters has developed a calendar and operational plans for the establishment of the weapons-secure area, for the movement of an RPF security battalion to Kigali and for the conduct of other tasks in the area, as foreseen in my previous report. The Kigali weapons-secure area was established on 24 December and the RPF security battalion arrived in Kigali on 28 December 1993. Intensive discussions are being held with the parties with a view to facilitating the installation of the transitional government by the end of the month.

13. The demilitarized zone sector headquarters was established upon the arrival of the advance party and became operational on 1 November 1993 when the NMOG II elements were absorbed into UNAMIR. Until now it has not been possible, in the absence of the necessary logistic support, to deploy personnel to Byumba. However, the deployment of the required equipment is expected to take place in January 1994.

14. The Military Observer Group headquarters was established from elements of the advance party and NMOG II and became operational on 7 November. It has been commanding and administering all deployed military observers. It has also been conducting valuable reconnaissance of both parties' sector headquarters locations, as well as liaison tasks and investigations.

15. In addition, the Military Observer Group has been given the task of following the situation which developed on the southern border of Rwanda following the *coup d'état* of 21 October 1993 in Burundi. The unexpected flow of Burundese refugees into Rwanda, as well as allegations of cross-border military movement, have taxed the operations of the observers. In this connection, I instructed Under-Secretary-General James O. C. Jonah, who was in Burundi to attend the funeral of President Ndadaye, to visit the southern border area of Rwanda in order to assess the situation. Mr. Jonah travelled from Bujumbura to Kigali by road on 7 December and was thus able to observe the impact

of the sudden flow of Burundese refugees in that area. While in Kigali, Mr. Jonah discussed the Burundese crisis with President Habyarimana and urged his assistance in reducing tensions in Burundi.

16. Although the southern region is at present reasonably quiet, the relative ease of access to considerable arms and the ethnic tensions amongst and around the refugees have created a potentially destabilizing situation which had not been foreseen in my initial assessment of requirements for the mission. For the time being, the Force Commander is attempting to reallocate personnel within the overall resources projected in my report of 24 September. This solution may be acceptable for the near term if the flow of observers planned for phase II is deployed on an urgent basis. If, however, experience and circumstances were to require additional observers, I would bring this matter to the attention of the Security Council for its consideration.

17. The RGF and RPF sector headquarters are in the process of being established. A small liaison office was opened in Milindi, within the RPF sector, following tensions in the north-western part of the country. The Military Observer Group is performing the necessary liaison and reconnaissance functions in the RGF zone.

18. It will be recalled that in paragraph 8 of resolution 872 (1993) the Security Council invited me to report on the requirements for further deployments, especially in the demilitarized zone. During the month of November, two separate incidents, in which some 60 civilians were brutally killed, took place in the vicinity of Ruhengeri. The nature of these attacks, directed against civilians primarily in and around the DMZ, has underscored the need for UNAMIR promptly to acquire the capability to monitor the area effectively. The investigations conducted into these killings by UNAMIR observers have revealed that a well-armed and reportedly ruthless group was operating in the area, with a view to disrupting or even derailing the peace process. The precarious security situation in that region confirms the need for a fully equipped infantry battalion, to enable UNAMIR to monitor the demilitarized zone and provide a safe environment for the large population living in the area.

19. The deployment of the Kigali battalion, composed of contingents from Belgium and Bangladesh, was completed in the first part of December. As a result, the foreign troops stationed in Kigali were able to complete their withdrawal on 15 December 1993. Regarding other elements of UNAMIR, 26 of the 50 members of the projected Medical Platoon have been deployed. Pending completion of the deployment of this unit, the Belgian contingent has agreed to allow the use of its Hercules aircraft for air evacuation in emergency cases. The 20 members of the movement control platoon and the 5

members of the military police group have also been deployed.

20. On 27 December 1993, the composition of UNAMIR consisted of a total of 1,260 military personnel, from Austria (5), Bangladesh (564), Belgium (424), Botswana (9), Brazil (13), Canada (2), the Congo (25), Fiji (1), Ghana (37), Hungary (4), Mali (10), the Netherlands (10), Poland (5), Senegal (39), Slovakia (5), Togo (15), Tunisia (61), Uruguay (21) and Zimbabwe (10). These figures include the 81 military observers serving with UNOMUR (see S/26878).

21. The composition of the military component of UNAMIR has revealed a need for interpreters/translators which had not been anticipated in my report of 24 September. A small number of interpreters/translators will therefore be put at the disposal of UNAMIR to assist its military personnel in the performance of their mandated tasks. I intend to reflect the financial impact in my next report to the General Assembly on the financing of UNAMIR.

III. Civilian police

22. The Arusha peace agreement called on the United Nations to assist in maintaining public security through the monitoring and verification of the activities of the Gendarmerie and communal police. In my report of 24 September, I had indicated that in order to verify that law and order were maintained effectively and impartially, a small United Nations civilian police unit consisting of 60 police officers would be required by UNAMIR. It has not so far been possible to deploy this personnel. However, some Member States have recently agreed to make civilian police officers available for this operation and it is anticipated that they will be deployed in January 1994.

IV. Humanitarian assistance

23. Since my report of 24 September (S/26488), emergency and rehabilitation efforts for the displaced persons have continued, but new difficulties have arisen as a result of a massive influx of Burundese refugees caused by ethnic violence in neighbouring Burundi as well as by an increasingly serious drought. Of an estimated 685,000 Burundese refugees, some 375,000 have fled to Rwanda. The revised budget of the Office of the United Nations High Commissioner for Refugees (UNHCR) and other United Nations agencies to meet emergency needs of Burundese refugees in the region until May 1994 amounts to \$52 million.

24. UNAMIR, together with the United Nations Development Programme (UNDP), UNHCR and other relevant organizations of the United Nations system, will

continue to provide all necessary assistance to facilitate the safe return of refugees as well as the distribution of humanitarian relief supplies to the needy populations. The continued cooperation of the parties with the international community is essential for the successful implementation of the Arusha peace agreement. I hope that the international community will continue to extend sufficient assistance to the refugees and displaced persons in Rwanda, so as to support the unimpeded implementation of the Arusha peace agreement.

V. Financial aspects

25. The Advisory Committee on Administrative and Budgetary Questions (ACABQ) authorized the Secretary-General to enter into commitments not exceeding \$4.6 million for the initial requirements of UNAMIR, for the period from 5 October to 30 November 1993, under the provision of General Assembly resolution 46/187 of 20 December 1991 on unforeseen and extraordinary expenses.

26. The total cost of UNAMIR for the six-month period from 5 October 1993 to 30 April 1994, including the amount of \$4.6 million previously authorized by the Advisory Committee, has been estimated at \$51,120,000 gross (\$50,478,000 net). The Advisory Committee recently recommended that the General Assembly authorize further commitments of up to \$46.5 million gross (\$45.9 million net). A detailed budget showing the breakdown of the estimated amount of \$51.120 million will be submitted to the General Assembly shortly.

VI. Conclusions and recommendations

27. In my previous report, I stressed that two essential conditions had to be met to enable the United Nations to discharge its mandate in Rwanda successfully and effectively. First, the parties had to cooperate fully with one another and with the United Nations in carrying out their commitments under the Arusha agreement. Secondly, the United Nations had to be provided in a timely manner with the necessary human and financial resources.

28. Despite recent signs of mutual intransigence, the parties have continued to show good will and cooperation in their contacts with each other and with the United Nations. They have also managed to weather some tense and potentially disruptive moments in the wake of the events in Burundi. In addition, the fact that the cease-fire has generally been respected demonstrates that the parties remain committed to the peace and reconciliation process initiated by the Arusha agreement.

29. For their part, Member States have responded positively to my appeals for the provision of personnel at relatively short notice. As can be seen from section II above, the initial deployment of UNAMIR has proceeded largely on schedule. Although the logistic support capabilities of UNAMIR are for the time being inadequate, there is on the ground a minimum viable force which can respond to the most pressing needs in Kigali. However, the situation in the DMZ and in the north-west of the country remains unstable. Moreover, the situation in Burundi has created a new source of tension in the south. The deployment of the personnel required for the second phase of the operation should therefore be undertaken on an urgent basis.

30. In the light of the above, I recommend that the Security Council, in carrying out its review of the activities of UNAMIR, agree that this operation should continue to implement the mandate entrusted to it under resolution 872 (1993). In this regard, I intend to proceed with the implementation plan as outlined in my previous report, including the early deployment of the second battalion in the DMZ. I am aware that the Council had asked me to consider ways of reducing the total maximum strength of UNAMIR. I will continue to seek economies through the phased deployment and withdrawal of UNAMIR personnel, in accordance with the timetable set out in my implementation plan. I am however convinced that, under the present circumstances, a reduction in the projected resource levels would negatively affect the performance and credibility of UNAMIR in the discharge of its mandate. It could also jeopardize the peace process in Rwanda.

Document 30

Security Council resolution reaffirming approval for deployment of UNAMIR as outlined in the Secretary-General's report of 24 September 1994 (S/26488 and S/26488/Add.1), including the early deployment of a second battalion to the demilitarized zone (DMZ)

S/RES/893 (1994), 6 January 1994

The Security Council,

Reaffirming its resolution 872 (1993) of 5 October 1993 establishing the United Nations Assistance Mission for Rwanda,

Recalling its resolutions 812 (1993) of 12 March 1993, 846 (1993) of 22 June 1993 and 891 (1993) of 20 December 1993,

Having examined the report of the Secretary-General of 30 December 1993, 1/ in the context of the review called for in its resolution 872 (1993), as well as his previous report of 24 September 1993, 2/

Welcoming the conclusion, on 5 November 1993, of an agreement on the status of the Mission and its personnel in Rwanda,

Taking note of the progress described in the report of the Secretary-General of 30 December 1993 in implementing the Arusha Peace Agreement, 3/

Welcoming further the valuable contribution made to peace in Rwanda by the Mission,

Noting with concern the incidents of violence in Rwanda and the consequences for Rwanda of the situation in Burundi, and urging all concerned to reaffirm their commitment to peace,

Welcoming also the joint statement made by the parties at Kinyihira, Rwanda, on 10 December 1993 concerning the implementation of the Arusha Peace Agreement and, in particular, the prompt establishment of a broad-based transitional Government,

1. *Reaffirms its approval* of the proposal of the Secretary-General concerning the deployment of the United Nations Assistance Mission for Rwanda as outlined in his report of 24 September 1993, including the early deployment of the second battalion to the demilitarized zone as indicated in paragraph 30 of his report of 30 December 1993;

2. *Strongly urges* the parties to cooperate fully in furthering the peace process, to comply fully with the Arusha Peace Agreement, on which the schedule contained in the report of the Secretary-General of 24 September 1993 is based, and in particular to establish a broad-based transitional Government at the earliest opportunity in accordance with the Agreement;

3. *Stresses* that continued support for the Mission will depend upon the full and prompt implementation by the parties of the Arusha Peace Agreement;

4. *Welcomes* the continued efforts by the Secretary-General and his Special Representative to help promote and enhance dialogue among all the parties concerned;

5. *Commends* the efforts of Member States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance, and urges others to provide such assistance;

6. *Commends* in particular the efforts of the Organization of African Unity, its member States and agencies in providing diplomatic, political, humanitarian and other support for the implementation of resolution 872 (1993);

7. *Reiterates its request* to the Secretary-General to continue to monitor the size and cost of the Mission to seek economies;

8. *Decides* to remain actively seized of the matter.

1/ *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26927.

2/ *Ibid.*, *Supplement for July, August and September 1993*, documents S/26488 and Add.1.

3/ Peace Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, signed at Arusha, United Republic of Tanzania, on 4 August 1993; see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26915.

Document 31

Letter dated 6 January 1994 from the President of Rwanda to the Secretary-General concerning delays in establishing the transitional institutions outlined in the Arusha Peace Agreement

Not issued as a United Nations document; translated from French

In this new year of 1994, I have the honour of writing to thank you once again for the friendship you have shown towards Rwanda and all your efforts to assist us in finding a peaceful political solution to the problems underlying the war which has been going on in Rwanda since 1 October 1990.

In particular, I should like to inform you that we had made a commitment to establish the transitional government called for in the Arusha Peace Agreement before 31 December 1993.

That has not been possible, as the dialogue between political parties, including the Rwandese Patriotic Front (RPF), has not yet reached conclusions which would enable the national Transitional Assembly to be established and the broad-based transitional government formed.

Nevertheless, I should inform you that the officials of the Rwandese Patriotic Front have been in Kigali since 20 December 1993, that yesterday, 5 January 1994, the President of the Republic took the constitutional oath of office as stipulated in the Peace Agreement, and that intensive consultations are under way that should very shortly result in the appointment of members of Parliament and of the Government.

Thus far, the Mouvement républicain national pour le développement (MRND), the Mouvement démocratique républicain (MDR), the Parti social démocrate (PSD) and

the Parti démocrate chrétien (PDC), along with RPF, have already made available their membership lists.

Discussions are taking place on the list from the Parti libéral, which is split into two factions. We are currently making every effort to reach a compromise that will result in a viable and stable balance and guarantee strict compliance with the Agreement, as we have committed ourselves to do.

In that regard, I wish to inform you that I am continuing to take initiatives towards achieving this critical balance. To that end, on 27 December 1993 I held a meeting of the heads of the political parties invited to participate in the broad-based transitional government. I am hopeful that these consultations will be successful.

Therefore, I would ask for your understanding and that of the international community, and I assure you that we are sparing no effort to prove ourselves worthy of your confidence.

I offer you once again my best wishes for happiness, health and success throughout 1994 and reaffirm my esteem for you.

Accept, Sir, the assurances of my highest consideration.

(Signed) Juvénal HABYARIMANA
Major-General, President of the Republic

Document 32

Letter dated 27 January 1994 from the Secretary-General to the President of Rwanda expressing concern over delays in establishing a transitional Government and national assembly in Rwanda

Not issued as a United Nations document; translated from French

I wish to thank you for your letter of 6 January 1994 concerning the implementation of the Arusha Peace Agreement, in particular, the establishment of the transitional institutions. In that connection, I should also like to refer to our recent telephone conversation.

Allow me first to congratulate you on the new term of office which you began on 5 January 1994, in accord-

ance with the Arusha Agreement, and to express my hope that during your new presidency your country will enter an era of peace and prosperity.

As my Special Representative has informed you in his letter of 15 January 1994, I am deeply concerned by the fact that it has not been possible to establish the National Assembly and the broad-based transitional gov-

ernment before the required deadline of 29 December 1993, and that since that date no significant progress has been made in that area.

This persistent impasse can only have a negative effect both on your country's internal political situation and on your commitments you have made to the international community.

With respect to your country's political situation, the absence of institutions undeniably cannot but contribute to increasing tensions and insecurity throughout the country and impeding the actions needed to address urgent humanitarian problems and those caused by growing insecurity.

As far as the commitments Rwanda has made to the international community are concerned, you are not unaware that the Security Council, in its resolution 893 (1994) of 6 January, strongly urged the parties to cooperate fully in furthering the Arusha peace process, to comply fully with the Arusha Peace Agreement, on which the schedule contained in the Secretary-General's report of 24 September 1993 is based, and in particular to es-

tablish a broad-based transitional government at the earliest opportunity in accordance with this Agreement. Moreover, the Council stressed that continued support for UNAMIR would depend upon the full and prompt implementation by the parties of the Arusha Peace Agreement.

Taking into account all these factors and the noticeable deterioration in the economic and political situation in Rwanda, I appeal to you, Mr. President, and to your great wisdom and high sense of duty, to pursue your efforts to achieve, as soon as possible, a compromise with the parties concerned that will allow the prompt establishment of the transitional institutions and put Rwanda on the path towards peace, reconciliation and reconstruction.

My best wishes for your health, happiness and success in 1994.

Please accept, Mr. President, the assurances of my highest consideration.

(Signed) Boutros BOUTROS-GHALI

Document 33

Statement by the President of the Security Council expressing concern over delays in establishing a transitional Government and the deteriorating security situation in Rwanda

S/PRST/1994/8, 17 February 1994

The Security Council, which welcomed the conclusion of the Arusha Peace Agreement and the political will demonstrated by the Rwandese parties in implementing it, remains deeply concerned by the delays in establishing the broad-based transitional government which is one of the key points in the Agreement. The absence of such a government is an impediment to progress under that Agreement and the functioning of institutions of the State. Furthermore, it is having adverse effects on the humanitarian situation in the country, the deterioration of which is of profound concern to the international community. The speedy installation of a broad-based transitional government would facilitate the provision of more effective assistance to the populations in need.

The Security Council, taking note of the fact that the President of Rwanda has been sworn in as the interim Head of State, encourages him, in the context of that responsibility, to continue his efforts for the speedy installation of the other transitional institutions, in conformity with the Arusha Peace Agreement.

The Security Council calls on all the parties concerned to overcome their differences and cooperate fully with the Special Representative of the Secretary-General of the United Nations and the Organization of African Unity (OAU) in order to advance the process of national reconciliation. It strongly urges the establishment, without delay, of the provisional institutions provided for in the Arusha Peace Agreement.

The Security Council is also deeply concerned at the deterioration in the security situation, particularly in Kigali. In this connection, it reminds the parties of their obligation to respect the weapon-free zone established in and around the city.

The Security Council calls the attention of the parties to the consequences for them of non-compliance with that provision of the Agreement. It notes that UNAMIR will be assured of consistent support only if the parties implement the Arusha Peace Agreement fully and rapidly.

Document 34

Letter dated 14 March 1994 from the Minister for Foreign Affairs of Belgium to the Secretary-General expressing concern that the worsening situation in Rwanda may impede UNAMIR's capacity to fulfil its mandate

Not issued as a United Nations document; translated from French

Current developments in the situation in Rwanda are not encouraging, and lead me to share with you the concerns of the Belgian Government in this regard.

As you are aware, the deadlock in the formation of a broad-based transitional government is leading, despite the efforts of your Special Representative, to a deterioration of the political climate.

The Rwandese army appears to be increasingly annoyed by the parties' procrastinations, while information on the stockpiling of weapons by the various militias is becoming ever more compelling. Even some of the leaders admit that a prolongation of the current political deadlock could result in an irreversible explosion of violence.

Accordingly, I welcome the instructions you have given to Mr. Booh-Booh to make the fullest use of his powers in order to convince the parties in Rwanda of the urgent need to reach agreement on the composition of the broad-based transitional government.

It seems to me, however, that this higher profile of the United Nations on the political level should be accom-

panied by a firmer stance on the part of UNAMIR with respect to security.

I am aware of the complexity of the situation, and of the constraints imposed on you under Security Council resolution 87/2.

Nevertheless, unless the negative developments we are witnessing are halted, UNAMIR might find itself unable to continue effectively its basic mission of playing a major supporting role in the implementation of the Arusha Peace Agreement.

I can assure you that the Belgian Government, for its part, is continuing to urge President Habyarimana and the other Rwandese political leaders to accept the necessary compromises.

Accept, Sir, the assurances of my highest consideration.

(Signed) Willy CLAES

Document 35

Second progress report of the Secretary-General on UNAMIR for the period from 30 December 1993 to 30 March 1994, requesting an extension of its mandate for a period of six months

S/1994/360, 30 March 1994

I. Introduction

1. The present report is submitted in response to Security Council resolution 872 (1993) of 5 October 1993, by which the Council established the United Nations Assistance Mission for Rwanda (UNAMIR) for an initial period of six months.

2. On 30 December 1993, I submitted to the Security Council a progress report on UNAMIR (S/26927). On 6 January 1994, the Council adopted resolution 893 (1994) by which it, *inter alia*, reaffirmed its approval of the deployment of UNAMIR, as outlined in my report of 24 September 1993 (S/26488), including the early

deployment of a second infantry battalion to the demilitarized zone (DMZ). The Council strongly urged the parties to cooperate with UNAMIR in furthering the peace process, to comply fully with the Arusha peace agreement on which the schedule contained in my report of 24 September was based and, in particular, to establish a broad-based transitional Government at the earliest opportunity, in accordance with the agreement. It also welcomed the continued efforts of the Secretary-General and his Special Representative to help to promote and enhance dialogue among all the parties concerned.

3. In a statement by the President of the Security Council on 17 February 1994 (S/PRST/1994/8), the

Council called for the prompt installation of the transitional institutions provided for in the Arusha peace agreement and reaffirmed that continued support for UNAMIR would depend upon the full and prompt implementation of that agreement by the parties.

II. Political aspects

4. Since my last report to the Security Council on 30 December 1993, intensive efforts have been deployed to facilitate and advance the full and effective implementation of the Arusha peace agreement. UNAMIR, within the overall framework of the Security Council's mandate, has continued to assist those efforts.

5. In my report of 30 December, I had pointed out that most of the projected tasks of phase I of the four-phase implementation plan approved by the Security Council in its resolution 872 (1993) had been accomplished. That phase was to last approximately 90 days, until the installation of the broad-based transitional Government.

6. Despite the fact that the Rwandese Government and the Rwandese Patriotic Front (RPF) had agreed at Kinyihira on 10 December 1993 to set up the broad-based transitional Government and the Transitional National Assembly before 31 December, this did not take place as a result of the inability of the parties concerned to agree on the relevant modalities, including the lists of members of the broad-based transitional Government and the Transitional National Assembly.

7. In accordance with the Arusha peace agreement, which provided that the incumbent head of State would remain in office until the outcome of elections to be held at the end of the transitional period, Major-General Juvénal Habyarimana was sworn in as President of the Republic on 5 January 1994. Expectations that the broad-based transitional Government and the Transitional National Assembly would also be installed on that same day could not be met because of continuing difficulties, especially within the Parti libéral (Liberal Party) and the Mouvement démocratique républicain (Democratic Republican Movement), regarding the lists of their representatives to serve as ministers in the broad-based transitional Government and as deputies in the Transitional National Assembly.

8. As a result of the failure to install the broad-based transitional Government, the completion of phase I of the implementation plan approved by the Security Council has been continuously delayed. My Special Representative, Mr. Jacques-Roger Booh Booh, has expressed his concern over this delay to the various political leaders. In its resolution 893 (1994) of 6 January 1994, the Security Council called for the establishment of the broad-based transitional Government "at the earliest

opportunity". Following the adoption of the resolution, I spoke with President Habyarimana on a number of occasions by telephone and also wrote to him on 27 January to convey the strong expectations of the international community, as well as my own, that the broad-based transitional Government should be promptly established. My Special Representative, during his numerous meetings with President Habyarimana and other Rwandese political leaders, has continued to urge them to expedite action for the establishment of the broad-based transitional Government.

9. The prolonged delay in putting the transitional institutions in place has not only prevented UNAMIR from carrying out its tasks in accordance with the implementation schedule approved by the Security Council, but has also contributed to a deterioration of the security situation in the country and posed a threat to the peace process. The failure to establish the broad-based transitional Government constitutes a serious impediment to the implementation of the Arusha peace agreement and to the smooth functioning of State institutions.

10. While various Rwandese political leaders have also recognized the urgent need to establish the broad-based transitional Government and the Transitional National Assembly in order to ensure the smooth and orderly functioning of the country, they nevertheless remain deadlocked on the modalities for putting those institutions in place. My Special Representative and I have stressed to the Rwandese political leaders that, without the early establishment of the broad-based transitional Government and the Transitional National Assembly, it would be difficult to affirm that sufficient progress has been made in the implementation of the Arusha peace agreement to warrant the continued support of the international community.

11. The Governments of Member States, both within and outside the region, as well as the representatives of the Facilitator, the Secretary-General of the Organization of African Unity (OAU) and the observer States to the peace process, have supported the efforts by the United Nations to promote agreement among the parties on the setting up of the transitional institutions. Largely because of those efforts, progress has been made in bridging the gap in the positions of the various parties and moving them closer to a compromise in order to facilitate the establishment of the broad-based transitional Government.

12. Following a series of all-party consultations that my Special Representative organized at UNAMIR headquarters in Kigali on 7, 10 and 13 February, broad consensus was reached among the various political leaders to set up the transitional institutions on 14 February, while giving the Liberal Party more time to resolve its

internal problems and to join those institutions later and leaving the courts to decide on the factional rift within the Democratic Republican Movement. However, reservations to the consensus were expressed by the Mouvement républicain national pour le développement et la démocratie (Republican National Movement for Development and Democracy) and by other elements close to the President, who argued that all outstanding problems should first be resolved before proceeding to set up the broad-based transitional Government and the Transitional National Assembly, so that all political parties concerned could participate in those institutions from the outset. Nevertheless, the key element in that consensus, which provides for the installation of the broad-based transitional Government and the Transitional National Assembly even if some political parties are not in a position to participate immediately, has continued to feature in the discussions among the Rwandese political leaders.

13. An agreement reached at meetings of the political parties on 16 and 18 February to establish the transitional institutions on 22 February was set back as a result of the sudden outbreak of violence in Kigali and in other regions of the country beginning on 21 February. This resurgence of violence, in the course of which two prominent political leaders, Mr. Félicien Gatabazi, the Minister of Public Works and Energy who was also the Secretary-General of the Parti social démocrate (Social Democrat Party), and Mr. Martin Bucyana, the President of the Coalition pour la défense de la république (Coalition for the Defence of the Republic), were murdered, an RPF soldier killed and a UNAMIR military observer wounded in an ambush, contributed to heightening tension and worsening the overall political climate. On 23 February, another effort to install the transitional institutions also failed when the ceremony organized for that purpose by President Habyarimana was boycotted by most political parties, including RPF, which in a press release issued on the same day accused the President of trying to impose a unilateral solution to the internal problems within the Liberal Party and the Democratic Republican Movement.

14. In the face of the deteriorating political and security situation, I telephoned President Habyarimana on 24 February and stressed the need for urgent action to break the political stalemate and to proceed with the establishment of the transitional institutions. I strongly reaffirmed this position when I received the President's Special Envoy on 1 March in New York.

15. Following meetings held on 25 and 27 February at the initiative of the President, the five political parties represented in the current coalition Government indicated in a communiqué dated 27 February that agreement had been reached on a formula to resolve the

internal problems within the Democratic Republican Movement but that a consensus had still not been reached on the rift within the Liberal Party owing to the reservations expressed by one of the leaders of that party. Following the announcement of the RPF's rejection of the proposed compromise in a communiqué dated 28 February, my Special Representative met on 1 March with the President of RPF, Colonel Alexis Kanyarengwe, at the RPF headquarters in Mulindi, in a continuing search for a solution to the deadlock. He urged all parties concerned to continue the dialogue and to refrain from any actions that could aggravate the situation.

16. On 7 March, President Habyarimana paid a one-day official working visit to Uganda. President Museveni reaffirmed his commitment to assist the peace process and expressed the hope that the deadlock that had delayed the installation of the broad-based transitional Government would soon be overcome. The two Presidents expressed appreciation to the United Nations for its efforts to facilitate the implementation of the Arusha peace agreement and called on the international community to assist in this regard.

17. During visits to the United Republic of Tanzania by an RPF delegation and by President Habyarimana on 4 and 8 March respectively, the two signatories to the Arusha peace agreement sought the intervention of President Mwinyi of the United Republic of Tanzania, the Facilitator of the Rwandese peace process, to try to break the impasse in the implementation of the agreement. The Foreign Minister of the United Republic of Tanzania, Mr. Joseph C. Rwegasira, visited Rwanda from 11 to 18 March to assist the parties in resolving the outstanding issues that are impeding the establishment of the transitional institutions. He held intensive bilateral consultations with various Rwandese political and religious leaders as well as with members of the diplomatic corps, the representative in Rwanda of the Secretary-General of OAU and my Special Representative.

18. At the conclusion of his visit, the Foreign Minister of the United Republic of Tanzania stated that his consultations in Kigali had led him to conclude that the stumbling block to putting the transitional institutions in place revolved around the internal problems within the Liberal Party. He stressed that the delay in the political transition caused by the apparent power struggle within the Liberal Party was unacceptable, as it had no legal basis within the framework of the Arusha peace agreement. The proposed composition of the broad-based transitional Government, he emphasized, was within the prerogative of the Prime Minister Designate, Mr. Faustin Twagiramungu, as long as he respected the lists of ministers proposed to him during consultations with each of the political forces concerned. The Tanzanian Minister

also considered as unacceptable the rejection by RPF of the compromise reached within the Liberal Party on a formula for sharing the Party's assigned seats in the transitional Parliament.

19. The Prime Minister Designate, in a nationwide radio address on 18 March, announced the proposed composition of the broad-based transitional Government. The following day, the Prime Minister of the current coalition Government, Ms. Agathe Uwilingiyimana, announced the names of deputies for the Transitional National Assembly.

20. According to a communiqué issued on 21 March 1994, President Habyarimana met earlier that day with the Prime Minister Designate and informed him that he had received a letter dated 20 March, from one of the two factions of the Liberal Party, protesting against the Prime Minister Designate's choice of candidate for Minister of Justice, a portfolio assigned to the Liberal Party under the Arusha peace agreement. The President requested the Prime Minister Designate to continue consultations with the Liberal Party with a view to reaching an agreement which, according to the President, should be based on the compromise formula reached on 27 February by which the three ministerial positions assigned to the Liberal Party should be divided in a two to one ratio between the Party's two factions, with the faction receiving one ministerial portfolio nominating candidates for the Speaker or Deputy Speaker of the Transitional National Assembly.

21. According to the same communiqué, President Habyarimana believed that the list of deputies for the Transitional National Assembly, which he had received on 20 March from the Prime Minister of the current coalition Government, contained a number of anomalies impeding the installation of the Transitional National Assembly. The communiqué again called on the Prime Minister to ensure that the obstacles to the entry of the Coalition for the Defence of the Republic in the transitional Parliament were removed; ensure the representation of the "Parti démocrate Islamique" (Islamic Democrat Party) in the Transitional National Assembly; and take into account the recent rulings on cases brought before the courts by some Democratic Republican Movement party members seeking to become members of the Transitional National Assembly. The communiqué concluded that the President would be prepared to preside over the ceremonies for the installation of the transitional institutions once the above-mentioned concerns had been addressed.

22. Ceremonies for the installation of the transitional institutions that were scheduled to take place on 25 March 1994 were cancelled as there were still a number of outstanding issues to be resolved.

III. Military aspects

23. Despite the increased tensions and insecurity engendered by the political impasse described above, the cease-fire generally appeared to hold during the period under review. UNAMIR forces, whose operational capacity was enhanced with the deployment of additional personnel and equipment, continued to play a stabilizing role.

24. With the arrival in Kigali on 28 December 1993 of a UNAMIR-escorted 600-man RPF security battalion, the military tasks projected for phase I of the operational plan were effectively concluded, ahead of schedule. It will be recalled that this phase, which commenced with the adoption of Security Council resolution 872 (1993), was to last 90 days and to be completed with the installation of the broad-based transitional Government by 5 January 1994. The persistent stalemate on the establishment of the broad-based transitional Government has delayed the start of phase II operations, which were also scheduled to last 90 days and to comprise preparations for the disengagement, demobilization and integration of the armed forces of the parties and of the gendarmerie. UNAMIR forces earmarked for phase II operations are nevertheless in place and ready to begin operations on short notice, as soon as the broad-based transitional Government is formed. In addition, preparations for phase III, which would involve the actual disengagement, demobilization and integration process, are well advanced.

25. It will also be recalled, as stated in my report of 24 September 1993, that the projected strength of UNAMIR military personnel was to stand at 1,428 by the end of phase I and to reach a peak, at the end of phase II, with a total of 2,548 all ranks. As of 22 March 1994, UNAMIR had a strength of 2,539 military personnel, from the following 24 nations: Austria (15), Bangladesh (942), Belgium (440), Botswana (9), Brazil (13), Canada (2), Congo (26), Egypt (10), Fiji (1), Ghana (843), Hungary (4), Malawi (5), Mali (10), Netherlands (9), Nigeria (15), Poland (5), Romania (5), Russian Federation (15), Senegal (35), Slovakia (5), Togo (15), Tunisia (61), Uruguay (25) and Zimbabwe (29). These figures include the 81 military observers serving with the United Nations Observer Mission Uganda-Rwanda (UNOMUR).

26. Under the implementation plan approved by the Security Council on 5 October 1993, UNAMIR operations were to be divided into five sectors. However, in view of the situation that developed in the south of the country following the attempted *coup d'état* of 21 October 1993 in neighbouring Burundi, a sixth sector was established in February 1994 to cover the requirements identified in my report of 30 December 1993. During the

period under review, major developments in the six sectors have included the following:

(a) The Force headquarters, responsible in particular for the command and control of the operations of the UNAMIR military component, has become fully operational with the recent arrival of vehicles, communications and other equipment. It is also increasingly active in conducting and coordinating security operations, coordinating joint meetings with Government and RPF military officials on various issues and undertaking reconnaissance and planning for the disengagement and demobilization process;

(b) The Military Observer Group headquarters has also become fully operational. It exercises command and control over the three established observer sectors, namely the Rwandese government forces sector, the RPF sector and the southern sector. The Military Observer Group continues to conduct reconnaissance, as well as investigatory and escort operations;

(c) The Kigali sector headquarters has reached its full operational strength with the arrival of the remainder of the Bangladesh battalion and military observers. The main activities of the sector have included providing security for the RPF battalion and civilian officials encamped in the "CND building" in Kigali, providing security for senior government and opposition leaders and ensuring respect for the Kigali weapons secure area. To deal with the worsened security situation in Kigali, 200 military personnel from the Ghanaian battalion in the DMZ were temporarily redeployed recently to assist the Kigali sector, which has become increasingly involved in monitoring the gendarmerie and assisting it in the maintenance of security in the capital;

(d) The DMZ sector became fully operational in late February 1994 with the establishment of the sector headquarters in Byumba and the deployment of the Ghanaian battalion and the Bangladesh engineer company. The presence of some 1,000 UNAMIR military personnel in the area has permitted greater security and monitoring of the DMZ which, in turn, has encouraged growing numbers of formerly displaced persons to return to their homes in the DMZ area. Major activities of the sector have included patrolling, observation, investigation, demolition and disposal of ammunition and escorting humanitarian operations in the area. A number of minor cease-fire violations have occurred. The violations were investigated and, where required, discussions have taken place to resolve them;

(e) The Rwandese government forces and RPF sectors are fully operational in Ruhengeri and Mulindi, respectively. The main activities of the two sectors have covered reconnaissance of assembly points in preparation for phase III operations, confirming the positions of the

Rwandese government forces and RPF forces, monitoring the activities of both sides, monitoring the spontaneous return of refugees and investigating reported incidents. In addition, these sectors constitute an essential contact point with the armed forces of the parties;

(f) The southern sector headquarters was established in February 1994 in Butane as an additional sector from existing resources of military observers and equipment. However, additional transport, communications and other equipment will be needed to meet the operational requirements of this sector. It covers a sensitive and increasingly tense area, resulting from the influx of refugees from neighbouring Burundi, cross-border activities, heightened ethnic tensions, increasing reports of paramilitary training and arms distributions, famine and the continuing volatility of the overall political situation in Burundi and Rwanda itself. The sector is, in particular, frequently called upon to assist humanitarian operations by providing escorts for delivery convoys and security for storage depots and distribution points.

27. Owing in part to the continuing political stalemate, the period under review has seen a rapid and dramatic deterioration in the security situation in Kigali. January and February saw increasingly violent demonstrations, roadblocks, assassination of political leaders and assaults on and murders of civilians, developments that severely overstretched the resources and capabilities of the national gendarmerie. Following an upsurge in violent incidents in late February, culminating in the assassination of two prominent political leaders and the ambush of a UNAMIR-escorted RPF convoy, the Government imposed a curfew in Kigali and in other cities. Furthermore, UNAMIR and the United Nations community in Kigali moved into phase II security status for a period of about three weeks. The United Nations community has since returned to the phase I security status, as the security situation has begun to stabilize, especially following the increased support provided to the gendarmerie by UNAMIR military and civilian police components.

28. Meanwhile, UNAMIR has stressed to all the parties that there should be no importation of ammunition into Rwanda before the installation of the broad-based transitional Government. My Special Representative has also expressed his serious concern about increasing reports regarding the distribution of weapons to civilians, which constitutes a serious threat not only to public security in Kigali and elsewhere in Rwanda but also to UNAMIR personnel.

29. The Rwandese government forces have continued, despite repeated protests by UNAMIR, to mine the major route from Kigali to Mulindi and the Ugandan border. Because of the threat that this posed to UNAMIR

personnel and to humanitarian convoys, this issue became the topic of discussions at the highest levels between UNAMIR and the Government and resulted in the removal of the mines and the clearance of the route. On several other occasions, the Rwandese government forces have alleged that RPF was using UNAMIR-escorted convoys to smuggle armed personnel and weapons into Kigali. To help to remove such concerns and suspicions, a strict inspection procedure has been initiated to the satisfaction of the two parties.

30. During this reporting period, the deployment of the engineer, logistics and medical units was completed. The engineers are conducting valuable reconnaissance in preparation for the disengagement and demobilization process planned for phase III. The medical unit is functioning and providing basic as well as emergency medical assistance to UNAMIR personnel. Despite continuing shortages, the overall logistics situation has improved with the arrival of vehicles, communications and other equipment from the United Nations Transitional Authority in Cambodia and ONUMOZ. In addition, with the recent arrival of helicopters, UNAMIR will be able to enhance its reconnaissance operations and air mobility in the Mission area.

31. The composition of UNAMIR personnel from diverse nationalities has underscored the need for local interpreters and translators mentioned in my last report. The ability of UNAMIR personnel to communicate with the local population could make a difference between life and death, especially in emergency situations.

32. Planning for the demining programme is well advanced. The continued cooperation of both the Rwandese government forces and the RPF is essential, if this programme is to succeed. A mine clearance coordination centre has been established in the Force headquarters and a data bank has been started. Samples of mines used by both parties are expected shortly, so that testing and training can be conducted. Coordination in mine-clearance matters has been established between UNAMIR, the two parties and the various interested humanitarian agencies.

IV. Civilian police

33. With the arrival of the Police Commissioner, Colonel Manfred Bliem (Austria), on 26 December 1993 and of the police units from Austria, Bangladesh, Belgium, Mali, Senegal and Togo in January and February 1994, the UNAMIR civilian police contingent (CIVPOL) has set up its headquarters in Kigali and reached its current authorized strength of 60 civilian police monitors. CIVPOL headquarters in Kigali includes a special investigation team, a liaison section and six police monitoring teams.

34. In carrying out its mandate, which is to assist in maintaining public security through the monitoring and verification of the activities of the gendarmerie and the communal police, CIVPOL works closely with the *Gendarmerie Nationale* and the *Police Communale* (commune police) in Kigali. Its Special Investigation Team, which cooperates closely with the Government Prosecutor and maintains contact with local human rights groups, follows cases involving ethnic or politically motivated crimes, as well as complaints against the gendarmerie itself. Since CIVPOL became operational in January, the Special Investigation Team has dealt with 54 serious crimes, complaints and allegations of human rights violations.

35. During the same period, CIVPOL has received reports of 36 people killed as a result of demonstrations or riots. The Liaison Section monitors the activities of special units of the gendarmerie such as the mobile intervention groups, the airport, road and VIP sections and the training school. The six police monitoring teams are deployed with the gendarmerie's four territorial brigades and the headquarters group as well as to the commune police in Kigali. In response to the recent deterioration in the security situation, which has seriously strained the gendarmerie's limited personnel and logistics resources, CIVPOL has been assisting in patrolling, including night patrols, and in setting up new gendarmerie bases.

36. Since my report of 24 September 1993, as already mentioned above, the security situation in Rwanda and, especially in Kigali, has seriously deteriorated. While most incidents can be attributed to armed banditry, which has been growing as a result of the ready availability of weapons, ethnic and politically motivated crimes, including assassinations and murders, also have increased.

37. These disturbing incidents, unless contained or stopped, could lead to an environment of widespread and heightened insecurity that could hinder seriously the full and effective implementation of the Arusha peace agreement. The situation is particularly worrisome because the national gendarmerie, which is responsible for maintaining law and order, is severely handicapped in terms of personnel, equipment and training. Close monitoring by CIVPOL, within the framework of its mandate, of the activities of the national gendarmerie and commune police, to ensure that they are acting in compliance with the terms of the Arusha peace agreement, is therefore a critical need. It is also necessary to give more visibility to the United Nations civilian police monitors, so as to inspire and enhance confidence and promote a greater sense of security within the population.

38. On the basis of its current authorized personnel strength of 60, the civilian police component has been

able to deploy and operate only in Kigali, instead of being able, as originally intended, to function in various parts of Rwanda. It has become evident that an additional 45 civilian police monitors would be required for deployment along a formula of 5 monitors per province, to monitor the 9 territorial companies of the gendarmerie who are responsible for the country's 9 provinces. The primary tasks of these additional police monitors would cover the monitoring of the activities of the gendarmerie and commune police. They would also participate in patrols and, as appropriate, investigate and report on related incidents. Since the cost implications of this proposed personnel increase will be minimal, it is my intention to reflect them in my next submission to the General Assembly.

V. Humanitarian assistance

39. Since my last report, the humanitarian situation in Rwanda has become even more worrying as new challenges have compounded existing difficulties and deepened the crisis. Effects of the massive population displacements as a result of the conflict, the continuing drought in parts of the country, as well as the shortage of seeds for planting, have increased the threat of famine to hundreds of thousands of Rwandese. The Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme (WFP) Crop and Food Supply Assessment Mission that was undertaken in February 1994 confirmed a critical food supply situation in all parts of Rwanda. Declining national revenues, owing to the worsening overall economic situation, are hindering efforts to improve seriously deteriorated public services in health, sanitation and social relief and rehabilitation, thus increasing the risks of vulnerability and need among the population. The special requirements of children and women are of particular concern.

40. Owing in large measure to the assistance provided over the years by United Nations and other international humanitarian relief agencies (non-governmental as well as intergovernmental), mortality and malnutrition rates, which are still unacceptably high, have dropped in refugee and displaced-person camps since December 1993. However, other problems persist, including in particular inadequate housing and rampant epidemic diseases due to shortages of medicines and, above all, cramped and unsanitary living conditions in the settlements. Another source of concern is refugees (270,000, primarily from Burundi) and internally displaced persons (370,000) who continue to need humanitarian assistance.

41. Other new challenges involve tensions associated with the consequences and impact of the growing numbers of spontaneous returnees, many of whom left Rwanda years ago. Some, upon returning to the country,

have settled on land vacated temporarily by citizens internally displaced as a result of the recent conflict, while others have begun to make claims on land and other property reportedly left behind when they fled the country. These developments have caused or exacerbated tensions in various communities and humanitarian relief agencies are increasingly concerned that, if left unresolved, they could have a damaging effect on the smooth and safe operation of humanitarian relief activities, including in particular repatriation and rehabilitation programmes.

42. Close inter-agency cooperation and collaboration in the field of humanitarian assistance in Rwanda is facilitating operations to reach those in need. The United Nations Resident Coordinator has also been designated as the Humanitarian Coordinator and is assisted by an Inter-Agency support unit.

A disaster management team composed of representatives of concerned United Nations system organizations has been established. Arrangements are under way to put in place an integrated regional early warning and resource mobilization information system.

43. UNAMIR, which assists in the coordination of humanitarian assistance activities in Rwanda, has stepped up security support for these activities, including providing escorts for convoys and protection for depots and distribution centres. My Special Representative has begun visiting refugee and displaced-person settlements, thus contributing to focusing greater national and international attention on the needs and problems involved. I wish to seize this opportunity to express deep appreciation to those members of the international community who have responded to the humanitarian assistance appeal for Rwanda launched last year and to call once again for continuing, and increased, assistance to meet the growing needs. I would also like to commend the dedicated staff and volunteers who continue to participate in relief operations, often in very difficult conditions, and sometimes at great personal risk.

VI. Administrative and financial aspects

44. The General Assembly, by its decision 48/479 of 23 December 1993, authorized the Secretary-General to enter into commitments up to the amount of US\$ 51,120,000 gross (US\$ 50,478,000 net) for the maintenance of UNAMIR for the period from 5 October 1993 to 4 April 1994. The cost of maintaining UNAMIR for the period ending 4 April 1994 will therefore be limited to the amount authorized by the General Assembly. In my report to the General Assembly on the financing of UNAMIR, 1/ it is estimated that the cost of

1/ A/48/837 and Corr.1.

maintaining the Mission beyond 4 April 1994 would be approximately \$9.1 million gross (\$8.9 million net) per month, should the Security Council decide to extend the mandate beyond that date. An amount of \$50.7 million was apportioned among Member States on 21 January 1994 for the cost of UNAMIR. As of 18 March 1994, some \$17.7 million had been received.

VII. Observations

45. UNAMIR has continued to support the efforts of the people of Rwanda to implement the Arusha peace agreement. Through their respect of the cease-fire, the parties have demonstrated that they remain committed to the peace process set out in the agreement. This is, without doubt, a positive development. However, despite the cease-fire, commensurate progress has not been made in the political process.

46. The United Nations was invited to assist in the implementation of the Arusha peace agreement by its two signatories. As the implementation process commenced, there was a general expectation that the new institutions would be installed by 5 January 1994 to guide Rwanda through a two-year transitional period. Thus far, only one of those institutions, the Presidency, which was officially installed on the target date of 5 January, has been put in place. Failure to establish the broad-based transitional Government and the Transitional National Assembly has continued to impede the implementation of the other provisions of the agreement.

47. As I have stated, continued support for UNAMIR would depend upon the full and prompt implementation of the Arusha peace agreement by the parties. The United Nations presence can be justified only if the parties show the necessary political will to abide by

their commitments and to implement the agreement. To this end, I urge the parties to make a renewed and determined effort to reach agreement on the establishment of the broad-based transitional Government and the Transitional National Assembly. It is obvious that the establishment of the transitional institutions constitutes an important prerequisite for the revitalization of the peace process and for the promotion of a climate of mutual confidence and cooperation. I therefore urge the parties to set aside their differences and agree to put these institutions in place without further delay or procrastination.

48. Progress made thus far in the negotiations suggests that a compromise could be reached on the transitional institutions. I am encouraged by the fact that, in spite of increasing tensions, the parties have maintained the process of dialogue. The United Nations should continue to support the dialogue and the current initiatives to resolve the remaining differences in order to complete phase I of my implementation plan and to facilitate phase II operations which include the disengagement, demobilization and integration of the armed forces of the parties and gendarmerie.

49. I would therefore recommend that the Security Council decide to extend the mandate of UNAMIR for a period of six months, during which I shall keep the Council fully informed of the pace of progress in the implementation of the Arusha peace agreement. However, in the event that the transitional institutions are not installed within the next two months and if, by that time, sufficient progress in the implementation of the next phase of the Agreement has not also been achieved, the Council should then review the situation, including the role of the United Nations.

Document 36

Security Council resolution regretting the delay in implementing the Arusha Peace Agreement and extending UNAMIR's mandate until 29 July 1994

S/RES/909 (1994), 5 April 1994

The Security Council,

Reaffirming its resolution 872 (1993) of 5 October 1993 establishing the United Nations Assistance Mission for Rwanda, as well as its resolution 893 (1994) of 6 January 1994,

Recalling its resolutions 812 (1993) of 12 March 1993, 846 (1993) of 22 June 1993 and 891 (1993) of 20 December 1993,

Recalling also the statement by the President of the Council of 17 February 1994, 1/

Having considered the report of the Secretary-General of 30 March 1994, 2/

1/ S/PRST/1994/8.

2/ See *Official Records of the Security Council, Forty-ninth Year, Supplement for January, February and March 1994*, document S/1994/360.

Welcoming the valuable contribution to peace being made in Rwanda by the Mission,

Expressing its deep concern at the delay in the establishment of the broad-based transitional Government and the Transitional National Assembly,

Emphasizing that the Security Council, in its resolution 893 (1994), authorized the deployment of a second battalion to the demilitarized zone as recommended by the Secretary-General in his report of 30 December 1993, 3/ and that the international community has thus done its part in ensuring that conditions exist for implementing the Arusha Peace Agreement, 4/

Considering that the fact that the transitional institutions have not been established constitutes a major obstacle to the implementation of the Arusha Peace Agreement,

Concerned at the deterioration in security in the country, particularly in Kigali,

Concerned also at the deterioration of the humanitarian and health situation,

1. *Welcomes* the report of the Secretary-General of 30 March 1994; 2/

2. *Decides* to extend the mandate of the United Nations Assistance Mission for Rwanda until 29 July 1994, on the understanding that the Security Council will, within the next six weeks, review the situation in Rwanda, including the role played in that country by the United Nations, if the Secretary-General informs it in a report that the transitional institutions provided for under the Arusha Peace Agreement have not been established and that insufficient progress has been made for the implementation of phase 2 of the Secretary-General's plan contained in his report of 24 September 1993; 5/

3. *Regrets* the delay in the implementation of the Arusha Peace Agreement, and urges the parties to resolve their latest differences without delay with a view to the immediate establishment of those transitional institutions still required for the continuation of the process, and particularly the implementation of phase 2;

4. *Welcomes* the fact that, despite the difficulties encountered in implementing the Arusha Peace Agreement, the cease-fire has been respected, and commends in this respect the essential contribution made by the Mission;

5. *Recalls*, nevertheless, that continued support for the Mission, including the provision of an additional forty-five civilian police monitors as described in paragraph 38 of the report of the Secretary-General of 30 March 1994, 2/ will depend upon full and prompt implementation by the parties of the Arusha Peace Agreement;

6. *Welcomes* the continued efforts by the Secretary-General and his Special Representative to help promote and facilitate dialogue between all parties concerned;

7. *Commends* the efforts of Member States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance, encourages them to continue and increase such assistance, and again urges others to provide such assistance;

8. *Commends* in particular the efforts of the Organization of African Unity and its agencies, as well as those of the Tanzanian facilitator, in providing diplomatic, political, humanitarian and other support for the implementation of the relevant resolutions of the Council;

9. *Reiterates* its request to the Secretary-General to continue to monitor the size and cost of the Mission to seek economies;

10. *Decides* to remain actively seized of the matter.

3/ *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26927.

4/ Peace Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, signed at Arusha, United Republic of Tanzania, on 4 August 1993; see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26915.

5/ See *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26927.

Document 37

Letter from the Chargé d'affaires a.i. of the Permanent Mission of the United Republic of Tanzania to the United Nations addressed to the Secretary-General, transmitting a communiqué issued at a regional summit meeting held at Dar es Salaam on 6 April 1994

S/1994/406, 7 April 1994

I have the honour to transmit herewith the text of a communiqué issued at the end of a regional summit meeting held at Dar es Salaam on 6 April 1994 on the situation prevailing in Burundi and Rwanda.

I should be grateful if you would have the communiqué (see annex) circulated as a document of the Security Council.

(Signed) Ulli K. MWAMBULUKUTU
Chargé d'affaires a.i.

Annex

Communiqué issued at the end of a regional summit meeting held at Dar es Salaam on 6 April 1994 on the situation prevailing in Burundi and Rwanda

1. At the invitation of His Excellency Ali Hassan Mwinyi, President of the United Republic of Tanzania, a regional summit meeting was held at Dar es Salaam on 6 April 1994.

2. Participating in the summit, in addition to the Head of State of the United Republic of Tanzania, were His Excellency Major General Habyarimana Juvénal, President of the Rwandese Republic, His Excellency Yoweri Kaguta Museveni, President of the Republic of Uganda, His Excellency Ntaryamira Cyprien, President of the Republic of Burundi, the Honourable Professor George Saitoti, Vice President of the Republic of Kenya, and Dr. Salim Ahmed Salim, Secretary General of the Organization of African Unity (OAU).

3. The meeting was convened in order to find ways to help Burundi and Rwanda resolve the political and security problems in their countries.

4. On the subject of Burundi, the leaders noted with deep concern that, despite the dawn of a new era of peace, stability and cooperation established after successful democratic elections in June 1993 and the establishment of a broadly based Government and, recently, the Government of Consensus, Burundi has again been plunged into ethnically motivated political turmoil.

5. The leaders resolved:

(a) To support the Government of National Consensus now in place and to call on all political and security forces to cooperate fully;

(b) To reaffirm the role of OAU, including the emplacement of the military component of OAU to assist in the restoration of confidence and the smooth functioning of the state institutions, and to encourage OAU in that role and call on it to examine how that mission could be strengthened to carry out its task;

(c) To call for an urgent programme of reform of the army and other security services;

(d) To demand full support and cooperation from the political and security forces for unimpeded functioning of the institutions of Government and warn that any obstruction of the implementation would have far-reaching consequences.

6. The leaders decided to meet again at an appropriate time to review the situation.

7. On the subject of Rwanda, the leaders noted with concern that not all the transitional institutions that were supposed to be formed following the signing of the Arusha Peace Agreement on 4 August 1993 were yet fully in place. In this connection, they urged all parties concerned to abide by the letter and spirit of the Arusha Peace Agreement and, especially, to establish without further delay all the remaining transitional institutions.

8. Finally, the leaders participating in the Dar es Salaam summit meeting expressed their gratitude to His Excellency Ali Hassan Mwinyi, President of the United Republic of Tanzania, for the warm and brotherly hospitality extended to them, as well as to their delegations, since their arrival in the United Republic of Tanzania.

Done at Dar es Salaam, 6 April 1994.

For the United Republic of Tanzania

(Signed) Ali Hassan MWINYI
President of the United Republic of Tanzania

For the Republic of Rwanda For the Republic
of Uganda

(Signed) (Signed)
Habyarimana JUVÉNAL Yoweri Kaguta MUSEVENI
Major General President of the
President of the Republic Rwandese Republic
of Uganda

For the Republic of Burundi For the Republic of Kenya In the presence of

(Signed)

Ntaryamira CYPRIEN
President of the Republic of
Burundi

(Signed)

George SAITOTI
Vice President of the
Republic of Kenya

(Signed) Salim Ahmed SALIM
Secretary General of OAU

Document 38

Statement by the Secretary-General expressing grief over the deaths of the Presidents of Burundi and Rwanda

UN Press Release SG/SM/5259, 7 April 1994

I have learned with horror, and profound personal grief, of the reported deaths of President Cyprien Ntaryamira of Burundi and President Juvénal Habyarimana of Rwanda in an air crash at Kigali last night. I have already presented my condolences to the families of the Presidents and to the peoples of the two countries.

I have instructed my Special Representative in Rwanda and the Force Commander of the United

Nations Assistance Mission for Rwanda (UNAMIR) to provide all possible assistance to the authorities in their efforts to establish the facts.

This tragedy will further complicate the task entrusted to the United Nations of helping the Governments and peoples of Burundi and Rwanda to restore internal peace in their countries. I implore all concerned to act with responsibility and restraint at this very difficult time.

Document 39

Statement by the President of the Security Council regretting the deaths of the Presidents of Rwanda and Burundi and condemning all acts of violence in Rwanda, particularly the deaths of 10 Belgian peace-keepers

S/PRST/1994/16, 7 April 1994

The Security Council is deeply disturbed by the tragic incident that resulted in the deaths of the Presidents of Burundi and Rwanda on 6 April 1994 and the ensuing violence. The Council expresses regret at the incident. It invites the Secretary-General to collect all available information with all means at his disposal and report to the Council as soon as possible.

The Security Council is following with great concern the situation as described by the Secretariat in its oral report. There has been considerable loss of lives, including the deaths of Government leaders, many civilians and at least ten Belgian peace-keepers as well as the reported kidnapping of others. The Council strongly condemns these horrific attacks and their perpetrators, who must be held responsible.

The Council strongly condemns all these acts of violence and in particular these attacks against United Nations personnel and urges the Rwandese security forces and military and paramilitary units to put an end

to these attacks and to cooperate fully with UNAMIR in the implementation of its mandate. It further demands that all measures be taken to provide security throughout the country and particularly in Kigali and the demilitarized zone (DMZ). Furthermore, the Council expresses its extreme concern at the implications for United Nations personnel and requests the Secretary-General to report on and take measures necessary to ensure their safety and security. The Council also demands that free access to the airport be restored in order to allow those who wish to enter or leave the country to do so.

The Council appeals to all Rwandese and to all parties and factions to desist from any further acts or threats of violence and to maintain the positions they held before the incident. It urges respect for the safety and security of the civilian population and of the foreign communities living in Rwanda as well as of UNAMIR and other United Nations personnel.

The Security Council earlier this week renewed the mandate of the United Nations Operation in Rwanda for a further four months, with a six-week review provision on the understanding that progress would be made in establishing all the transitional institutions under the

Arusha Peace Agreement. It reaffirms its commitment to the Arusha Peace Agreement and urges all parties to implement it fully and in particular to respect the cease-fire.

The Council will remain seized of the matter.

Document 40

Statement by the Secretary-General condemning all violent acts in Rwanda, particularly the killing of the Prime Minister and of 10 Belgian peace-keepers

UN Press Release SG/SM/5260, 8 April 1994

The Secretary-General has learned with extreme indignation of the latest incidents in Rwanda, particularly the tragic deaths of Agathe Uwilingiyimana, Prime Minister of Rwanda, and 10 soldiers attached to the United Nations Assistance Mission for Rwanda (UNAMIR) who died courageously in the line of duty. This morning the Secretary-General expressed his sincerest condolences to the families of the Belgian peace-keepers and to the Government and people of Belgium through the Minister for Foreign Affairs, Willy Claes.

The Secretary-General condemns those acts of violence and the despicable attacks on the members of UNAMIR in the strongest terms.

The Secretary-General has been in contact with all the parties concerned and with his Special Representative in Kigali, whom he has asked to take forthwith all possible steps to ensure security throughout the country and especially in Kigali.

The Secretary-General is preparing an urgent report to the Security Council on measures to be taken to protect United Nations personnel.

Document 41

Letter dated 8 April 1994 from the Secretary-General to the President of the Security Council concerning the role of UNAMIR in the crisis situation in Rwanda

Not issued as a United Nations document

The members of the Security Council are aware of the tragic situation in Rwanda, and have been kept informed of the reports being received from my Special Representative and the Force Commander of UNAMIR.

UNAMIR is engaged in intensive efforts to secure agreement on a cease-fire in Kigali, and to promote the establishment of an interim political authority to fill the present vacuum until some normality can be restored. Unfortunately, so far these efforts have been unsuccessful, but are continuing.

The Security Council, in the Presidential Statement of 7 April 1994, has expressed concern about

the safety and security of the civilian population and of the foreign communities living in Rwanda as well as of UNAMIR and other United Nations personnel. I fully share this concern and have been in contact with the Force Commander of UNAMIR in this regard.

It is quite possible that the evacuation of civilian staff from the United Nations system, as well as other foreign nationals, might become unavoidable, in which event UNAMIR would be hindered in providing assistance under its present mandate and rules of engagement. The members of the Security Council might wish to give this matter their urgent attention.

Should UNAMIR be required to effect such an evacuation, the Force Commander estimates that he would require two to three additional battalions for that purpose.

Please accept, Mr. President, the assurances of my highest consideration.

(Signed) Boutros BOUTROSGHALI

Document 42

Letter from the Permanent Representative of Cameroon to the United Nations addressed to the President of the Security Council, transmitting a statement of the African Group at the United Nations, dated 11 April 1994, concerning the situation in Rwanda

S/1994/420, 12 April 1994

I have the honour to forward herewith the Statement of the African Group on the situation in Rwanda and Burundi.

I shall be grateful if you could have the statement circulated as a document of the Security Council.

(Signed) Pascal BILOA TANG
Ambassador
Permanent Representative of Cameroon
to the United Nations
Chairman of the African Group

Annex Statement of the African Group on the situation in Rwanda and Burundi

The African Group at the United Nations met today in a Special Session to review developments in Rwanda and Burundi, following the tragic death of both Presidents Juvénal HABYARIMANA and Cyprien NTARYAMIRA. The Permanent Representatives of Rwanda and Burundi to the United Nations briefed the Group on the latest developments in their respective countries. In this context, the Permanent Representative of Rwanda informed the Group of the establishment of an interim government. The Group was further briefed on the consultations taking place at the level of the Security Council.

Having discussed the reports made, the African Group expressed its concern over the gravity of the situation in both countries, and particularly in Rwanda where thousands of lives were lost.

On the initiatives of some countries to evacuate their nationals, the Group underlined that the security of the Rwandese people and other foreigners should equally be a matter of concern for the international community.

In its consideration of the urgent need of restoring peace, stability and security in Rwanda and Burundi respectively, the African Group,

(i) Calls for an immediate cease-fire, a return to positions held by parties before the present hostilities and an end to the mindless violence which is engulfing Rwanda;

(ii) Urges the Security Council to take urgent actions to help protect the lives and property of civilians in Rwanda, and to consider expanding the size and mandate of UNAMIR in Rwanda;

(iii) Reiterates the importance of the full implementation of the Arusha Peace Agreement;

(iv) Emphasizes the readiness of the OAU to cooperate with the United Nations in the implementation of the said Agreement;

(v) Strongly appeals to the international community to increase humanitarian assistance commensurate with the scale of the human tragedy, in Rwanda and Burundi.

Document 43

Letter from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, transmitting a note from the Minister for Foreign Affairs and Cooperation of Rwanda explaining the political situation in Rwanda since the assassination of its President on 6 April 1994

S/1994/428, 13 April 1994

On instructions from my Government, I have the honour to transmit to you herewith a note explaining the political situation prevailing in Rwanda since the assassination on 6 April 1994 of the President of the Rwandese Republic, Major-General Juvénal Habyarimana.

This note, issued by the Rwandese Minister for Foreign Affairs and Cooperation, describes the measures taken by the interim Government to provide security for people and property throughout Rwandese territory.

The Rwandese Government remains deeply committed to the search for a political solution to the Rwandese conflict within the framework of the Arusha peace agreement.

In this connection, it has set itself the goal of pursuing the discussions with the Rwandese Patriotic Front for the establishment, without delay, of broad-based transitional institutions as provided for in the Arusha peace agreement and reaffirmed in the relevant resolutions and declarations of the Security Council.

The Rwandese Government again emphasizes the need to establish an immediate cease-fire with a view to putting an end to the hostilities and creating a climate conducive to full implementation of the Arusha peace agreement.

Lastly, the Rwandese Government would like to stress that an expanded and continuing presence by the United Nations Assistance Mission for Rwanda (UNAMIR) represents, at this critical phase in the peace process in Rwanda, a stabilizing factor in the present situation.

I should be grateful if you would have this letter and its annex circulated as a Security Council document.

(Signed) Jean-Damascène BIZIMANA
Ambassador
Permanent Representative

Annex

Note explaining the political situation prevailing in Rwanda since the death of President Juvénal Habyarimana

About 9.30 p.m. on 6 April 1994, the plane on which the President of the Rwandese Republic, Major-General

Juvénal Habyarimana, was returning crashed at Grégoire Kayibanda International Airport at Kanombe (Kigali), after being fired upon by elements not yet identified.

The head of State died instantly, together with Mr. Cyprien Ntaryamira, President of the Republic of Burundi, two other members of the Government of Burundi, the Chief of Staff of the Rwandese armed forces, Major-General Déogratias Nsabimana, Ambassador Juvénal Renzaho, Major Thaddée Bagaragaza, and the crew. A total of 12 people perished.

The death of the Rwandese head of State surprised and stunned the Rwandese people, and also caused indignation among certain military personnel, who reacted spontaneously in attacking certain persons under the suspicion or presumption of responsibility for or complicity in the assassination of the head of State.

It was against that background that massacres took place, particularly in Kigali, where the Prime Minister, Ms. Agathe Uwilingiyimana, died.

Subsequently, the widespread insecurity, especially in the city of Kigali, and the death of the Prime Minister and certain other Rwandese political leaders prompted the high command of the Rwandese army and the Gendarmerie to set up a Crisis Committee.

The Committee immediately took initiatives aimed at restoring peace in the country. To that end, it made two major decisions:

First, it called on the five political parties forming the transitional Government headed by the late Ms. Agathe Uwilingiyimana to meet in order to examine the political situation prevailing in Rwanda and seek appropriate solutions to the grave political problems;

Secondly, the Crisis Committee requested, through UNAMIR, the signing of a cease-fire agreement in Kigali, following the emergence of the members of the battalion of the Rwandese Patriotic Front which had been in a section of the building of the National Development Council, and following the many attacks by those members on the military camp of the Presidential Guard situated not far away (at Kimihurura), and on other targets in various parts of the city of Kigali.

The proposal for a cease-fire agreement was rejected by the Rwandese Patriotic Front, which had begun the

hostilities in the city of Kigali. Fighting therefore continued in certain sections of the city.

In addition to rejecting the proposal, the Rwandese Patriotic Front began hostilities on the northern front, attacking positions of the Rwandese army in the Mutara area, at Byumba and Ruhengeri. Today the fighting still continues.

In response to the request from the Crisis Committee, the leaders of the five political parties which, prior to these events, had formed the transitional Government met and decided to form a new transitional Government.

On Saturday, 9 April 1994, the transitional Government, headed by Mr. Jean Kambanda, took the oath of office before the new head of State. Pursuant to the Constitution of the Rwandese Republic of 10 June 1991, specifically article 42, Mr. Théodore Sindikubwabo, Chairman of the National Development Council, assumed the office of President of the Republic and was thus able to install the new Government, thus filling the institutional vacuum created after the death of the former President of the Republic and the former Prime Minister.

The new transitional Government has set itself three major objectives:

(a) To ensure effective management of the affairs of the State, with special emphasis on the rapid restoration of order, and on the security of people and property;

(b) To pursue discussions with the Rwandese Patriotic Front for the establishment of the broad-based transitional institutions, within not more than six weeks;

(c) To tackle aggressively the problem of food shortages, by seeking ways and means of assisting the victims in certain prefectures and those who have been displaced by the war.

Immediately after taking the oath of office, the members of the Government held a cabinet meeting to assess political conditions and, especially, the security situation. The cabinet took a number of measures aimed at restoring security for people and property all over the nation.

Outside the cabinet, the Minister for Foreign Affairs initiated a series of discussions with the diplomatic corps accredited to Kigali, so as to inform the diplomatic community about the political situation in Rwanda and the goals of the new transitional Government, and to request it to provide support for the attainment of those goals, primarily the establishment of the broad-based transitional institutions to include the Rwandese Patriotic Front in a short-term perspective.

The installation of this Government has given the Rwandese people renewed hope, and there has been a marked decrease in murder and looting across the nation.

At the same time, the new Government and the local authorities have gradually been regaining control of the situation.

The immediate objective is to stop the massacre of civilians, to resume talks with the Rwandese Patriotic Front in order to break the log-jam and establish the broad-based transitional institutions, and to revive socio-economic activity in Rwanda.

Kigali, 10 April 1994.

(Signed) Jérôme C. BICAMUMPAKA

Minister for Foreign Affairs and Cooperation of the Rwandese Republic

Document 44

Letter from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council, stating the view of the Belgian Government that it is imperative to suspend the activities of UNAMIR forces without delay

S/1994/430, 13 April 1994

In view of the Security Council's deliberations, I have the honour to inform you of the Belgian Government's views on the worsening of the situation in Rwanda and the implications for the role of the United Nations Assistance Mission for Rwanda (UNAMIR). I should be grateful if you would bring these views to the attention of the members of the Council.

As you know, the widespread massacres following the death of the Presidents of Rwanda and Burundi have been compounded by a military conflict between the forces of the Rwandese Patriotic Front and those loyal to the Rwandese Government. In the light of that situation, the Belgian and French Governments were obliged to organize a brief humanitarian operation to evacuate for-

eign nationals, including the staff of foreign embassies and United Nations personnel. The evacuation operation is now being wound up under extremely difficult and dangerous conditions. The Rwandese Government's departure from the capital has confirmed the rapid deterioration of the situation.

The chaos in Rwanda has assumed such proportions that the implementation of the Arusha agreements seems very seriously jeopardized, at least in the foreseeable future. Such implementation was the very reason for the UNAMIR operation. The lack of progress had recently led the Security Council to renew the mandate of UNAMIR only for a four-month period, on the understanding that the Secretary-General would prepare an evaluation report within six weeks.

It is obvious that under these conditions the continuation of the UNAMIR operation has become pointless within the terms of its present mandate. In any event, the continued presence of the Belgian contingent would expose it to unacceptable risks and would constitute an

obstacle to UNAMIR action as a whole. Indeed, Belgium notes that an extremist political faction is waging an anti-Belgian campaign and inciting people to murder Belgian soldiers. Having already suffered the loss of 10 soldiers, the Belgian contingent cannot take such threats lightly.

In conclusion, the Belgian Government is of the opinion that it is imperative to suspend the activities of UNAMIR forces without delay, until such time as the conditions are met for the resumption of the peace process. It considers that in the coming weeks or months, a United Nations presence in Rwanda can be justified only on humanitarian grounds.

I should be grateful if you would have this letter circulated as a Security Council document.

(Signed) Paul NOTERDAEME
Ambassador
Permanent Representative of Belgium
to the United Nations

Document 45

Letter dated 13 April 1994 from the Secretary-General to the President of the Security Council concerning developments which may necessitate the withdrawal of UNAMIR

Not issued as a United Nations document

I have the honour to inform you that H.E. Mr. Willy Claes, the Minister for Foreign Affairs of Belgium, held a meeting with me in Bonn on 12 April 1994 during which we reviewed the situation in Rwanda. On behalf of the United Nations, I took the opportunity to reiterate to the Minister sincere condolences on the death of the Belgian soldiers serving with the United Nations Assistance Mission in Rwanda (UNAMIR) as well as deep gratitude and appreciation for Belgium's contribution to UNAMIR.

The Minister conveyed to me his assessment of the situation in Rwanda which, according to him, has deteriorated drastically in recent days and continues to grow rapidly worse. He informed me that the Government of Belgium has decided to withdraw its contingent serving with UNAMIR at the earliest possible date. The Minister assured me that his Government would like the withdrawal of its contingent to take place in a coordinated manner.

In the light of this decision by the Government of Belgium, it is my assessment that it will be extremely difficult for UNAMIR to carry out its tasks effectively. The continued discharge by UNAMIR of its mandate will become untenable unless the Belgian contingent is replaced by another, equally well equipped contingent or unless the Government of Belgium reconsiders its decision to withdraw its contingent.

In these circumstances, I have asked my Special Representative and the Force Commander to prepare plans for the withdrawal of UNAMIR, should this prove necessary, and send their recommendations to me in this regard. I shall keep the Council informed.

Please accept, Mr. President, the assurances of my highest consideration.

(Signed) Boutros BOUTROS-GHALI

Document 46

Letter from the Executive Secretary of the Organization of African Unity to the President of the Security Council transmitting a letter from the OAU Secretary-General and a statement by the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution

S/1994/440, 14 April 1994

I have the honour to forward herewith a letter addressed to you by His Excellency Dr. Salim A. Salim, Secretary General of the Organization of African Unity, requesting you to kindly arrange to have the attached Statement circulated as a document of the Security Council, under Article 54 of the Charter of the United Nations.

(Signed) Ibrahima SY
Ambassador
Executive Secretary of the OAU to the United Nations

Annex

Letter dated 14 April 1994 from the Secretary-General of the Organization of African Unity addressed to the President of the Security Council

I have the honour to forward herewith a statement by the Organization of African Unity (OAU) on the situation in Rwanda adopted after a meeting today, 14 April 1994, of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution.

I should be most grateful if you could kindly arrange to have this Statement circulated as a document of the Security Council.

(Signed) Salim Ahmed SALIM

Enclosure

Statement dated 14 April 1994 of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution (Ambassadorial level)

1. The Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution met today, 14 April 1994, in Addis Ababa at Ambassadorial level, to consider the grave situation now prevailing in Rwanda. In this connection, it heard and considered the Report of the Secretary General of the Organization.

2. The Central Organ expressed shock and profound sadness, over the tragic accident in suspicious circumstances in Kigali, on 6 April 1994, which resulted in the immediate death of the Presidents of Rwanda and

Burundi as well as senior Government officials of the two countries.

3. The Central Organ while expressing its outrage and indignation at this development, calls for the immediate institution of an independent, thorough and impartial investigation into the circumstances leading to the air crash.

4. The Central Organ is equally concerned and shocked by the ensuing spate of killings and massacres, including those of the Prime Minister, Mme Agathe UWILINGIYIMANA, some of her Ministers, Senior Government Officials, UN peacekeepers as well as thousands of ordinary Rwandese nationals including women and children, which has taken place and continues to be carried out in Rwanda. It condemns, without reservation, this carnage and blood letting which have brought death and untold suffering to the Rwandese people.

5. The Central Organ is gravely concerned over the resumption of armed hostilities between the forces of the Rwanda Government and those of the Rwandese Patriotic Front.

6. It calls for an immediate end of the massacres, wanton killings and senseless violence still taking place in the country.

7. The Central Organ calls for an immediate cessation of hostilities between the forces of the Rwanda Government and the Rwandese Patriotic Front. This will, *inter alia*, enable humanitarian relief and medical assistance to be provided to the wounded and the internally displaced people. In this connection, the Central Organ appeals to the international community to focus attention on the Rwandese civilian drama and to provide increased and adequate resources to cater for the urgent humanitarian needs of the Rwandese people.

8. The Central Organ calls for the immediate commencement of negotiations leading to the establishment, without any further delay, of the transitional institutions as provided for under the Arusha Peace Agreement, namely the Presidency, the Transitional National Assembly and the broad-based Transitional Government. In this connection, the Central Organ reaffirms that the Arusha Peace Agreement remains the only viable framework for the resolution of the Rwanda Conflict and serves as the

basis for peace, national unity and reconciliation in the country.

9. The Central Organ considers the continued involvement of the United Nations including in particular, the role of UNAMIR (United Nations Mission in Rwanda) as an essential element in the restoration of peace in the country and the implementation of the Arusha Peace Agreement. In this respect, the Central Organ appeals to the United Nations Security Council to ensure the continued and effective functioning of UNAMIR.

10. The Central Organ is conscious of the security and humanitarian implications of events in Rwanda for the subregion. In this connection, it commends the efforts made by the leaders of the subregion at finding a solution to the crisis in both Rwanda and Burundi, as exemplified

in the Dar es Salaam Summit of 6 April 1994, convened by President Mwinyi of Tanzania and in which both Presidents Habyarimana and Ntaryamira had attended and made invaluable contribution. It calls on the leaders of the region and especially President Mwinyi, in his capacity as facilitator to the Arusha Peace Talks, to persevere and intensify their efforts, particularly considering the present tragic situation which prevails in Rwanda.

11. The Central Organ requests the Secretary-General to continue to follow very closely the developments in Rwanda and make whatever contribution within the Organization's means to assist in the efforts towards the implementation of the Arusha Peace Agreement.

Document 47

Letter from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council, transmitting similar letters dated 15 April 1994 to the President of the Security Council and to the Secretary-General from the Deputy Prime Minister and Minister for Foreign Affairs of Belgium recommending the suspension of UNAMIR and conveying the decision of the Belgian Government to immediately withdraw the Belgian battalion

S/1994/446, 15 April 1994

In view of the Security Council's deliberations on the situation in Rwanda, I have the honour to transmit to you, herewith, a letter dated 15 April 1994 from Mr. Willy Claes, Deputy Prime Minister and Minister for Foreign Affairs of Belgium, addressed to you.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Paul NOTERDAEME
Permanent Representative of Belgium
to the United Nations

Annex

Letter dated 15 April 1994 from the Deputy Prime Minister and Minister for Foreign Affairs of Belgium addressed to the President of the Security Council

In his letter of 13 April last (S/1994/430), the Permanent Representative of Belgium to the United Nations informed you of the facts and political elements which have prompted the Belgian Government to recommend to the

Security Council that the troops of the United Nations Assistance Mission for Rwanda (UNAMIR) be withdrawn, since its mission has become pointless. That recommendation is based on an intimate knowledge of the political and military conditions in the field. I should therefore be grateful to you if the Council could take into consideration the objective nature of the elements which have prompted the Belgian Government to make its recommendation.

All the information at our disposal reinforces our fear that UNAMIR as a whole may be exposed to very serious risks and be powerless in the face of the worsening situation. That is why my Government again recommends that the UNAMIR mission be suspended.

It seems to us futile to hope that a lasting cease-fire will be established in the days to come. The extent of the massacres which UNAMIR has had to witness, without being able to do anything, and the current military imbalance convinces that hostilities will continue, particularly since one of the parties appears to be determined to seize strategic points such as the airport where UNAMIR is currently regrouping. Given the circumstances, the

proposal that we should wait five days before choosing one of the three options in question would, in our view, increase the risks to an unacceptable degree.

I take note of the fact that each of the three options proposed to the Council involves the departure of the Belgian contingent. Indeed, as we informed you, I confirm to you that the Belgian Government has decided that the Belgian battalion in UNAMIR will be withdrawn in any event without delay. Aside from the reasons I have just mentioned, Belgian nationals have been and are, as you know, the target of special threats and several of them, including 10 of our soldiers, have lost their lives, making continuation of the Belgian presence impossible.

Enclosed please find a copy of the letter which I sent to the Secretary-General.

(Signed) Willy CLAES

Enclosure

Letter dated 15 April 1994 from the Deputy Prime Minister and Minister for Foreign Affairs of Belgium addressed to the Secretary-General

At the informal meeting of the Security Council on 14 April 1994 your representative presented three options for altering the deployment of troops of the United Nations Assistance Mission for Rwanda in light of the dramatic developments in the situation in Rwanda and the breakdown of the peace process in that country. I have stated to you directly, on several occasions, the facts and political elements which have prompted the Belgian Government to recommend

- All the information at our disposal reinforces our fear that UNAMIR as a whole may be exposed to very serious risks and be powerless in the face of the worsening situation. That is why my Government again recommends that the UNAMIR mission be suspended.

- It seems to us futile to hope that a lasting cease-fire will be established in the days to come. The extent of the massacres which UNAMIR has had to witness, without being able to do anything, and the current military imbalance convinces that hostilities will continue, particularly since one of the parties appears to be determined to seize strategic points such as the airport where UNAMIR is currently regrouping. Given the circumstances, the proposal that we should wait five days before choosing one of the three options in question would, in our view, increase the risks to an unacceptable degree.

I note that each of the three options proposed to the Council involves the departure of the Belgian contingent. As we informed the President of the Security Council on 13 April 1994, I confirm to you that the Belgian Government has decided that the Belgian battalion in UNAMIR will be withdrawn in any event without delay. Aside from the reasons I have just mentioned, Belgian nationals have been and are, as you know, the target of special threats and several of them, including 10 of our soldiers, have lost their lives, making continuation of the Belgian presence impossible.

I should be grateful if you would instruct the Secretariat and the Commander of UNAMIR to:

- (a) release the Belgian contingent immediately;
 - (b) open discussions immediately regarding the equipment that we would provide to a UNAMIR detachment, should the Security Council decide to maintain one.
- It goes without saying that we will make every effort to see to it that the foregoing decisions are executed in close coordination with the UNAMIR command.

I am sending copies of this letter to the President and the members of the Security Council and to the troop-contributing countries.

(Signed) Willy CLAES

Document 48

Special report of the Secretary-General on UNAMIR, containing a summary of the developing crisis in Rwanda and proposing three options for the role of the United Nations in Rwanda

S/1994/470, 20 April 1994

Events in Rwanda

1. The members of the Security Council are fully aware of the critical situation in Rwanda following the crash of the plane at Kigali airport on 6 April 1994,

which caused the deaths of all those on board, including President Juvénal Habyarimana of Rwanda and President Cyprien Ntayamira of Burundi. The cause of the crash cannot be determined without a full investigation, which so far has not been feasible.

2. This tragic incident set off a torrent of widespread killings, mainly in Kigali but also in other parts of the country. The violence appears to have both political and ethnic dimensions. No reliable estimate of deaths has so far been available, but they could possibly number tens of thousands.

3. Reliable reports strongly indicate that the killings were started by unruly members of the Presidential Guard, then spread quickly throughout the city. Despite the best efforts of UNAMIR, the Rwandese Patriotic Front (RPF) security battalion quartered at the National Development Council complex broke out and started to engage Government troops, including elements of the Presidential Guard. RPF units from the demilitarized zone also moved towards Kigali and joined the fighting. Authority collapsed, the provisional Government disintegrated and some of its members were killed in the violence. An interim Government was proclaimed on 8 April 1994, but could not establish authority, and on 12 April 1994, as fighting between the armed forces and the RPF intensified, left the capital. Since then, the Defence Minister and the high command of the Rwandese Government Forces (RGF), whose leadership has recently changed, appear to be the only interlocutors available on the Government side. The brutal murders by unruly RGF soldiers of the Prime Minister, Mrs. Agathe Uwilingiyimana, of other members of the Government and of 10 members of the Belgian contingent serving with UNAMIR were particularly tragic consequences of the violence.

Efforts by UNAMIR

4. In this situation, it became impossible for UNAMIR to continue the tasks emanating from its mandate. Responding to the security and humanitarian crises, UNAMIR, led by the Special Representative of the Secretary-General and the Force Commander, dedicated itself to the following efforts:

(a) Securing an agreement on a cease-fire, to be followed by political negotiations between the two sides to restore the peace process under the Arusha agreement;

(b) Protecting, as far as possible, United Nations civilian staff;

(c) Protecting, as far as possible, other civilians, both foreign and Rwandese nationals;

(d) Negotiating a truce with the two parties in order to enable the evacuation of expatriates to take place;

(e) Assisting in the evacuation of non-Rwandese civilians, both United Nations and non-United Nations, by providing escorts for convoys to land borders and to the airport, and coordinating with Belgian and French task forces sent for this purpose;

(f) Rescuing individuals and groups trapped in the fighting;

(g) Providing humanitarian assistance to large groups of displaced persons under the protection of UNAMIR.

5. The most urgent of those tasks was the first, the effort to secure a cease-fire through contacts with representatives of the armed forces and the RPF, in the hope that this would lead to political efforts to return to the peace process under the Arusha agreement. The Security Council was kept fully informed of these efforts and other developments on the ground. The decision by the Government of Belgium, following the murder of its 10 soldiers in UNAMIR and threats to Belgian nationals, to withdraw its battalion from UNAMIR introduced a new critical element into the deteriorating situation. The Force Commander has been trying to obtain assurances from both sides to declare the airport a neutral zone under UNAMIR's control. He initially received such assurances, but before they could be formalized, RGF changed its stand, leaving open the possibility that the airport could become a combat zone.

6. The members of the Council are aware that, despite direct contacts between the two sides under the auspices of UNAMIR on 15 April 1994, which gave some hope for progress towards a cease-fire, the efforts of UNAMIR have so far been fruitless. Both sides have adopted rigid positions, with RPF presenting preconditions that RGF rejects. In this situation, I regretfully have concluded that there is no prospect of a cease-fire being agreed upon in the coming days. Both the violence in the streets and the fighting between RGF and RPF forces continue. This has brought mortar attacks on concentrations of displaced civilians under UNAMIR protection. UNAMIR headquarters also was hit on 19 April, although there were fortunately no casualties.

7. The dedicated personnel of UNAMIR, who have performed courageously in dangerous circumstances, cannot be left at risk indefinitely when there is no possibility of their performing the tasks for which they were dispatched. With the departure of the Belgian contingent and non-essential personnel from other contingents, the reduced strength of military personnel in UNAMIR stood, on 20 April, at 1,515 (from 2,165) and Military Observers at 190 (from 321), for a total of 1,705 (from 2,486).

Options proposed

8. The Council will recall that in response to its request I presented, on 14 April, two broad alternatives for dealing with this highly unstable and unpredictable state of affairs in Rwanda. Both options were predicated on the establishment of a cease-fire, without which it

would be impossible for UNAMIR to continue to perform its responsibilities under its present mandate.

9. The first option was to retain UNAMIR at a reduced strength (that is, without the Belgian contingent) for a limited period of three or four weeks following the cease-fire. The parties would have been required to reach agreement on the restoration of the Arusha process within this period, in which case UNAMIR would resume its role under its mandate. Otherwise, UNAMIR would be withdrawn in its totality.

10. The second option, following the cease-fire, was to withdraw the bulk of UNAMIR, leaving my Special Representative and the Force Commander in Kigali to act as intermediaries for political negotiations for an indefinite period, subject to review by the Security Council, rather than the limited period envisaged in the first alternative. In order to ensure the security of this United Nations team, about 200 to 300 United Nations military personnel would also have remained in Kigali.

11. The two options above were not mutually exclusive. If the efforts under the first had failed to succeed by the end of the stipulated period, it would have been possible to move to the second scenario, instead of withdrawing UNAMIR in its totality.

Observations

12. In the critical situation that continues to prevail, a decision must be reached on whether, and if so, how, the United Nations will maintain its efforts to help a people who have fallen into calamitous circumstances. I offer three alternatives for the Council's consideration.

13. *Alternative I.* The first alternative is predicated on the conclusion, described above, that there is no realistic prospect of the two opposing forces agreeing on an effective cease-fire in the immediate future. Without a cease-fire, combat between them will continue and so will the lawlessness and the massacres of civilians. This situation could only be changed by the immediate and massive reinforcement of UNAMIR and a change in its mandate so that it would be equipped and authorized to coerce the opposing forces into a cease-fire, and to attempt to restore law and order and put an end to the killings. This also would make possible the provision and distribution of humanitarian assistance by humanitarian agencies and non-governmental organizations not only in the capital, but in other parts of the country where the population has been displaced or subjected to deprivation as a result of the violence. Further, the restoration of stability in Rwanda would assist in preventing the repercussions of the violence from spreading to neighbouring countries and leading to regional instability. This scenario

would require several thousand additional troops and UNAMIR may have to be given enforcement powers under Chapter VII of the Charter of the United Nations.

14. In this connection, I should report that the Permanent Representative of Rwanda to the United Nations called on me on 19 April with a plea to reinforce UNAMIR to enable it to end the chaos in his country. In a telephone conversation on 20 April, President Museveni of Uganda urged that UNAMIR be reinforced and retained in Rwanda, and asked me to convey his request to the Security Council. He added that he was attempting to arrange for troop contributions from countries in the region, and that he personally was directing efforts to arrange a cease-fire between RGF and RPF.

15. *Alternative II.* The second alternative would be an amended form of the second option presented to the Security Council on 14 April. In this scenario, a small group headed by the Force Commander, with necessary staff, would remain in Kigali to act as intermediary between the two parties in an attempt to bring them to an agreement on a cease-fire, this effort being maintained for a period of up to two weeks or longer, should the Council so prefer. Additional tasks would include assistance in the resumption of humanitarian relief operations to the extent feasible in this situation. UNAMIR has received assurances from both sides that they will cooperate in such operations, though there can be no certainty that this will be done.

16. The team would require the support of an infantry company to provide security, as well as a number of military observers to monitor the situation, apart from civilian staff, the total being estimated at about 270. The remainder of UNAMIR personnel would be withdrawn, but UNAMIR, as a mission, would continue to exist. The Special Representative, with a small staff, would continue his efforts to resume his role as intermediary in the political negotiations, with the aim of bringing back the two sides to the Arusha peace process.

17. The arrangements outlined above could be terminated at any moment should it appear that the parties were not cooperating at a political level, or if their activities compromised the safety and security of the UNAMIR group in Kigali.

18. The parties are being reminded that, although the United Nations system and humanitarian agencies already have geared up to provide humanitarian relief and assistance, only a limited amount could be distributed in the scenario outlined above. A full relief effort would be impossible without a cease-fire.

19. *Alternative III.* The third alternative, which I do not favour, would be the complete withdrawal of UNAMIR. If the Security Council were to decide on this

option, every effort would be made by UNAMIR to obtain commitments from the two sides that they would take measures to ensure the safety of civilians in the areas under their respective control. However, in view of the extreme nature and dimensions of the violence and mass killings over the last two weeks, there is little ground for hope that effective commitments could be obtained and it must be kept in mind that the consequences of complete withdrawal, in terms of human lives lost, could be very severe indeed. There could also be similar repercussions in neighbouring countries where citizens of the ethnic groups found in Rwanda reside.

20. Ultimately, it is only the parties who signed the Arusha agreement, namely the Government of Rwanda (or its successor) and RPF, who must bear the responsi-

bility for deciding whether their country and people find peace or continue to suffer violence.

21. In presenting this report to the Security Council for its consideration, I would like to express my deep sympathy to the Rwandan families who have lost their relatives in these sad times for their country. I would also like to take this opportunity once again to express my deep condolences to the Government of Belgium and to the families of the 10 Belgian peace-keepers who paid with their lives in the cause of peace. I also would like to record my high commendation to the personnel of UNAMIR, in particular my Special Representative and the Force Commander, for the selfless and courageous dedication with which they have devoted themselves to doing their best for the United Nations in extremely hazardous circumstances.

Document 49

Letter from the Permanent Representative of Bangladesh to the United Nations addressed to the President of the Security Council, assessing the risks to Bangladeshi troops serving in UNAMIR

S/1994/481, 21 April 1994

In the light of Security Council deliberations on the situation in Rwanda, its implications on the role of the United Nations Assistance Mission for Rwanda (UNAMIR) and the periodic consultations undertaken by you with representatives of troop-contributing countries, I have the honour to inform you of the Government of Bangladesh's views on this subject-matter. I should be grateful if you could bring these views to the attention of the members of the Security Council. A copy of this letter is also being addressed to the Secretary-General.

The situation in Rwanda remains chaotic, dangerous and unpredictable. The mandate of the Mission has been drastically altered by events on the ground. The Arusha peace accord process appears to be derailed. Sustained efforts towards negotiating a cease-fire by United Nations representatives have resulted in little or no progress although efforts continue through the Organization of African Unity (OAU). UNAMIR forces, already depleted by the withdrawal of the Belgian contingent, are short of equipment, weapons and ammunition even to protect themselves. They are being drawn into cross-fires between rival factions that could compromise their neutrality. Indeed, a crucial point for consideration by the Council is whether UNAMIR is serving any useful purpose while exposed to the serious danger of a rapidly deteriorating situation.

It is in this broad context that the Government of Bangladesh has assessed the continued participation of its troops in UNAMIR. Its position is as follows:

(a) Bangladesh has placed its contingent in UNAMIR at the disposal of the Secretary-General for peace-keeping operations. It is our expectation that the Secretary-General will assume full responsibility for ensuring their personal safety and security in discharging their mandated responsibility as peace-keepers;

(b) The assessment of the political and security situation on the ground is the responsibility of the Secretary-General;

(c) Under the present political, military and legal circumstances obtaining in Kigali, the Bangladeshi contingent is exposed to unnecessary risk to its life and security. Bangladeshi troops do not even have adequate weapons to defend themselves, if attacked by any organized groups;

(d) If it is decided by the Secretary-General to keep Bangladeshi troops in Rwanda as a part of UNAMIR, then in our view the following should be done:

(i) Their security and safety may be ensured through political means. The fighting factions in Rwanda should make a clear and dependable political commitment to the United Na-

tions or OAU that they will not harm or attack the UNAMIR forces;

- (ii) In the event that the Secretary-General finds the political arrangements in subparagraph (d) (i) above acceptable, then until a new cease-fire can be negotiated, Bangladeshi troops in Rwanda will have to be further reinforced and they must be given the necessary heavy equipment, including artillery and armoured personnel carriers (APCs) to defend themselves, if attacked;

(e) If in the assessment of the Secretary-General, the security and political situation in Rwanda would not permit the safe stay of UNAMIR elements in Rwanda, then the Bangladeshi contingent may be relocated to a nearby country. This would enable the Bangladeshi contingent to return to Rwanda as soon as a new peace accord is signed.

I should be grateful if you would have this letter circulated as a Security Council document.

(Signed) Reaz RAHMAN
Permanent Representative

Document 50

Letter dated 21 April 1994 from the Secretary-General of the Organization of African Unity to the Secretary-General of the United Nations expressing concern over the possible withdrawal of UNAMIR from Rwanda

Not issued as a United Nations document

As the tragedy of Rwanda has continued to unfold, a tragedy which has caused and is causing the loss of thousands of lives, incredible human suffering and misery, and which has certainly brought us all agony and pain, I wish to take this opportunity to give you an up-date of the efforts that we in the Organization of African Unity and the Leaders of the Region have been deploying in a persistent and determined manner, to put an end to the current situation in that country.

But let me at the very outset express to you my sincere appreciation and that of the Organization of African Unity for the efforts being deployed by your Special Representative in Kigali as well as the Commander of the United Nations Force together with the peace-keepers in the country. I wish, in particular, to express to you, Mr. Secretary-General, our appreciation for your own relentless efforts toward the restoration of peace in Rwanda.

I had occasion, in my previous communication, to apprise you of the efforts made by our continental Organization to lend support to the United Nations own efforts in Rwanda aimed at ending the massacres and wanton killings, achieving a cease-fire and the implementation of the Arusha Peace Agreement. I now wish to inform you that in the last few days and, more specifically, in the last 72 hours, these efforts have been intensified.

The President of the United Republic of Tanzania, H.E. Ali Hassan Mwinyi, who is the Facilitator of the

Arusha Peace Process, has called for the convening of a Peace Conference in Arusha, Tanzania, next Saturday, April 23, 1994 to which the United Nations and the OAU have also been invited. The President of Uganda, H.E. Yoweri Museveni, in the last few days, has been particularly active in putting proposals and suggestions to both the Representatives of the Government of Rwanda and the Rwandese Patriotic Front, aimed at bringing to an end the hostilities and massacres, and the implementation of the Arusha Peace Agreement. I myself, as Secretary General of the Organization, have also been meeting and discussing with the Representatives of the Government of Rwanda and the Rwandese Patriotic Front. I have also been in contact with the Presidents of Tanzania and Uganda. All these efforts and, indeed, the efforts made by other leaders of our continent are aimed at ending the conflict in Rwanda.

While these efforts have continued and those made by your own Representatives in the field have also continued, it is a matter of grave concern to the Organization of African Unity and to me personally, to learn that there are some in the Security Council who may be contemplating the possibility of weakening the UNAMIR presence in, or even its total withdrawal from, Rwanda.

It is true that the conflict in Rwanda is essentially an African problem but it is equally true that it has security and humanitarian implications which are clearly of universal concern. The United Nations, which has been involved in the implementation process of the

Arusha Agreement since November last year and has witnessed through UNAMIR, the ongoing unfortunate and tragic developments in Rwanda, is indeed, in a unique position to appreciate the magnitude of the crisis in Rwanda, its security, political and humanitarian dimension as well as its implications for peace, security and stability in the region.

In view of all these factors and bearing in mind the complexity and enormity of the crisis, and cognizant of the primary responsibility of the United Nations Security Council for the maintenance of international peace and security, it would indeed be a tragic irony that at a time when African leaders and the Organization of African Unity are intensifying their efforts in support to those of the United Nations to end the conflict in Rwanda, an impression should be created of reluctance, to (say) nothing of outright withdrawal, on the part of the United Nations from Rwanda. Such a position of the United Nations will certainly be a tremendous let-down to the people of Rwanda, who look up to the International Organization with great hope and expectation. It will clearly not be understood by Africans who might interpret it as a sign of indifference or lack of sufficient

concerns for African tragic situations. This is particularly so when account is taken of the fact that the United Nations is increasingly involved, and rightly so, in situations affecting peace and security in other regions.

The purpose of this communication is, therefore, to share with you these concerns and to express our confident hope that the United Nations will not do anything or take any action which could be misconstrued as abandonment of the people of Rwanda at their hour of need. I appeal to you and through you, to the Security Council, to ensure that the United Nations continues to assume its responsibilities in support of efforts to restore peace in Rwanda, and, indeed, show more determination and resolve in addressing the crisis in that unfortunate country. I am making this appeal not only in my capacity as Secretary General of the OAU, but also as an individual who has great faith and confidence in our world Organization.

Please accept, Mr. Secretary-General, the assurance of my highest consideration.

(Signed) Salim Ahmed SALIM
Secretary General

Document 51

Letter from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council, conveying an appeal by the President of Uganda that UNAMIR maintain its presence in Rwanda

S/1994/479, 21 April 1994

In view of the Security Council's deliberations on the situation in Rwanda, I have the honour to convey to you, in your capacity as President of the Security Council, an urgent plea from my President, H.E. Yoweri Kaguta Museveni.

The Ugandan Government has in a press release already registered its regret at the tragic and untimely death of the Presidents of Rwanda and Burundi. The resulting unrest, insecurity and massacre of innocent civilians has shocked and outraged the international community, and it must stop.

H.E. President Yoweri Museveni wishes to appeal through you to the Security Council that the United Nations Assistance Mission for Rwanda (UNAMIR)

should maintain its presence in the war-torn neighbouring country in order to:

(a) Continue providing humanitarian assistance to the Rwandese people who are in great need;

(b) Facilitate mediation between the warring factions;

(c) Involve regional groupings to continue in the search for a lasting solution, particularly through the implementation of the Arusha peace process.

I should be grateful if you would have the content of this letter circulated as a document of the Security Council.

(Signed) Perezzi KAMUNANWIRE
Permanent Representative

Document 52

Security Council resolution adjusting UNAMIR's mandate and authorizing a reduction in its strength

S/RES/912 (1994), 21 April 1994

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolution 872 (1993) of 5 October 1993, by which it established the United Nations Assistance Mission for Rwanda,

Recalling its resolution 909 (1994) of 5 April 1994, by which it extended the mandate of the Mission until 29 July 1994 with a six-week review provision on the understanding that progress would be made in establishing the transitional institutions provided for under the Arusha Peace Agreement between the Government of Rwanda and the Rwandese Patriotic Front, 1/

Recalling also its presidential statement of 7 April 1994 2/ in which, *inter alia*, it reaffirmed its commitment to the Arusha Peace Agreement and urged all parties to implement it fully,

Having considered the report of the Secretary-General of 20 April 1994, 3/

Stressing that the Arusha Peace Agreement remains central to the peace process in Rwanda,

Expressing deep regret at the failure of the parties to implement fully the provisions of the Arusha Peace Agreement, particularly those provisions relating to the cease-fire,

Recognizing the initiatives made by the late Presidents of Rwanda and Burundi towards resolving the problems in their countries through peaceful means and in collaboration with regional leaders,

Shocked at the tragic incident that resulted in the deaths of the Presidents of Rwanda and Burundi on 6 April 1994,

Appalled at the ensuing large-scale violence in Rwanda, which has resulted in the death of thousands of innocent civilians, including women and children, the displacement of a significant number of the Rwandese population, including those who sought refuge with the Mission, and the significant increase in refugees to neighbouring countries,

Deeply concerned by continuing fighting, looting, banditry and the breakdown of law and order, particularly in Kigali,

Stressing the need for all countries to avoid any action that might exacerbate the situation in Rwanda,

Expressing its deep concern for the safety and security of the Mission and other United Nations personnel, and personnel of non-governmental organizations who

are assisting in implementing the peace process and in distributing humanitarian relief,

1. *Takes note* of the report of the Secretary-General of 20 April 1994;

2. *Expresses regret* at the tragic incident in which the Presidents of Rwanda and Burundi lost their lives, and reiterates its invitation to the Secretary-General to report to the Council as requested in its presidential statement of 7 April 1994;

3. *Expresses regret also* at the ensuing violence which has claimed the lives of the Prime Minister, Cabinet Ministers, government officials and thousands of other civilians;

4. *Condemns* the ongoing violence in Rwanda, particularly in Kigali, which endangers the lives and safety of the civilian population;

5. *Strongly condemns* the attacks against the United Nations Assistance Mission for Rwanda and other United Nations personnel leading to the deaths of and injury to several Mission personnel, and calls upon all concerned to put an end to these acts of violence and to respect fully international humanitarian law;

6. *Demands* an immediate cessation of hostilities between the forces of the Government of Rwanda and the Rwandese Patriotic Front and an end to the mindless violence and carnage engulfing Rwanda;

7. *Commends* the active role of the Special Representative of the Secretary-General and of the Force Commander of the Mission to bring about a cease-fire and to mediate between the parties in order to bring about the earliest resolution of the Rwandese crisis;

8. *Decides*, in the light of the current situation in Rwanda, to adjust the mandate of the Mission as follows:

(a) To act as an intermediary between the parties in an attempt to secure their agreement to a cease-fire;

(b) To assist in the resumption of humanitarian relief operations to the extent feasible;

1/ Peace Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, signed at Arusha, United Republic of Tanzania, on 4 August 1993; see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26915.

2/ S/PRST/1994/16.

3/ See *Official Records of the Security Council, Forty-ninth Year, Supplement for April, May and June 1994*, document S/1994/470.

(c) To monitor and report on developments in Rwanda, including the safety and security of the civilians who sought refuge with the Mission;

and authorizes a force level as set out in paragraphs 15 to 18 of the report of the Secretary-General of 20 April 1994 for that purpose;

9. *Decides* to keep the situation in Rwanda under constant review, and states its readiness to consider promptly any recommendations which the Secretary-General may make concerning the force level and mandate of the Mission in the light of developments;

10. *Reiterates* the crucial importance of the full implementation of the Arusha Peace Agreement 1/ to the settlement of the Rwandese conflict, and invites the Organization of African Unity to continue to cooperate fully with the United Nations in this regard;

11. *Commends* the efforts made by the leaders of the subregion at finding a solution to the crisis in Rwanda, and calls on the leaders of the region, especially the facilitator of the Arusha peace process, to persevere

and intensify their efforts, in cooperation with the Organization of African Unity and the United Nations;

12. *Reaffirms* that the Arusha Peace Agreement remains the only viable framework for the resolution of the Rwandese conflict and serves as the basis for peace, national unity and reconciliation in the country, and calls upon the parties to renew their commitment to the Agreement;

13. *Also calls upon* the parties to cooperate fully in ensuring the unimpeded delivery of humanitarian assistance to all in need throughout Rwanda, and in this regard appeals to the international community to provide increased humanitarian assistance commensurate with the scale of the human tragedy in Rwanda;

14. *Affirms its commitment* to preserving the unity and territorial integrity of Rwanda;

15. *Invites* the Secretary-General to continue to monitor the events in Rwanda and to report fully to the Council on the evolving situation not later than fifteen days after the adoption of the present resolution;

16. *Decides* to remain actively seized of the matter.

Document 53

Letter dated 27 April 1994 from the Secretary-General of the United Nations to the Secretary-General of the Organization of African Unity concerning the adjustment to UNAMIR's mandate

Not issued as a United Nations document

I thank you for your letter of 21 April 1994 in which you describe the efforts made by the Organization of African Unity (OAU) and the leaders of the Region to restore peace in Rwanda and end the appalling suffering there.

As you know, the United Nations has always considered cooperation with the OAU as a priority in the pacific settlement of disputes in Africa in general and in Rwanda in particular. As early as 12 March 1993, in its resolution 812 (1993) the Security Council invited the Secretary-General to "examine in consultation with the OAU the contribution that the United Nations, in support of the OAU's efforts, could bring to strengthen the peace process in Rwanda." All Security Council resolutions on Rwanda since then have urged the Secretary-General to coordinate his efforts closely with those of the OAU.

Since the tragic incident of 6 April in which the Presidents of Rwanda and Burundi lost their lives, the Security Council has kept the situation in Rwanda under constant review at almost daily consultations. On 20 April it adopted resolution 912 (1994) unanimously. As several Council members pointed out, the resumption of

fighting changed completely the environment in which the United Nations Assistance Mission for Rwanda (UNAMIR) was trying to carry out its mission of supporting implementation of the Arusha Peace Agreement.

Despite this tragic development, the United Nations hoped for a moment that the efforts of my Special Representative and of the Force Commander would bring about an early cease-fire and permit the peace process to continue. Only when it became clear that an early cease-fire would not be forthcoming did the Security Council take the decisions contained in resolution 912 (1994).

With regard to these decisions, you will have noted the three alternatives I offered the Council in my report S/1994/470 of 20 April 1994 and my recommendation that it not adopt alternative III, which involved the complete withdrawal of UNAMIR.

The first alternative that I proposed entailed an immediate and massive reinforcement of the Mission and a change in its mandate that it would be authorized to coerce the opposing forces into a cease-fire and restore law and order. However, it did not command the neces-

sary support in the Council despite intensive efforts by members of the Non-Aligned Movement.

The Council eventually adopted the remaining alternative and decided to maintain a reduced United Nations presence in Rwanda. It is my fervent hope that the reduced UNAMIR will be able to facilitate the negotiation of a cease-fire following which the United Nations could try to relaunch the peace process.

Against this background, the Organization of African Unity and the neighbouring countries may rest assured of the United Nations' determination to spare no effort in our common endeavour to bring to an end the carnage in Rwanda and to revive the Arusha Agreement.

Please accept, Mr. Secretary-General, the assurances of my highest consideration.

(Signed) Boutros BOUTROS-GHALI

Document 54

Letter from the Secretary-General to the President of the Security Council requesting that the Council re-examine the revised mandate given to UNAMIR in resolution 912 (1994) and consider what action it could take in order to restore law and order in Rwanda and end the massacres

S/1994/518, 29 April 1994

I regret to have to inform you that the Force Commander of the United Nations Assistance Mission for Rwanda (UNAMIR) has reported a further deterioration of the situation in Kigali and other parts of Rwanda.

The capital city is effectively divided into sectors controlled by the Rwanda Government Forces (RGF) and the Rwandese Patriotic Front (RPF) respectively, with frequent exchanges of artillery and mortar fire between the two sides. UNAMIR reports strong evidence of preparations for further massacres of civilians in the city and there are several large concentrations of civilians who fear for their lives but enjoy little effective protection. Massacres continue on a large scale in the countryside, especially in the south.

A new complication is that in recent days both sides have begun to express lack of confidence in UNAMIR's impartiality and this is affecting their cooperation with my Special Representative and the Force Commander.

These developments raise serious questions about the viability of the revised mandate which the Security Council gave to UNAMIR by resolution 912 on 21 April 1994. In particular, it has become clear that that mandate does not give UNAMIR the power to take effective action to halt the continuing massacres. At best it can provide limited protection to small groups of threatened persons in the city of Kigali and it would be unable to save them if a new wave of massacres were to start. According to some estimates, as many as 200,000 people may have died during the last three weeks. This humanitarian catastrophe is rightly a matter of growing anguish in Africa and

the rest of the world and demands urgent action by the international community.

In considering what action should be taken, it has to be recognized that the disastrous incident of 6 April which caused the deaths of the Presidents of Rwanda and Burundi has had two consequences which require different responses from the international community. First, that incident sparked a resumption of fighting between the Rwanda Government Forces (RGF) and the Rwandese Patriotic Front (RPF). Secondly, it reawakened deep-rooted ethnic hatreds, which have plagued Rwanda in the past and which have again led to massacres of innocent civilians on a massive scale.

The revised mandate which the Security Council gave to UNAMIR in resolution 912 on 21 April is an adequate response to the first of these consequences. My Special Representative and the Force Commander have been making strenuous efforts to help the parties agree to a cease-fire and a return to implementation of the Arusha Accord. Those efforts have not yet succeeded but the present mandate and strength of UNAMIR are sufficient for them to continue.

The events of the last few days have confirmed, however, that UNAMIR's revised mandate is not one which enables it to bring the massacres under control. Some of these have been the work of uncontrolled military personnel but most of them have been perpetrated by armed groups of civilians taking advantage of the complete breakdown of law and order in Kigali and many other parts of Rwanda. It has become clear that the horrors for which they are responsible can be ended only

if law and order is restored, a task which is far beyond UNAMIR's present capacity.

In these circumstances, I urge the Security Council to re-examine the decisions which it took in resolution 912 and to consider again what action, including forceful action, it could take, or could authorize Member States to take, in order to restore law and order and end the massacres. In making this recommendation, I am of course aware that such action would require a commitment of human and material resources on a scale which

Member States have so far proved reluctant to contemplate. But I am convinced that the scale of human suffering in Rwanda and its implications for the stability of neighbouring countries leave the Security Council with no alternative but to examine this possibility.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Document 55

Statement by the President of the Security Council condemning the slaughter of civilians in Kigali and other parts of Rwanda

S/PRST/1994/21, 30 April 1994

The Security Council is appalled at continuing reports of the slaughter of innocent civilians in Kigali and other parts of Rwanda, and reported preparations for further massacres. It endorses the concern expressed by the Central Organ for Conflict Prevention, Management and Resolution of the Organization of African Unity (OAU) that the massacres and wanton killings have continued unabated in a systematic manner in Rwanda. It recalls that such killings have already been condemned by the Security Council in its resolution 912 (1994) of 21 April 1994.

Attacks on defenceless civilians have occurred throughout the country, especially in areas under the control of members or supporters of the armed forces of the interim Government of Rwanda. The Security Council demands that the interim Government of Rwanda and the Rwandese Patriotic Front take effective measures to prevent any attacks on civilians in areas under their control. It calls on the leadership of both parties to condemn publicly such attacks and to commit themselves to ensuring that persons who instigate or participate in such attacks are prosecuted and punished.

The Security Council condemns all these breaches of international humanitarian law in Rwanda, particularly those perpetrated against the civilian population, and recalls that persons who instigate or participate in such acts are individually responsible. In this context, the Security Council recalls that the killing of members of an ethnic group with the intention of destroying such a group in whole or in part constitutes a crime punishable under international law.

The Security Council reiterates the demand in its resolution 912 (1994) for an immediate cease-fire and cessation of hostilities between the forces of the interim Government of Rwanda and the Rwandese Patriotic Front.

It commends the efforts by the Special Representative of the Secretary-General and the Force Commander of the United Nations Assistance Mission for Rwanda (UNAMIR) to mediate such an outcome, and requests them to continue their efforts in liaison with countries of the region and the OAU. It also commends the courage and determination of UNAMIR personnel in affording protection to civilians who sought refuge with UNAMIR.

The Security Council welcomes the efforts that have been made by countries of the region, with the assistance of the Organization of African Unity, to bring about an end to the fighting and the killings in Rwanda. It also commends the efforts of States, United Nations agencies, and non-governmental organizations to provide emergency humanitarian assistance to the suffering people of Rwanda.

The Security Council is deeply concerned at the situation of the many thousands of refugees and displaced persons who have been forced to flee the fighting and killings in Rwanda.

The Security Council calls on all States to assist the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian and relief agencies operating in the area in meeting the urgent humanitarian needs in Rwanda and its bordering States. The Council calls on States bordering Rwanda, working with the OAU, to provide appropriate protection to refugees and to facilitate transfer of goods and supplies to meet the needs of the displaced persons within Rwanda.

The Security Council calls on all Rwandan parties to guarantee the protection of displaced persons and refugees in Rwanda and refugees outside Rwanda and to ensure safe passage for humanitarian assistance.

The Security Council underlines the urgent need for coordinated international action to help bring peace to Rwanda and to alleviate the suffering of the Rwandan people. It requests the Secretary-General, in consultation with the Secretary-General of the OAU and countries of the region, to take appropriate measures to ensure that international efforts to assist the situation in Rwanda are carried out in an effective and coordinated manner, and to ensure that all relevant parties are kept fully informed.

The Security Council emphasizes the importance of Kigali airport for the provision of international relief efforts to Rwanda, as well as for the requirements of UNAMIR. It calls on the parties to allow the airport to be kept open at all times for such purposes.

The Security Council stresses the importance of ensuring that the situation in Rwanda does not affect adversely the security and stability of neighbouring countries.

The Security Council warns that the situation in Rwanda would be further seriously aggravated if either of the parties were to have access to additional arms. It appeals to all States to refrain from providing arms or any military assistance to the parties to the conflict. It states its willingness in principle to consider promptly the application of an arms embargo to Rwanda.

The Security Council reaffirms its commitment to preserving the unity and territorial integrity of Rwanda. It reiterates its conviction that the Arusha Peace Agreement remains the only viable framework for the resolution of the Rwanda conflict and serves as the basis for peace, national unity and reconciliation in the country. It calls again on the parties to renew their commitment to this Agreement.

The Security Council requests the Secretary-General:

(a) in consultation with the Secretary-General of the OAU, to report further on action which may be undertaken with a view to assisting in the restoration of law and order in Rwanda and in providing security for displaced persons;

(b) to work with UNHCR, the OAU and countries of the region to take such preventive diplomatic steps as may be necessary to prevent the spread of violence and atrocities to neighbouring countries;

(c) to explore urgently ways of extending humanitarian relief assistance to refugees and displaced persons;

(d) to consult UNHCR on measures to provide humanitarian assistance to those displaced persons congregated along the borders with Tanzania, Uganda, Zaire and Burundi;

(e) to bring to its attention any information that he might receive concerning arms flows into Rwanda, and to consult the countries of the region and the OAU about the practical implementation of an arms embargo on Rwanda; and

(f) to make proposals for investigation of the reports of serious violations of international humanitarian law during the conflict.

The Security Council states its intention to consider urgently the letter of the Secretary-General dated 29 April 1994 (S/1994/518) and further recommendations that the Secretary-General may provide.

Document 56

Letter from the Chargé d'affaires a.i. of the Permanent Mission of the United Republic of Tanzania to the United Nations addressed to the President of the Security Council, transmitting a statement by the Tanzanian President, dated 1 May 1994, on the situation in Rwanda

S/1994/527, 2 May 1994

I have the honour to transmit herewith the statement of His Excellency Ali Hassan Mwinyi, President of the United Republic of Tanzania, dated 1 May 1994 on the situation in Rwanda.

I should be grateful if you would have the statement circulated as a document of the Security Council.

(Signed) Ulli K. MWAMBULUKUTU
Chargé d'Affaires a.i.

Annex

Talking notes by H.E. President Ali Hassan Mwinyi, to the group of ambassadors and high commissioners of the members of the United Nations Security Council and Observers to Rwanda peace talks

State House, 1 May 1994

I wish to thank you most sincerely for attending this meeting at short notice and on the weekend.

2. I have called you here this morning to express our grave concern and to exchange views on what to do concerning the continuing massacres in Rwanda.

3. The last three weeks have been particularly tragic for Rwanda and the subregion. As you know, the plane crash that resulted in the deaths of Presidents Habyarimana of Rwanda and Ntayamira of Burundi, set off a torrent of wanton massacres of innocent civilians.

4. Rwanda has since been bleeding and the region and Africa, as a whole, have been tormented by cries of innocent orphans, babies, women, the elderly and the helpless in general.

5. The last few days have witnessed a human chain of refugees crossing into Tanzania. As the counting continues, Tanzania expects to be home to about 500,000 new refugees from Rwanda, let alone a similar number my country has received from Burundi. It is a human tragedy of the highest magnitude; it is an affront to humanity.

6. Yet, at the height of the conflict in Rwanda and in the face of the horrors of the massacres, and as if the tragedy was of no concern to the international community, the United Nations Security Council passed resolution 912, downgrading the size of the UNAMIR from 2,500 to 270. This was one of the most unfortunate decisions by the United Nations Security Council and stands in sharp contrast to the peace-keeping efforts of the United Nations elsewhere.

7. Your Excellencies, amid all these disappointments from the United Nations, the countries of the region have continued to search for peace in Rwanda. As you know, last week we tried to arrange for peace talks in Arusha. These talks could not take place as the Representatives of the Interim Government of Rwanda failed to show up. The Rwanda Patriotic Front Representative also was not ready to negotiate.

8. However, after tireless consultations with neighbouring States and the parties to the conflict in Rwanda, I am happy to announce that both the Interim Government of Rwanda and the Rwanda Patriotic Front have agreed to attend peace talks in Arusha next Tuesday.

9. I wish to ask for your support at this crucial hour of tragedy in Rwanda.

10. Tanzania believes that failure to implement the Arusha Peace Agreement signed in Arusha last year is what has led Rwanda to the present tragedy.

11. Tanzania strongly believes that:

(1) The tragedy in Rwanda has once again demonstrated that traditional United Nations peace-keeping methods have outlived their utility. Where the very survival of humanity is at stake, where the outbreak and level of violence reaches enormous proportions to threaten the very fabric of human civilization and where ethnic conflicts might threaten international peace, the United Nations must be able to act *promptly* and *decisively*, including the possibility of stopping arms flow into Rwanda;

(2) We must have a cease-fire in Rwanda as soon as possible;

(3) Massacres must stop and any type of ethnic cleansing in Rwanda must stop. Tanzania calls upon the United Nations to take firm action to stop senseless killings;

(4) Tanzania wishes to express full support for the statement issued by the OAU Secretary General, Dr. Salim, calling for the United Nations to take firmer action on Rwanda and to increase the size of the peace-keeping force in that country;

(5) We also strongly support the most recent request of the United Nations Secretary-General to the United Nations Security Council calling for a review of resolution 912 which downsized the United Nations force in Rwanda, and we find the statement of the President of the Security Council in this regard most encouraging;

(6) Tanzania wishes to draw the attention of the United Nations and the international community at large to the urgency of the situation in Rwanda and the obligation of the international community—

(a) To arrange for emergency relief for internally displaced persons in Rwanda;

(b) To provide assistance to refugees who have crossed into Tanzania. This country alone is unable to handle this human tragedy.

12. Your Excellencies, the human family of nations must not only condemn the tragedy in Rwanda. It must also seek to change the situation in such a way that a more peaceful and dignified Rwanda emerges. That new Rwanda, in which everyone can live in peace, awaits us. That Rwanda and the subregion beckons to us. It is a resolution of the conflict we must strive to achieve.

I wish to thank you.

Document 57

Letter dated 2 May 1994 from the Secretary-General of the United Nations to the Secretary-General of the Organization of African Unity concerning requests to African countries for support in restoring law and order in Rwanda

Not issued as a United Nations document

As indicated in my letter of 29 April 1994 to the President of the Security Council, a copy of which is attached for your attention [see Document 54], the situation in Rwanda has deteriorated over the past few days to the point that urgent action is required.

It is in that context that the Security Council unanimously authorized its President to issue the attached statement which requests the Secretary-General of the United Nations, *inter alia*, "in consultation with the Secretary-General of the OAU, to report further on action which may be undertaken with a view to assisting in the restoration of law and order in Rwanda and in providing security for displaced persons."

In order for me to make the appropriate recommendation to the Security Council, I have written to the Presidents of Botswana, Cameroon, Cape Verde, Côte d'Ivoire, Egypt, Ethiopia, Ghana, Guinea, Guinea-Bissau, Kenya, Malawi, Mauritania, Morocco, Namibia, Nigeria, Senegal, Tanzania, Tunisia, Zambia and Zimbabwe

to appeal for their support in this regard including, in particular, an indication of whether their countries could contribute troops to a regional effort to restore law and order in Rwanda, provide security for displaced persons and facilitate the delivery of humanitarian assistance to them.

I have also said in my letters that when I have received replies from the leaders to whom I have written I shall be ready to recommend to the Security Council that it consider ways through which the United Nations could assist such a regional effort.

I look forward to cooperating with you, Mr. Secretary-General, in this matter and I should be grateful if you could undertake such follow-up action as you deem appropriate.

Please accept, Mr. Secretary-General, the assurances of my highest consideration.

(Signed) Boutros BOUTROS-GHALI

Document 58

Letter dated 2 May 1994 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, urging the strengthening of UNAMIR and other steps to help stabilize the situation in Rwanda

S/1994/531, 3 May 1994

On instructions from the Rwandese Government, I have the honour to draw the attention of the Security Council to the need to envisage immediate action to halt the hostilities that are taking many human lives and causing material and other damage that is out of all proportion.

The persistent refusal of the Rwandese Patriotic Front (RPF) to consent to a cease-fire reflects its determination to give precedence to the logic of the hostilities generated by its war machine, which is fed by military assistance massively sustained through the supply of military support in men and *matériel*, which it receives, thus presenting a challenge to the United Nations Observer Mission Uganda-Rwanda (UNOMUR).

By this obstruction, the Rwandese Patriotic Front is trying to undermine the pacification process and is perpetuating the situation of violence, which it is exacerbating by the large-scale massacres which it is carrying out, particularly in the north, at Kigali, as well as in other parts of the country, where it sometimes operates using uniforms of the Rwandese army that it has had since the beginning of the war in October 1990.

In this regard, the Government requests the Council to denounce and condemn all these ignoble acts which have provoked during the last two days a movement of hundreds of thousands of people fleeing the massacres of RPF, particularly in Kibungo prefecture, in view of the

fact that the Rwandese Patriotic Front is doing everything in its power to stop these people crossing the border to Tanzania, while the avowed and consummate objective is to liquidate them all, simply because they are ethnic Hutus.

It should also be recalled that in 1991 the Rwandese Patriotic Front systematically murdered more than 100,000 (one hundred thousand) people and caused the forcible internal displacement of approximately 300,000 (three hundred thousand) others.

Furthermore, it will be recalled that in February-March 1993, the Rwandese Patriotic Front massacred 150,000 (one hundred and fifty thousand) people in cold blood and forced more than a million others to leave their property.

Moreover, since the assassination of the Rwandese Head of State on 6 April 1994, several tens of thousands of people have been killed by the Rwandese Patriotic Front, and soon three million people will have been displaced from their property.

This situation, which is accompanied by atrocious violence in Rwanda, must cease.

In these circumstances and in order to put an end to this tragedy, the Rwandese Government believes that the Security Council should:

1. Demand an immediate and unconditional cease-fire, such as the Rwandese Government has constantly called for;
2. Put an end to the aggression against Rwanda and, to this end, request, for urgent action, the report of the United Nations Observer Mission Uganda-Rwanda concerning the military assistance given to RPF, without which it would have accepted dialogue and negotiation;
3. To envisage measures to induce RPF to think in terms of peace and compel it to accept the cease-fire;
4. To invite the international community to assist the Rwandese Government in continuing the process of pacification and to aid the refugees and the people displaced by the war and the violence, as well as the famine-stricken population.

The Rwandese Government believes that the stabilization of the situation requires imperatively the strengthening of the United Nations Assistance Mission

for Rwanda (UNAMIR), whose staff were reduced, whereas the situation created by the hostilities and violence called rather for a substantial increase of human, material and logistic supplies at the operation's disposal.

It is in this context that Rwanda places and salutes the initiative of the Secretary-General, Dr. Boutros Boutros-Ghali, contained in his letter of 29 March 1994 (S/1994/518), which, in the view of the Rwandese Government, requires urgent follow-up by the Council with a view to authorizing the increase in the resources of UNAMIR, with the mandate to:

- Ensure respect for the cease-fire by means of an interposed force;
- Contribute to the protection of the civilian population;
- Assist the police forces in re-establishing security in the country, by an enhanced UNAMIR presence;
- Ensure the security of humanitarian relief operations.

It remains understood that the strengthened UNAMIR is to play the determining role in ensuring the resumption and success of the peace process, and, in this regard, the Rwandese Government reiterates its devotion to peace, dialogue and observance of the Arusha peace agreement signed on 4 August 1993.

The strengthening of UNAMIR should also be accompanied by an increase in the staff and capacity of UNOMUR, so as to enable it to contribute effectively to stability in the region.

Lastly, the Rwandese Government offers its full cooperation for the success of the operation, which should be envisaged without delay, with respect for the principle of the sovereignty and institutions of the Rwandese State.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Jean-Damascène BIZIMANA
Ambassador
Permanent Representative of Rwanda
to the United Nations

Document 59

Letter from the Secretary-General to the President of the Security Council informing the Council that the Secretary-General has requested the OAU Secretary-General and leaders of African countries which previously contributed troops to United Nations military operations to consider ways in which they could assist in the restoration of law and order in Rwanda

S/1994/530, 3 May 1994

I have the honour to refer to the statement issued by the President of the Security Council on 30 April 1994 (S/PRST/1994/21) in which the Council, *inter alia*, requested me, in consultation with the Secretary-General of the Organization of African Unity (OAU), to report further on action which may be undertaken with a view to assisting in the restoration of law and order in Rwanda and in providing security for displaced persons.

On 30 April, before leaving on my official tour abroad, I personally spoke to His Excellency President Hosni Mubarak, Chairman in Office of OAU, about the matter. I have also addressed messages to him as well as to the Secretary-General of OAU and to leaders of a number of African countries who have contributed

troops to existing or previous United Nations military operations, requesting them to consider in what way they could assist in the restoration of law and order in Rwanda and, in particular, whether they could contribute troops to a regional effort to that end. I have conveyed to them that I would be prepared to make appropriate recommendations to the Security Council in the light of their responses in order that the United Nations may examine in what way the Organization can help the efforts of the countries of the region.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Document 60

Letter from the President of the Security Council to the Secretary-General requesting that he provide contingency plans for the delivery of humanitarian assistance and support for displaced persons in Rwanda

S/1994/546, 6 May 1994

The members of the Security Council have considered your two letters of 29 April 1994 (S/1994/518) and 3 May 1994 (S/1994/530) on the situation in Rwanda.

The members of the Council commend you, your Special Representative, the Force Commander and the personnel of the United Nations Assistance Mission in Rwanda (UNAMIR) for the exemplary manner in which you have all continued to carry out your respective tasks, under very difficult circumstances.

The members of the Council have agreed that in view of the unabated hostilities and killings, urgent and effective means of action be considered. In order to do so, they have asked me to request you to provide in the first instance indicative contingency planning with regard to the delivery of humanitarian assistance as well as support to the displaced persons in Rwanda.

The Council may, at a later stage and as the situation develops, request from you a further indication as to what would be required in terms of logistics and financial implications of an expanded United Nations or international presence in Rwanda and/or neighbouring countries capable of assisting the parties in Rwanda, monitoring of a cease-fire and contributing to the resumption of the peace process under the Arusha Peace Agreement.

The members of the Council do not expect at this stage any firm or definitive recommendations from your office, since, as we understand, consultations with regard to future United Nations courses of action are ongoing.

(Signed) Ibrahim A. GAMBARI
President of the Security Council

Document 61

Report of the Secretary-General on the situation in Rwanda, noting that for UNAMIR to provide safe conditions for persons in need and to assist in the provision of humanitarian assistance, the mission would need to be expanded to at least 5,500 troops and be rapidly deployed

S/1994/565, 13 May 1994

I. Introduction

1. The present report is submitted in response to the letter of the President of the Security Council of 6 May 1994 (S/1994/546), requesting me to provide indicative contingency planning with regard to the delivery of humanitarian assistance as well as support to displaced persons in Rwanda.

2. It will be recalled that the resumption of the civil conflict following the tragic events of 6 April 1994, and the ensuing violence and massacres, created a situation that called into question the ability of the United Nations Assistance Mission for Rwanda (UNAMIR) to carry out its mandate under Security Council resolution 872 (1993) of 5 October 1993. Hence, with Council resolution 912 (1994), adopted on 21 April 1994, the Security Council authorized the adjustment of UNAMIR's mandate (a) to act as an intermediary between the parties in an attempt to secure their agreement to a cease-fire; (b) to assist in the resumption of humanitarian relief operations to the extent feasible; and (c) to monitor and report on developments in Rwanda, including the safety and security of the civilians who sought refuge with UNAMIR. In compliance with resolution 912 (1994), the force was sharply reduced, and now stands at 444, all ranks, in Rwanda, and 179 military observers at Nairobi pending repatriation or redeployment to the Mission. Reductions to the authorized level have been suspended pending the outcome of the ongoing consideration by the Council.

3. The situation in Rwanda remains highly unstable and insecure, with widespread violence. Combat between the Rwandese government forces and the Rwandese Patriotic Front (RPF) continues, even though both the Rwandese government forces and RPF have separately expressed their readiness to enter into a cease-fire. The Rwandese government forces controls the west and south-western parts of Rwanda, while RPF is in control of the northern and eastern parts of the country, as well as areas in the south-east. The capital, Kigali, is divided between the Rwandese government forces and

RPF, but the front line is fluid and changing as military actions continue. The Rwandese government forces continue to control the airport but hostilities in its vicinity interrupt its operations from time to time. Armed militia and other unruly elements continue to operate, although less frequently than at the beginning of the conflict, killing and terrorizing innocent civilians. It is estimated that nearly 2 million persons have been displaced, seeking safer places within Kigali, in various regions of the country and in border areas in neighbouring countries, principally the United Republic of Tanzania. Under these conditions, a major humanitarian crisis has developed.

II. Political aspects

4. In accordance with resolution 912 (1994), and in support of the efforts of the Organization of African Unity (OAU), the United Republic of Tanzania, in its capacity as the facilitator of the Arusha peace process, and other interested parties, my Special Representative, Mr. Jacques-Roger Booh-Booh, and the UNAMIR Force Commander, Major-General Romeo Dallaire, have undertaken, both inside Rwanda and at Arusha, all possible efforts since the resumption of the conflict to bring about a cease-fire agreement between the parties. Unfortunately, their efforts have been of no avail, but they are determined to persevere. Obviously, a cease-fire agreement is the first step in establishing a stable and secure environment in the country, thus allowing the organized, coordinated and secure delivery of humanitarian assistance and the reactivation of the Arusha peace process. In the prevailing conditions, however, it is essential that the United Nations consider what measures it can take even before a cease-fire is achieved.

III. Humanitarian aspects

5. Given the pace of developments and the security situation, it has not been possible to assess accurately the humanitarian situation in Rwanda. However, early reports indicate that there are 250,000 displaced persons

in the north, 65,000 in the east, and 1,200,000 in the south and south-west. Although there are some concentrations, the internally displaced appear to be widely scattered. At Kigali itself, some 30,000 displaced persons have taken refuge in public places and religious sanctuaries, where they are running out of food, water and basic medical supplies. The Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that 80,000 of the original 272,000 refugees from Burundi have remained in Rwanda. This situation is complicated by the fact that, prior to the war, some 1.2 million drought-affected people in the south who required emergency food assistance had been identified. In neighbouring countries, the Rwandese refugee population is estimated at more than 300,000, and UNHCR reports that as many as 1,500 refugees continue to arrive daily in the United Republic of Tanzania. It is most important that the basic humanitarian needs of these populations are met as soon as possible.

6. The Department of Humanitarian Affairs of the Secretariat has established the United Nations Rwanda Emergency Office (UNREO), in collaboration with the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), UNHCR, the World Food Programme (WFP), the World Health Organization (WHO) and the Food and Agriculture Organization of the United Nations (FAO). The office, temporarily located at Nairobi, has overall responsibility for coordinating humanitarian relief activities, including the prepositioning of relief supplies. Close coordination with the non-governmental organizations (NGOs), other international organizations and bilateral donors concerned is an essential part of the work of the office. An advance humanitarian assistance team has been positioned at Kigali to work with UNAMIR in carrying out humanitarian operations and to advise in the expansion of activities where the situation permits. Other sub-offices in Rwanda or neighbouring countries are envisaged. A "flash" appeal covering immediate emergency assistance needs totalling about \$16 million was issued on 25 April 1994.

7. In spite of the difficulties, limited emergency operations have been initiated. For example, medical and nutritional supplies from UNICEF have been distributed in Kigali. WFP has been able to deliver more than 500 tons of food in the north and 840 tons in the south. Currently, three NGOs are active in Rwanda. Médecins sans Frontières is active in the north and Médecins du Monde is active in the south. The International Committee of the Red Cross (ICRC) has remained without inter-

ruption in Rwanda, focusing on emergency medical care and carrying out food deliveries in the north and south and in Kigali. UNAMIR has assisted in the delivery of food and other relief supplies to displaced persons in the Kigali area and has provided security for the activities of the advance team and NGOs. UNHCR is responding to the needs of refugees in neighbouring countries.

8. The United Nations humanitarian organizations, in consultation with UNAMIR and ICRC, have agreed on the following principles, which should serve as the basis for humanitarian operations in Rwanda:

(a) Ensuring the security of relief staff (both national and international), the beneficiaries of relief assistance and of the relief materials themselves;

(b) Joint identification by the responsible authorities and the respective United Nations humanitarian organizations of distribution sites;

(c) Clear identification of interlocutors from the side of the authorities for the humanitarian aid organizations to liaise with regarding humanitarian operations, both at a central level as well as at the field level;

(d) Acceptance by the responsible authorities of the monitoring and reporting responsibilities of the United Nations organizations regarding the distribution and use of relief materials;

(e) An understanding that aid should be provided based on need, regardless of race, ethnic group, religion or political affiliation.

9. These principles have been submitted to the Rwandese government forces and RPF authorities for approval. The Rwandese government forces have formally notified the Humanitarian Coordinator of its agreement. RPF has also agreed to these principles.

10. While it is too early to present fully developed operational plans for the distribution of humanitarian assistance in Rwanda, the basic effort will be to respond to the urgent needs of all affected persons in all parts of the country whenever conditions so permit. With the consent of appropriate authorities in neighbouring countries, it is envisaged that extensive cross-border operations will be utilized to transport relief supplies. The detailed operational plans will take into account the need to avoid, as far as possible, further displacement of the population. The objective will be to deliver assistance to the distressed in their existing locations, provided that these sites can be made secure.

IV. Concept of operations

11. In his letter of 6 May 1994 (S/1994/546), the President of the Security Council informed me that, in view of the unabated hostilities and killings taking place in Rwanda, urgent and effective means of action must be considered. This would require that the Council decide upon an expanded mandate under which UNAMIR would support and provide safe conditions for displaced persons and other groups in Rwanda who have been affected by the hostilities or are otherwise in need, and assist in the provision of assistance by humanitarian organizations. The efforts of UNAMIR in this regard would be coordinated with those of the humanitarian organizations operating in Rwanda and/or engaged in assisting Rwandese refugees in neighbouring countries. The mission, as it would function under this amended mandate, is referred to herein as UNAMIR II.

12. UNAMIR II would provide security assistance to humanitarian organizations in their programmes for distribution of relief supplies. UNAMIR II would establish access to sites where displaced and other affected persons are concentrated and could assure their protection. Such protected sites would include areas inside Rwanda along the border with neighbouring States where refugees and displaced persons are concentrated. All protected sites would be patrolled and monitored by UNAMIR II, in cooperation with the local authorities wherever possible. At the same time, UNAMIR II would devote equal attention to the needs of displaced persons in the interior of the country and would provide escorts to relief convoys and security to United Nations installations there.

13. UNAMIR II would monitor border crossing points as operationally required, as well as the deployment of the parties in conflict, in order to assure the effective conduct of UNAMIR II operations.

14. Kigali airport is the most practical point of entry into the country and is therefore important for the induction of personnel, equipment and humanitarian relief goods. The parties would be expected to establish the airport as a "neutral zone" under the exclusive control of the United Nations before commencement of the deployment of the expanded force. However, if continued fighting prevents this, UNAMIR II would use other points of entry and resupply, such as secondary airstrips within the country. In addition, UNAMIR II would establish lines of communication, deployment and supply routes by land through neighbouring countries, particu-

larly for the resupply of those protected sites located on Rwanda's borders.

A. Rules of engagement

15. UNAMIR II's rules of engagement do not envisage enforcement action. The Mission would depend primarily on deterrence to carry out its tasks. However, UNAMIR II may be required to take action in self-defence against persons or groups who threaten protected sites and populations and the means of delivery and distribution of humanitarian relief.

B. Force structure

16. In order to execute its mandate, UNAMIR II must be composed of a credible, well-armed and highly mobile force. The size of the force is determined also by the size and terrain of the area of operation, which is land-locked, difficult and mountainous with very limited infrastructure. With these criteria, it is estimated that a minimum viable force of approximately 5,500 troops, including 5 infantry battalions, will be required to carry out the tasks described above. Readjustment of the size of the force may be necessary as the situation evolves.

17. The composition of the force would therefore include:

(a) A force headquarters of approximately 219 personnel, built around the nucleus of the present headquarters, would include a supporting military signals/communication squadron. The force headquarters would continue to operate at Kigali;

(b) Five battalions (approximately 4,000 personnel) comprising two mechanized battalions and three motorized battalions, each of which would have a mechanized company;

(c) A force support battalion of approximately 721 personnel, which would provide logistical, maintenance, and medical service, and would include an engineer company capable of undertaking tasks such as mining clearance, bomb disposal and the rehabilitation of essential roads, bridges and the other infrastructure, as required by UNAMIR II to carry out its mandate;

(d) A helicopter squadron of approximately 110 personnel and 16 helicopters;

(e) A military police force of approximately 50 personnel would provide internal force security;

(f) A military observer group of 320 officers would conduct the humanitarian security monitoring, liaison and escort-duty tasks throughout the area of operation, including at the border areas if necessary;

(g) A force of 90 United Nations civilian police would be deployed in a similar fashion to the military observers, but would be dedicated to maintaining liaison with the local civilian authorities on matters relating to public security.

C. *Deployment schedule*

18. The deployment of UNAMIR II would be conducted in three phases, subject to the timely availability of the necessary troops, equipment and airlift. "D-Day" is the date on which the Security Council resolution would be adopted authorizing the expanded mandate of UNAMIR II.

19. *Phase 1 (D-Day + 7)*. The Ghanaian battalion would be brought to its full strength of 800 personnel and equipped with armoured personnel carriers. This unit would ensure the protection of Kigali International Airport, as well as other sites in the city, where thousands of displaced persons have sought refuge under UNAMIR protection. This battalion would also subsequently act as the force reserve.

20. *Phase 2 (D-Day + 14)*. Deployment of two battalions (one mechanized and one motorized), some advance elements of the support battalion and all of the force headquarters and signal squadron. These troops would be deployed where the security situation is of greatest concern and where there is the highest concentration of displaced persons, including at border areas if necessary.

21. *Phase 3 (D-Day + 31)*. Induction of the rest of the force support battalion and two other infantry battalions. The rest of the support battalion would establish logistic and engineer advance bases in the Ruhengeri, Byumba and Butare prefectures in order better to serve the field force. The two infantry battalions would be deployed to certain specific areas of the country in order to provide the necessary support and assistance to people in need in these areas and provide security arrangements to humanitarian assistance programmes.

D. *Logistics*

22. The deployment and logistical support of a force of 5,500 under the schedule described above is a difficult undertaking. In addition, Rwanda is a landlocked country with only one major airport (Kigali) and three secondary airports. Land movement between regional seaports (Mombasa, Dar es Salaam) and Rwanda requires several days in the best of conditions. It is therefore essential to deploy self-sufficient military con-

tingents capable of operating independently, while logistical support is put in place by the United Nations. The concept of operations calls for the first three units to be moved by air, requiring military and commercial strategic airlift, that is, up to 10 passenger flights and 40 cargo flights (C-5A aircraft). The remainder of the force and its material would be transported by sea and air as soon as technically possible.

23. Because of the need to stabilize the security situation in Rwanda as quickly as possible, deployment of UNAMIR II will have to be carried out rapidly. The longer the delay in the deployment of the force from the time of a Security Council decision, the greater the prospect of the mission not achieving its purpose in operational terms.

24. The most rapid deployment would be achieved with two formed infantry brigades with their integral logistical support. If formed brigades cannot be made available, it would be necessary to draw on the recent United Nations stand-by arrangements, but specific contributions for this Mission must still be negotiated. It is estimated that this process would require one to two months. Simultaneously with stand-by arrangements, the traditional method of requesting Governments for military forces would be used. Experience shows that it would take at least two to three months to achieve full deployment of forces. If forces are accepted without adequate equipment, experience shows that a further delay of several months would be incurred in providing the necessary equipment for those forces. It is therefore essential that Member States agree to make arrangements on a bilateral basis to provide the troops, equipment and airlift required for UNAMIR II.

E. *Command and control*

25. UNAMIR II would be headed by the Special Representative of the Secretary-General, who would have overall authority for all the activities of the Mission. The military component of the Mission would be commanded by the Force Commander. The present UNAMIR force headquarters would be expanded as indicated in paragraph 17 (a) above and would remain located at Kigali. Battalions would be deployed to designated regions or sectors in accordance with the *modus operandi* described in paragraphs 19 to 21 above. Battalion commanders would act as sector commanders within their assigned regions, under the direction of the Force Commander. The military signal unit would establish communications

between the force headquarters, battalion headquarters and other designated units as necessary.

V. Financial aspects

26. The cost associated with the deployment of the force described above would be approximately \$115 million for a six-month period (see annex). It would be my recommendation to the General Assembly that the costs would be considered an expense of the Organization in accordance with Article 17, paragraph 2, of the Charter of the United Nations and the assessments would be levied on Member States and be credited to the UNAMIR special account.

VI. Observations

27. The solution to the crisis in Rwanda must, in my judgement, be found through implementation of the Arusha agreement, which both sides say that they accept. For this to be achieved, it is clearly necessary that a cease-fire be agreed and put into effect at the earliest possible date. I have instructed my Special Representative and the Force Commander to continue to give the highest priority to the pursuit of both objectives. The Security Council may wish to issue another urgent call for the parties to agree to a cease-fire and, even before it comes into effect, to accept the designation of Kigali airport as a neutral zone under the exclusive control of the United Nations.

28. Meanwhile, there is an urgent requirement for the United Nations to increase its efforts to address the desperate humanitarian crisis created by the conflict. I welcome the idea that protected sites should be established close to Rwanda's borders with Burundi and the United Republic of Tanzania in order to facilitate the provision of relief to displaced persons who are already present in those areas. But I believe that it is essential that any such initiative should be matched by action to assist persons in need in the interior of Rwanda. These outnumber, by a factor of five, the displaced persons who are in the border areas or have already crossed into neighbouring countries. To concentrate the international community's efforts on the latter would be to address only a small part of the problem. Moreover, there would be a risk that protected sites in the border areas would act as a magnet to people in need in the interior of the country and would therefore increase even further the number of displaced persons.

29. Expanded humanitarian operations, both in the border areas and in the interior, would also clearly be facilitated by a cease-fire, which would contribute im-

measurably to the effective and secure distribution of relief supplies. However, if a cease-fire is not in place by the time the expanded force is deployed, my Special Representative and the Force Commander will continue to pursue this objective as the force is being put in place. I met with my Special Representative in Paris today and encouraged him to continue his efforts with a view to achieving a cease-fire agreement as soon as possible.

30. As noted above, should UNAMIR II need to initiate deployment and resupply through neighbouring States, the Mission would require the active support of those States. UNAMIR II would also require the cooperation and support of the Rwandese parties. In this connection, I should like to note that my Special Representative and the Force Commander have presented the concept outlined herein to both the Rwandese government forces and RPF. I am encouraged by their initial positive responses. I have asked my Special Representative and the Force Commander to obtain confirmation from both parties of their support to this operation without preconditions.

31. The world community has witnessed with horror and disbelief the slaughter and suffering of innocent civilians in Rwanda. While the chances for a lasting peace are fundamentally in the hands of the political and military leaders of the country, the international community cannot ignore the atrocious effects of this conflict on innocent civilians. I therefore recommend to the Security Council that it approve the phased expansion of UNAMIR, as described above, to enable the Mission immediately to help alleviate the humanitarian crisis in Rwanda. The mandate for UNAMIR II should be for a period of six months from the date of initial deployment, on the understanding that it would be reviewed by the Council as necessary and, in particular, following an agreement on a cease-fire.

32. In concluding, I must again emphasize that in order for UNAMIR II to attain its objective, there can be no delay in its deployment.

33. I would like to express my deep gratitude to my Special Representative, the UNAMIR Force Commander, and all UNAMIR personnel, for their outstanding performance in the pursuance of UNAMIR's mandate under the extremely dangerous conditions in Rwanda.

| Annex | Amount |
|--|-----------------------|
| United Nations Assistance Mission for Rwanda | |
| <i>Summary cost estimate for the deployment of approximately 5,500 troops for a six-month period</i> | |
| <i>(In thousands of United States dollars)</i> | |
| | <i>Amount</i> |
| 1. Military personnel costs | 60 100 |
| 2. Civilian personnel costs | 11 100 |
| 3. Premises/accommodation | 1 300 |
| 4. Infrastructure repairs | 700 |
| 5. Transport operations | 6 000 |
| 6. Air operations | 8 600 |
| 7. Naval operations | - |
| 8. Communications | 3 100 |
| 9. Other equipment | 4 500 |
| 10. Supplies and services | 4 500 |
| 11. Election-related supplies and services | - |
| 12. Public information programmes | 300 |
| 13. Training programmes | - |
| 14. Mine-clearing programmes | 500 |
| 15. Assistance for disarmament and demobilization | - |
| 16. Air and surface freight | 12 000 |
| 17. Integrated Management Information System | - |
| 18. Support account for peace-keeping operations | 800 |
| 19. Staff assessment | <u>1 500</u> |
| Total | <u><u>115 000</u></u> |

[Editor's note: Map of UNAMIR deployment as of May 1994 is not reproduced here.]

Document 62

Security Council resolution expanding UNAMIR to 5,500 troops and mandating UNAMIR II to provide security to displaced persons, refugees and civilians at risk and to support relief efforts, and imposing an arms embargo on Rwanda

S/RES/918 (1994), 17 May 1994

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda, its resolution 909 (1994) of 5 April 1994 by which it extended the mandate of the Mission until 29 July 1994, and its resolution 912 (1994) of 21 April 1994 by which it adjusted the mandate of the Mission,

Recalling the statements made by the President of the Security Council on 7 April 1/ and 30 April 1994, 2/

Having considered the report of the Secretary-General of 13 May 1994, 3/

Reaffirming its resolution 868 (1993) of 29 September 1993 on the security of United Nations operations,

Strongly condemning the ongoing violence in Rwanda and particularly condemning the very numerous killings of civilians which have taken place in Rwanda and the impunity with which armed individuals have been able to operate and continue operating therein,

Stressing the importance of the Arusha Peace Agreement 4/ to the peaceful resolution of the conflict in

Rwanda and the necessity for all parties to recommit themselves to its full implementation,

Commending the efforts of the Organization of African Unity and its organs, as well as the efforts of the Tanzanian facilitator, in providing diplomatic, political and humanitarian support for the implementation of the relevant resolutions of the Council,

Deeply concerned that the situation in Rwanda, which has resulted in the death of many thousands of innocent civilians, including women and children, the internal displacement of a significant percentage of the Rwandese population, and the massive exodus of refugees to neighbouring countries, constitutes a humanitarian crisis of enormous proportions,

1/ S/PRST/1994/16.

2/ S/PRST/1994/21.

3/ *Official Records of the Security Council, Forty-ninth Year, Supplement for April, May and June 1994*, document S/1994/565.

4/ Peace Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, signed at Arusha, United Republic of Tanzania, on 4 August 1993; see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26915.

Expressing once again its alarm at continuing reports of systematic, widespread and flagrant violations of international humanitarian law in Rwanda, as well as other violations of the rights to life and property,

Recalling in this context that the killing of members of an ethnic group with the intention of destroying such a group, in whole or in part, constitutes a crime punishable under international law,

Strongly urging all parties to cease forthwith any incitement, especially through the mass media, to violence or ethnic hatred,

Recalling also its request to the Secretary-General to collect information on the responsibility for the tragic incident that resulted in the death of the Presidents of Rwanda and Burundi,

Recalling further that it had requested the Secretary-General to make proposals for the investigation of reports of serious violations of international humanitarian law during the conflict,

Underlining the urgent need for coordinated international action to alleviate the suffering of the Rwandese people and to help restore peace in Rwanda, and in this connection welcoming cooperation between the United Nations and the Organization of African Unity as well as with countries of the region, especially the facilitator of the Arusha peace process,

Desiring in this context to expand the mandate of the Mission for humanitarian purposes, and stressing the importance it attaches to the support and cooperation of the parties for the successful implementation of all aspects of that mandate,

Reaffirming its commitment to the unity and territorial integrity of Rwanda,

Recognizing that the people of Rwanda bear ultimate responsibility for national reconciliation and reconstruction of their country,

Deeply disturbed by the magnitude of the human suffering caused by the conflict, and concerned that the continuation of the situation in Rwanda constitutes a threat to peace and security in the region,

A

1. *Demands* that all parties to the conflict immediately cease hostilities, agree to a cease-fire, and bring an end to the mindless violence and carnage engulfing Rwanda;

2. *Welcomes* the report of the Secretary-General of 13 May 1994; 2/

3. *Decides* to expand the mandate of the United Nations Assistance Mission for Rwanda under resolution 912 (1994) to include the following additional responsibilities within the limits of the resources available to it:

(a) 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;

(b) To provide security and support for the distribution of relief supplies and humanitarian relief operations;

4. *Recognizes* that the Mission may be required to take action in self-defence against persons or groups who threaten protected sites and populations, United Nations and other humanitarian personnel or the means of delivery and distribution of humanitarian relief;

5. *Authorizes* in this context an expansion of the Mission's force level up to 5,500 troops;

6. *Requests* the Secretary-General, as recommended in his report, and as a first phase, immediately to redeploy to Rwanda the military observers of the Mission currently in Nairobi and to bring up to full strength the elements of the mechanized infantry battalion currently in Rwanda;

7. *Also requests* the Secretary-General to report as soon as possible on the next phase of the Mission's deployment including, *inter alia*, on the cooperation of the parties, progress towards a cease-fire, availability of resources and the proposed duration of the mandate for further review and action, as required, by the Council;

8. *Encourages* the Secretary-General to accelerate his efforts, in conjunction with the Secretary-General of the Organization of African Unity, to obtain from Member States the necessary personnel to enable the deployment of the expanded Mission to proceed urgently;

9. *Invites* Member States to respond promptly to the Secretary-General's request for the resources required, including logistical support capability for rapid deployment of the expanded force level of the Mission and its support in the field;

10. *Strongly urges* all parties in Rwanda to cooperate fully with the Mission in the implementation of its mandate and in particular in ensuring its freedom of movement and the unimpeded delivery of humanitarian assistance, and further calls upon them to treat the Kigali airport as a neutral zone under the control of the Mission;

11. *Demands* that all parties in Rwanda strictly respect the persons and premises of the United Nations and other organizations serving in Rwanda and refrain

from any acts of intimidation or violence against personnel engaged in humanitarian and peace-keeping work;

12. *Commends* the efforts of States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance, encourages them to continue and increase such assistance, and urges others to provide such assistance;

B

Determining that the situation in Rwanda constitutes a threat to peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

13. *Decides* that all States shall prevent the sale or supply to Rwanda by their nationals or from their territories or using their flag vessels or aircraft of arms and related *matériel* of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts;

14. *Also decides* to establish, in accordance with rule 28 of the provisional rules of procedure of the Security Council, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To seek from all States information regarding the action taken by them concerning the effective implementation of the embargo imposed by paragraph 13 above;

(b) To consider any information brought to its attention by States concerning violations of the embargo, and in that context to make recommendations to the Council on ways of increasing the effectiveness of the embargo;

(c) To recommend appropriate measures in response to violations of the embargo imposed by paragraph 13 above and provide information on a regular basis to the Secretary-General for general distribution to Member States;

15. *Calls upon* all States, including States not Members of the United Nations, and international or-

ganizations to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of the adoption of the present resolution;

16. *Decides* that the provisions set forth in paragraphs 13 and 15 above do not apply to activities related to the United Nations Assistance Mission for Rwanda and the United Nations Observer Mission Uganda-Rwanda;

17. *Requests* the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for this purpose;

C

18. *Requests* the Secretary-General to submit a report as soon as possible on the investigation of serious violations of international humanitarian law committed in Rwanda during the conflict;

19. *Invites* the Secretary-General and his Special Representative, in coordination with the Organization of African Unity and countries in the region, to continue their efforts to achieve a political settlement in Rwanda within the framework of the Arusha Peace Agreement;

20. *Decides* to keep the situation in Rwanda under constant review, and requests the Secretary-General to report further, including on the humanitarian situation, within five weeks of the adoption of the present resolution and again in good time before the expiration of the current mandate of the Assistance Mission;

21. *Decides* to remain actively seized of the matter.

Adopted as a whole at the 3377th meeting, following separate votes on section B 5/ and the rest of the draft resolution. 6/

5/ Section B of the draft resolution (S/1994/571) was adopted by 14 votes to 1 (Rwanda).

6/ The rest of the draft resolution (S/1994/571) was adopted unanimously.

Document 63

Report of the United Nations High Commissioner for Human Rights on his mission to Rwanda of 11-12 May 1994

E/CN.4/S-3/3, 19 May 1994

Introduction

1. Since 6 April 1994, the world has witnessed in Rwanda a human rights tragedy of unprecedented dimensions. Hundreds of thousands of civilians, including large numbers of children and women, have been killed, often after being subjected to torture, and thousands have disappeared. Millions were forced to leave their places of residence, seeking refuge in other areas of Rwanda or abroad. Others are trapped between the lines of fighting or are forcibly detained, and many are in hiding, fearing for their lives. Disease and famine threaten those who, so far, have escaped death.

2. The killing of civilians in large numbers for ethnic or political motives is not new in Rwanda. However, the violence unleashed during the last six weeks exceeds by far even the worst of previous outbursts of hatred and intolerance.

3. A major change in the power structure in Rwanda took place with the Hutu "social revolution" in 1959, which ended Tutsi domination of the country's political and economic life and led to the country's independence in 1962. 1/ During the following decades, Rwanda has repeatedly been the scene of mass killings and the exodus of large numbers of Tutsi to neighbouring Burundi, Zaire, Uganda and Tanzania. There have also been repeated attempts by Tutsi refugees to come back to power. Each such attempt gave rise to renewed ethnic violence and hatred. In 1973, Major-General Juvénal Habyarimana, a Hutu originating from the northern prefecture of Ruhengeri, seized power in a military *coup d'état*. Since then, regional rivalries were added to ethnic antagonism.

4. In October 1990, the Rwandese Patriotic Front (RPF) invaded the country from Uganda with a force of some 7,000. The RPF is composed mainly of Tutsi refugees, many of them former members of the Ugandan armed forces. The Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, Mr. Baaré Waly Ndaiye, visited Rwanda in April 1993 and concluded that, following the 1990 incursion by the RPF, a deliberate government policy had collectively labelled all Tutsi inside the country as accomplices of the RPF, and that this linkage, the ensuing climate of suspicion and fear and the directives which followed had triggered massacres of thousands of civilians. 2/

5. None of the cease-fire agreements signed in attempts to end the hostilities in July 1992, October 1992 and January 1993 put an end to the armed conflict. On 8

February 1993, the RPF breached the January 1993 cease-fire agreement, accusing the Government of President Habyarimana of continuing human rights violations, including the massacre of more than 300 Tutsi in north-western Rwanda in January 1993. On 9 March 1993, a demilitarized zone was agreed upon by the Government and the RPF in a cease-fire concluded at Dar-es-Salaam. This agreement stipulated that the RPF forces would return to positions occupied prior to 8 February 1993. A group of neutral military observers (GOMN) of the Organization of African Unity monitored the demilitarized area. Violations of the cease-fire by both sides were reported regularly.

6. A peace accord formally ending the armed conflict was signed by the Rwandan Government and the RPF on 4 August 1993 in Arusha, Tanzania. The agreement provided for a transitional Government including members of the five political parties represented in the then Government, as well as members of the RPF; for the integration of members of both sides' forces into a national army and a national gendarmerie; and for the right of all refugees, including those from past decades, to repatriate.

7. Both the Government and the RPF called for the deployment of a United Nations peace-keeping force to assist in the implementation of the peace agreement. This was approved by the Security Council on 5 October 1993: resolution 872 (1993) established the United Nations Assistance Mission to Rwanda (UNAMIR) with the mandate to assist in the implementation of the cease-fire agreement. 3/ On 5 April 1994 the Security Council extended the UNAMIR mandate until 29 July 1994 (resolution 909 (1994)). The mandate was adjusted by the Security Council in its resolution 912 (1994) of 21

1/ Before the outbreak of hostilities on 6 April 1994, the division of the Rwandan population into ethnic groups was as follows: 85 per cent Hutu, 14 per cent Tutsi and 1 per cent Twa.

2/ A more ample description of the historical background, as well as an analysis of various factors contributing to ethnic and political violence in Rwanda, may be found in the report of the Special Rapporteur on his visit to Rwanda in April 1993 (E/CN.4/1994/7Add.1).

3/ During the process leading up to the signing of the August 1993 peace accord in Arusha and upon the request of the Governments of Uganda and Rwanda, the Security Council, in resolution 846 (1993) of 22 June 1993 had established the United Nations Observer Mission Uganda-Rwanda (UNOMUR) with a mandate to observe the entire frontier between Uganda and Rwanda to verify that no military assistance reached Rwanda. UNOMUR observers were deployed at the Ugandan-Rwandan border in October 1993. By Security Council resolution 872 (1993), of 5 October 1993, UNOMUR was integrated into UNAMIR, as was the Group of Neutral Military Observers (GOMN II).

April 1994, which, *inter alia*, reduced the numbers of UNAMIR personnel in Rwanda. On 17 May 1994, the Security Council expanded the UNAMIR mandate, authorizing *inter alia* an expansion of the UNAMIR force level up to 5,500 troops (resolution 918 (1994)). In that resolution the Security Council also called for an arms embargo for Rwanda.

8. While formally ending the armed conflict, the Arusha peace accord failed to put a halt to violence. Politically motivated killings continued during the last four months of 1993 and, particularly, early in 1994. The Arusha peace process was interrupted when, on the evening of 6 April 1994, the Rwandan presidential jet was shot down in Kigali. Those responsible for the death of the Presidents of Rwanda and Burundi, together with several ministers and high government officials aboard, have not yet been identified. In the early hours of 7 April 1994, the Rwandan Government-controlled radio attributed the responsibility for shooting down the plane to the RPF and a specific contingent of United Nations soldiers. What followed was the indiscriminate and large-scale killing of civilians including political opponents of the dead President. Moderate members of the Government, including the Prime Minister and her children, as well as 10 United Nations soldiers, were also assassinated.

9. The RPF started fighting in the capital, Kigali, on 7 April 1994, after informing UNAMIR that they were compelled to do so in order to protect the Tutsi population. At the time of my visit on 11 and 12 May 1994, the RPF controlled almost half of the country's territory, to the north-east of a line that divides Rwanda roughly diagonally from north-west to south-east. RPF troops were making considerable advances towards the south and were moving towards an encirclement of the capital.

10. During the days and weeks that followed the assassination of the President, violence spread out to other areas of the country and reached an unprecedented scale: it has been estimated that more than 200,000 people, the majority of them innocent civilians, including children and women, have been killed. According to well-informed sources, the numbers may be considerably higher and may exceed 500,000.

11. Recent incidents reported from Government-controlled areas include the killing of 4,000 civilians in the parish of Shangi, 2,000 at Mbirizi and 800 at Nkanka, all in the diocese of Gikongoro; the killing of 4,000 refugees at Kibeho and many others at other churches in the diocese of Gikongoro; the killing of wounded persons being transported in vehicles of the Rwandan Red Cross in Kigali; and the killing of injured civilians taken from Butare hospital by members of the military. Many were killed or mutilated before the eyes of staff of intergovernmental agencies and non-

governmental organizations, one child even in the arms of a staff member of an international humanitarian organization.

Action taken by the High Commissioner

12. I have followed the situation in Rwanda with increasing concern since I assumed the function of High Commissioner for Human Rights on 5 April 1994. On 14 April 1994, I addressed a memorandum to the Secretary-General in which I expressed my deep concern at reports of grave human rights violations in Rwanda and suggested that urgent measures be considered to prevent a further deterioration of the human rights situation there.

13. On 26 April 1994, I requested information on the situation and suggestions for action from a wide range of United Nations agencies and programmes, special rapporteurs of the Commission on Human Rights, chairmen of human rights treaty bodies, the Organization of African Unity, the African Commission on Human and Peoples' Rights, the International Committee of the Red Cross and non-governmental organizations.

14. On the basis of the information and reports received in response to this request, I called on members of the Commission on Human Rights, on 4 May 1994, to consider the advisability of convening the Commission on Human Rights in emergency session to address the human rights situation in Rwanda.

15. In the light of continuing reports of extremely grave and massive human rights violations, I decided, after consultations with the Secretary-General, personally to undertake a mission to Rwanda in order to appeal to both parties to stop the human rights violations immediately and to work towards a negotiated settlement of the conflict (see the text of my appeal issued in Kigali on 12 May 1994, reproduced in the annex to this report).

Mission of the High Commissioner to Rwanda

16. I visited Rwanda from 11 to 12 May 1994. On this mission, I was accompanied by Mr. Louis Joinet, expert of the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, 4/ as well as by three staff members of the United Nations Centre for Human Rights.

17. I reached Kigali on 11 May 1994, where I met with the Special Representative of the Secretary-General for Rwanda, Dr. Jacques-Roger Booh-Booh, and with the

4/ Mr. Joinet is currently Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities on the question of impunity. He is also Chairman/Rapporteur of the Working Group on Arbitrary Detention of the Commission on Human Rights.

Force Commander of UNAMIR, General Romeo Dallaire, who made available to me documentation and information on the situation there, particularly since 6 April 1994. I should like to express my gratitude to them for all their support in connection with my visit. In particular, I am most grateful to General Dallaire for having facilitated all security and logistical arrangements in order for me to be able to meet with representatives of both parties to the conflict.

18. Also on 11 May 1994, I travelled to Byumba, 70 kilometres to the north-west of Kigali, where I met at the RPF headquarters with General Paul Kagame, Commander of the armed forces of the RPF. On 12 May 1994, a meeting was held in Kigali at the headquarters of the Rwandan Armed Forces (RAF) with General Augustin Bizimungu, Commander in Chief of the RAF, and Colonel Théoneste Bagosora, Chief of Cabinet at the Ministry of Defence. Together with them, I visited the Hotel "Milles Collines", where approximately 550 Tutsi are currently trapped between the lines of fighting. I then made an appeal on Radio Rwanda, urging both sides, *inter alia*, to cease hostilities immediately, put an end to violence and ensure respect for human rights; to allow the population free movement to a destination of their choice; and to begin a process of negotiations with a view to achieving peace in Rwanda. I repeated this appeal at a press conference on 12 May 1994 in Nairobi, and on 13 May 1994 upon my return to Geneva. The text of the appeal is attached as an annex to this report.

19. In my conversations with the military commanders of both sides, I clearly expressed the condemnation by the entire international community of the massive and extremely grave human rights violations committed by all those participating in the conflict. I reminded them of their obligations, as enshrined in the international human rights instruments to which Rwanda is a party ^{5/} and in international humanitarian law, ^{6/} to take effective measures against the killing of innocent civilians, and of their responsibility for acts committed by those under their command. I also appealed to them to use their authority to stop the violence immediately, to work towards a cease-fire and to return to the negotiating table, as called for by the Secretary-General. Furthermore, I urged both sides to grant all those in need full access to humanitarian assistance and to allow the civilian population free movement to safe areas of their choice. In this connection, I referred in particular to persons trapped between the lines of fighting in locations such as the "Milles Collines" and Méridien hotel, the Amahoro stadium, the King Fayçal hospital or the "Sante Famille" Church in Kigali. I informed the military commanders of the steps taken with a view to convening an emergency session of the Commission on Human Rights and the

consideration being given to the investigation of human rights violations. I also referred to the current efforts of the Security Council to increase the numbers of UNAMIR personnel. Finally, in a longer-term perspective, I offered my contribution, and that of the Centre for Human Rights, in building up national infrastructures for the promotion and protection of human rights and for developing an atmosphere of tolerance and respect for human rights throughout Rwanda. General Bizimungu stressed the important role that the United Nations had to play in Rwanda and that the priority was to find a solution acceptable to both parties to the conflict. While he gave me assurances that the hostages would be freed, he pointed out that he did not control action by the militia and other government forces in Kigali. Upon my invitation, the General went with me to the Hotel "Milles Collines" to inform representatives of the hostages directly of the decision just taken by the leadership of the RAF to free them as soon as possible.

20. While General Bizimungu declared that the Government was ready to accept an immediate cease-fire, General Kagame, on behalf of the RPF, stated that a cease-fire could only be considered as part of a process in which, first, killings of civilians by government forces must be halted. Other elements of that process should include an international investigation leading to the identification of those responsible for the mass killings and an end of impunity, as well as assistance to all those in need. General Kagame stated that, instead of calling on the RPF for an immediate cease-fire, the international community should exert pressure on the Government to halt the killings. In this context, General Kagame also stated that killings had taken place during earlier periods when cease-fire agreements between the Government and the RPF were in force, and deplored the decision taken by the Security Council to reduce the number of UNAMIR troops, thus leaving it to the RPF to ensure protection of the Tutsi population and government opposition. General Kagame also criticized the fact that some foreign Governments had only evacuated their nationals and some selected Rwandans, but had not attempted to impede the mass killings. General Kagame pledged to do all in his power to save lives and ensure respect for human rights. He expressed his appreciation of the visit of the High Commissioner at that time and

^{5/} The International Covenant on Civil and Political Rights; the Convention on the Prevention and Punishment of the Crime of Genocide; the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity; the Convention on the Rights of the Child; the Convention relating to the Status of Refugees and the Protocol thereto.

^{6/} Rwanda is a party to the four Geneva Conventions of 1949 and to the 1977 Additional Protocols thereto. In this context, it should also be recalled that the RPF has stated to the International Committee of the Red Cross that it considers itself bound by the rules of international humanitarian law.

stressed that the international community had an important role to play in the future of Rwanda.

21. Both sides accepted the idea of an international investigation into human rights violations. They also expressed their readiness to accept, and cooperate with, United Nations human rights monitors under UNAMIR protection, to facilitate humanitarian assistance to the population in need, and to permit freedom of movement to those who wanted to leave areas where they did not feel safe. In that regard, General Bizimungu and Colonel Bagosora referred to recent unsuccessful efforts to evacuate 60 persons of foreign nationality trapped in the Hotel "Milles Collines" (see para. 25 below). They further explained that that incident clearly showed the complexity of the situation, the RAF being bound by government decisions and closely associated with the feelings of the majority Hutu population. They promised that the RAF would continue making every effort to try to solve the situation of all persons trapped under similar circumstances. General Bizimungu recognized the fact, and expressed regret, that massacres had been committed by forces linked to the Government, which he termed as excesses ("débordements"). The fact that such killings had occurred had to be understood as a consequence of the shooting down of the presidential aircraft which he attributed to the RPF in collusion with one specific contingent of United Nations troops and the subsequent attacks of RPF forces in the capital. Because of those attacks, the RAF had not been able to control popular reactions and outrage. He also stated that investigations should cover alleged massive retaliatory action taken by the RPF against civilians loyal to the Government in the area under RPF control.

22. During my stay in Kigali, and during transit in Nairobi on 9/10 and on 12 May 1994, I also met with representatives of international agencies, programmes and organizations, who informed me about their current activities concerning the situation of Rwanda, as well as about the human rights situation there.

Current major human rights concerns

23. The information I could collect from a number of reliable sources during my mission confirms earlier allegations that extremely serious violations of human rights have taken place and are still continuing as of now. While, owing to problems of access both for non-governmental organizations and UNAMIR observers, such allegations are difficult to verify, the continuing flow of refugees into neighbouring countries (Burundi, Tanza-

nia, Uganda, Zaire) and their reports leave little justification for doubts.

24. The fate of numerous people who are still hostages of the violence is another matter of great concern. For example, in government-controlled areas, 38,000 persons are currently being held at Kabgayi; 3,000 at the stadium in Gitarama; 5,500 at the stadium in Cyangugu; 1,700 at Mibirisi and 400 at Shangui (near Cyangugu); 60,000 at Runda (near Kigali). In the region controlled by the RPF, 300,000 are being held in different locations in the prefecture of Ruhengeri. Large numbers are also trapped in the capital itself, which is divided between the two parties, in particular in places such as the Amahoro stadium, the "Sainte Famille" Church, the King Fayçal hospital and the "Milles Collines" and Méridien hotels. Their situation has been described to me as desperate. In addition to the persons assembled in locations such as those enumerated above, many are in hiding. They, as well as those confined to areas in the interior of the country where food cannot reach them as aid convoys are denied access, face death by starvation. In this context, I was dismayed at reports that personnel of United Nations agencies trying to gain access to food depots in Kigali have been shot at and thus prevented from reaching them, while others have been detained and threatened by militia when attempting to distribute food.

25. In this context, it is worth noting that, in addition to ongoing fighting between the RPF and government troops, roadblocks and barriers mounted by militia, armed gangs or other unofficial groups in Kigali and on roads leading to other prefectures held by the Rwandan Government constitute a particularly unpredictable threat to the security of those wishing to move about Rwanda, including UNAMIR observers. Heavily armed, those manning the roadblocks can by no means be relied upon to follow orders or instructions given to them by the commanders of the Rwandan Armed Forces. This was clearly proved when a recent attempt by the Rwandan Armed Forces, together with UNAMIR, to take 60 non-Rwandan nationals from the Hotel "Milles Collines" to the airport and out of the country failed at one of the many militia checkpoints in Kigali (see para. 21 above). Furthermore, I should mention that at one of these militia checkpoints a UNAMIR armoured personnel carrier, part of a large convoy of UNAMIR vehicles led by General Dallaire which was transporting the High Commissioner and his staff back to UNAMIR Headquarters after the meeting with the RAF Chief of Staff, was stopped by a young militiaman who opened the door of the vehicle and checked the passengers inside thoroughly while brandishing a hand-grenade in his right hand.

26. Another extremely grave consequence of the violence is the massive displacement of populations: it is estimated that approximately 2 million Rwandans have left their homes to seek refuge from the violence in other areas within the country. More than 300,000 are reported to have crossed the borders into neighbouring countries, and refugee flows continue. As the RPF advanced towards the south-east 250,000 fled to Tanzania (to the Ngara region). Several tens of thousands of Rwandans have crossed the border into Burundi to escape violence in the regions south-west of Kigali, particularly Butare, and are now in camps in the Kayanza region. Refugees from southern Rwanda also include many who had fled mass killings in Burundi in October and November 1993. Others have sought refuge in Zaire and Uganda.

27. The danger of an outbreak of epidemics as a result of the contamination of water by the corpses thrown into rivers and lakes, as well as those left to rot in the streets or among the bushes, is an additional threat to the lives of people both in Rwanda and in neighbouring countries. In addition to the current shortage of food, there is also a great risk of famine in the future if crops are not harvested and seeding cannot be carried out between July and September.

Concluding recommendations

28. The situation in Rwanda can be characterized as a human rights tragedy. The wanton killing of more than 200,000 innocent civilians, including women, children and elderly persons, calls for the strongest condemnation by the international community.

29. The struggle for power in Rwanda has obvious political connotations which transcend the framework of human rights. However, long-standing and persistent human rights violations have been committed in a climate of disrespect for basic human rights principles and impunity for the perpetrators of major crimes.

30. Effective international action to prevent a further escalation of human rights violations is urgently required. Killings of civilians must stop immediately.

31. At the same time, every effort must be made to achieve a cease-fire or at least temporary cessation of hostilities in order to create the conditions necessary for humanitarian assistance to reach the 2 million displaced, as well as other persons in need. Furthermore, all those who are trapped between lines or detained in places which they do not consider safe must be given the possibility of moving to areas of their own choice with the assistance and protection of UNAMIR.

32. The authors of the atrocities must be made aware that they cannot escape personal responsibility for criminal acts they have carried out, ordered or condoned.

33. All relevant international human rights instruments to which Rwanda is a party, including the Convention on the Prevention and Punishment of the Crime of Genocide, as well as international humanitarian law, must be fully respected.

34. Both parties to the conflict should immediately implement the above-mentioned steps and measures.

35. The Commission on Human Rights, for its part, may wish to consider the appointment of a special rapporteur who would examine all human rights aspects of the situation, including root causes and responsibilities for the recent atrocities, and report thereon as early as possible, and periodically thereafter.

36. The Commission on Human Rights may also wish to decide that the special rapporteur should be assisted in the collection and analysis of information by a team of human rights field officers acting in close cooperation with UNAMIR and other United Nations agencies and programmes from within Rwanda, as well as from neighbouring countries where Rwandan refugees are located.

37. It should be noted in this regard that both the Special Representative of the Secretary-General for Rwanda and the Force Commander of UNAMIR have pledged their full cooperation with United Nations human rights monitors, following a decision by the Commission on Human Rights in this regard.

38. The Commission on Human Rights may further wish to endorse the suggestion that future United Nations efforts aimed at conflict resolution and peace-building in Rwanda should be accompanied by a strong human rights component and that this process should be effectively supported by a comprehensive programme of human rights assistance.

Annex

Appeal made on 12 May 1994 from Kigali by Mr. Jose Ayala Lasso, United Nations High Commissioner for Human rights

Kigali, 12 May 1994

The tragedy being experienced by the people of Rwanda is shocking the world. The deaths of some 200,000 innocent men, women and children are causing deep indignation which calls for universal condemnation.

All the peoples of the world feel jointly concerned by this suffering. It is in response to this indignation that, in my capacity as United Nations High Commissioner for

Human Rights, I have come to Rwanda, in an impartial and objective spirit, to urge all the players in this tragedy to put an immediate end to these serious violations of human rights, in particular through strict observance of the international conventions guaranteeing those rights, including the conventions on humanitarian law and the convention against genocide, conventions to which Rwanda is a party.

I have come to appeal for the immediate declaration of a cease-fire in order to create a favourable climate for the Secretary-General's efforts to ensure that the negotiations are successful. These negotiations alone can lead to a comprehensive political solution taking account of the rights of all and enabling the people of Rwanda to live in peace, solidarity and democracy.

I have come to request the parties to the conflict to authorize and guarantee the distribution of humanitarian assistance to all those in need, without distinction of any kind.

I have come to request that measures be taken without delay to ensure that all those who in this country find themselves hostages to the violence, notably in Amahoro Stadium, the "Milles Collines" Hotel, the Méridien Hotel and King Fayçal Hospital, are immediately transferred to places where they may safely receive the treatment to which they are entitled.

It is essential that the leaders and the perpetrators of these atrocities know that their responsibility is inescapable and that they will have to answer personally for their acts.

One does not fight for the unity of a people by fanning hatred. One cannot fight for the good of the people through extermination.

Just a few hours ago, we were witnesses to a new era, that beginning in South Africa and Palestine, where peace and prosperity beckon, through dialogue and consultation, through tolerance and respect for all. It is essential that Rwanda in its turn moves towards dialogue and consultation.

Lastly, I solemnly call upon the international community to provide decisive support for the people of Rwanda:

Firstly, in order to demand that measures be adopted to put an end to the violence and to enable the refugees and displaced persons to return, to demand that sufficient humanitarian assistance be guaranteed for all, and to enable the peace negotiations finally to be concluded; and

Secondly, so that it may commit itself to providing effective assistance in the process of rebuilding Rwanda.

In my capacity as High Commissioner for Human Rights, I feel within me the anguish of all and make this appeal so that all of us may show our solidarity with the people of Rwanda.

Document 64

Report of the Secretary-General on the situation in Rwanda, reporting on the political mission he sent to Rwanda to move the warring parties towards a cease-fire and recommending that the expanded mandate for UNAMIR be authorized for an initial period of six months

S/1994/640, 31 May 1994

I. Introduction

1. Shortly after the Security Council adopted resolution 918 (1994), Mr. Iqbal Riza, Assistant Secretary-General for Peace-keeping Operations, and Maj.-Gen. J. Maurice Baril, my Military Adviser, left on a special mission to Rwanda. The present report, presented in response to the Council's request in paragraphs 7 and 20 of the above-mentioned resolution, reflects their findings and recommendations as reviewed by me.

2. The special mission's purpose was:

(a) To move the warring parties towards a cease-fire;

(b) To ascertain from them their views on and intentions towards the implementation of resolution 918 (1994);

(c) To review with the United Nations Assistance Mission for Rwanda (UNAMIR) the modalities of the concept of operations outlined in my report of 13 May 1994 (S/1994/565).

3. The special mission was in the area from 22 to 27 May 1994. In Kigali it met the Commanders of the Rwandan government forces, namely Maj.-Gen.

Augustin Bizimungu, Chief of Staff of the Rwandese Armed Forces, and Maj.-Gen. Augustin Bizilimana, Chief of Staff of the Gendarmerie, and, in Gitarama, the head of the "interim Government" formed on 8 April 1994, Mr. Jean Kambanda. On the side of the Rwandese Patriotic Front (RPF), it met its Chairman, Col. Alexis Kanyarengwe, in Mulindi and the Commander of the RPF forces, Maj.-Gen. Paul Kagame, in Byumba. In UNAMIR, discussions were held with the Force Commander, Maj.-Gen. Romeo Dallaire, and senior military and civilian officials. During the special mission's visit, my Special Representative, Mr. Jacques-Roger Booh-Booh, currently based in Nairobi, was visiting other countries in the region to obtain their support, especially the contribution of troops, for UNAMIR's expanded mandate established by resolution 918 (1994).

4. Both sides had assured Maj.-Gen. Dallaire that they would observe an informal truce during the visit of Mr. Riza and Maj.-Gen. Baril. Nevertheless, firing and shelling continued, especially in and around Kigali, apparently as a result of RPF's continued offensive in the area and the Rwandan government forces' defensive fire. These conditions inconvenienced the special mission's movements somewhat, causing it to lose much time.

II. The massacres in Rwanda

5. The number of Rwandan children, women and men who were murdered in the frenzy of massacres over the past seven weeks will probably never be determined accurately. As time passes evidence erodes and witnesses vanish. The estimate is that between 250,000 and 500,000 were killed—a substantial proportion of Rwanda's population of 7 million. In hypothetical proportional terms, this would be approximately equivalent to 2 to 4 million in France, 4 to 8 million in Bangladesh, 5 to 10 million in Brazil and 9 to 18 million in the United States of America. Tens of thousands more have been maimed or wounded in Rwanda.

6. As noted in the statement of the President of the Security Council of 30 April (S/PRST/1994/21), these massacres and killings have continued in a systematic manner throughout the country, especially in the areas under the control of members or supporters of the armed forces of the interim Government of Rwanda, which was installed immediately after the death of the late President in the crash of his aircraft on 6 April. This assessment has been corroborated in the talks that the special mission had with the parties, the Force Commander and other UNAMIR personnel, humanitarian aid personnel and

also with journalists who reached the sites of carnage in various parts of Rwanda soon after they occurred.

7. The special mission was informed that the killers included members of the Rwandan government forces, but in the main were drawn from the Presidential Guard and the *interhamwe*, the youth militia recruited and formed by the late President's party. The head of the interim Government and the chiefs of staff of the Rwandese Armed Forces and the Gendarmerie acknowledged that this was the case, at the same time alleging that RPF bore equal culpability for the massacres. However, this allegation was not corroborated by the sources cited in paragraph 6 above. Their description of events suggested that, as it advanced towards the capital, RPF assembled, in several camps, the population it found, many of whom had fled, presumably along with most of those responsible for the killings. RPF explains that the purpose of these camps is to screen the population for members of *interhamwe* and others suspected of the killings. According to some of the sources, such individuals, when identified, are executed. RPF denies this charge, declaring that, while such incidents may have occurred in the early stages of its advance, such persons are now being held for investigation and trial. It does, however, acknowledge that armed persons in civilian clothing have been killed by RPF personnel.

8. The special mission found that the RPF zone is virtually empty, although some farmers appear to be returning to their fields from the RPF camps. In the Rwandan government forces-controlled zones, there are increasing numbers of displaced persons who have fled or are fleeing the RPF advance and who are seeking refuge in camps in sub-human conditions with no assurance even of daily food. This exodus is due in part to alarming radio broadcasts from Rwanda government forces zones, especially Radio Mille Collines, which also broadcasts incitements to eliminate RPF supporters. These refugee columns and concentrations are screened by militia and the Rwandan government forces, and there are reports that RPF supporters are killed when identified.

9. RPF declares that the aim of its military offensive is to rescue those—presumably RPF supporters—who find themselves in danger of their lives in the Rwandan government forces zone. Another aim is to seize those responsible for the massacres. Accordingly, RPF insists that a condition for a cease-fire is that the Rwandan government forces commit themselves to halting the killings that still are taking place. (This point has been included in the draft cease-fire document mentioned in paragraph 14.)

10. The summary above, based on information obtained by the special mission, carries prima facie credibility in the light of circumstantial evidence. Clearly, only a proper investigation can establish the facts and definite culpability, but the efficacy of such an exercise diminishes as time weakens evidence and disperses living witnesses.

11. In this context, the Security Council should be made aware of certain events that, in retrospect, might have had implications regarding the massacres. Between December 1993 and March 1994, UNAMIR took note on several occasions of inflammatory broadcasts by Radio Mille Collines and suspicious movements by armed groups, apparently include the *interhamwe*, and cautioned the provisional Government in both respects. UNAMIR also received evidence that arms were being brought into the country and protested to the provisional Government and also conveyed this information to the diplomatic community. On one occasion the Force Commander requested Headquarters for permission to use force to recover a cache of arms and was instructed to insist that the Gendarmerie conduct that operation under UNAMIR supervision.

III. Military aspects

12. As the members of the Council are aware, on the second day after the crash of the presidential aircraft and the start of the massacres, RPF launched a military offensive against the Rwandan government forces and the "interim Government". At the present time, RPF holds about half of the territory of Rwanda (see attached map), including strong positions in and around Kigali, especially the airport and its approaches. This brings RPF to control parts of the borders with Burundi and the United Republic of Tanzania in addition to the entire border with Uganda. The Rwandan government forces hold the rest of the country, mainly the areas west and south of the capital and a stronghold in the Gisyeni-Ruhengeri area in the north-west, where fighting continues. These areas abut on parts of the borders with Burundi and Zaire.

13. Kigali is virtually a ghost city devoid of normal activity. As RPF strengthens its hold on the capital, refugees have been streaming out of the city through the only accessible exit towards Gitarama in the west, some continuing south. The Rwandan government forces have also withdrawn a substantial number of their forces, redeploying them in the Gitarama area and other positions in the west and south. Control of the capital appears to hang in balance, while intense fighting continues.

14. In this situation, the special mission was able to obtain the agreement of the two sides to initiate talks

for the establishment of a cease-fire as called for by the Security Council in resolution 918 (1994). RPF's insistence that it would not deal, directly or indirectly, with the de facto authorities in Gitarama was accepted by the other side. A working paper, to serve as a basis for the talks, was prepared by the special mission and the Force Commander. The first meeting was held between military staff officers on 30 May at UNAMIR headquarters with the Deputy Force Commander acting as intermediary, and the talks were to resume on 2 June.

IV. Humanitarian aspects

15. The repercussions of the convulsion in Rwanda are enormous. Estimates, in the unsettled conditions prevailing, indicate that displaced persons are in the range of 1.5 million, with an additional 400,000 refugees in bordering countries. This would mean that over a quarter of Rwanda's population has been afflicted. The greater number of displaced persons are in zones controlled by the Rwandan government forces, where authority beyond Gitarama, Gisyeni and Butare appears to be uncertain. Consequently, neither United Nations agencies nor non-governmental organizations (NGOs) have been able to commence an effective programme, beyond sporadic deliveries where possible. In the RPF zone, more systematic humanitarian assistance programmes have commenced, but under strict RPF controls, against which the organizations distributing assistance have protested. These programmes are conducted from Kabale, in southern Uganda, by the World Food Programme (WFP), the United Nations Children's Fund (UNICEF), the International Committee of the Red Cross (ICRC) and NGOs. The Office of the United Nations High Commissioner for Refugees (UNHCR) is supporting refugees in the neighbouring countries. These activities are coordinated by the Department of Humanitarian Affairs through arrangements outlined in my last report (S/1994/565).

16. The special mission emphasized to the de facto authorities in Gitarama and to the Rwandan government forces military commanders the urgency of assuring conditions in the Rwandan government forces zone that would enable humanitarian assistance programmes to be commenced in those areas, as called for in resolution 918 (1994). Humanitarian agencies and NGOs also are making efforts to obtain such assurances. At present only ICRC maintains a presence in both Rwandan government forces and RPF zones and provides critical assistance, mainly medical, to the extent of its abilities and at high risk to its personnel. It is obvious that, in the conditions outlined in paragraphs 7 and 8 above, it is very urgent

that, as called for in resolution 918 (1994), "secure humanitarian areas" be established where the estimated 2 million of these unfortunate displaced persons can be provided both security and assistance. They may require this support for an extended period even after a cease-fire, until conditions permit them to return to their homes, or settle elsewhere, in reasonable safety.

V. Expanded mandate of UNAMIR

17. It is evident that, even after a cease-fire is established, conditions in Rwanda will remain uncertain and insecure in many areas for an extended period. Stability will return only when agreement on the resumption of a negotiated political process is reached. It is in this expectation that UNAMIR has to commence its additional tasks.

A. Cooperation by the parties

18. The most important prerequisite, assurances from both parties of cooperation with the mandate established by resolution 918 (1994), was secured by the special mission, although these assurances will require formalization as operations are initiated. However, their assurances will remain linked to the level of control both sides can exercise over their troops and armed elements. Under this mandate, UNAMIR will be required to carry out primarily two interlinked tasks, while continuing its mediation role in the talks for a cease-fire:

(a) To attempt to assure the security of as many assemblies as possible of civilians who are under threat;

(b) To provide security, as required, to humanitarian relief operations.

19. The conclusion of the special mission, after its discussions in Rwanda, is that the concept of operations outlined in my last report (S/1994/585) will require some adjustments as the situation evolves and more reliable data become available regarding threatened groups and displaced persons, especially in the Rwandan government forces zone. While agreeing to cooperate with UNAMIR in its tasks and in the deployment of its additional personnel, both sides raised questions regarding the conduct of operations on the ground. In particular, RPF expressed strong doubts as to whether 5,500 troops would be required, and the rationale was explained to them. The planned modalities of deployment are outlined below.

B. Kigali airport

20. As regards the concept of Kigali airport as a neutral zone, which is included in resolution 918 (1994), the Council will recall that, despite Maj.-Gen. Dallaire's

best efforts both before and after the adoption of the resolution, the Rwandan government forces did not transfer the control of the airport to UNAMIR. Subsequently, RPF occupied the airport by military means on 21 May and does not agree to relinquish control, citing UNAMIR's failure to obtain the same from the Rwandan government forces. It has indicated, however, that it would agree to a strengthened UNAMIR presence at the airport under arrangements similar to those which prevailed up to 6 April with Rwandan government forces units (which were at the airport under the terms of the Arusha agreement) now being substituted by RPF units. RPF would encourage and allow civilian technical and operational staff to return to their duties in order to reactivate the airport, and would cooperate with UNAMIR in ensuring the safety of flights. The Rwandan government forces could, however, disrupt or halt operation of the airport with indirect fire, but assured the special mission that they would not interfere.

C. Phase 1

21. The implementation of phase 1 of the operation clearly remains urgent and must be commenced without further delay, even before a cease-fire is effected. The Government of Ghana is prepared to dispatch the required troops immediately. However, they can be deployed only when essential equipment, especially armoured personnel carriers, is provided and moved to Rwanda. Without equipment, the troops would be unprotected, immobile and ineffective. With these questions still to be settled, it is estimated that phase 1 will not be operational for another four to six weeks, depending on how soon the resources required are made available by Member States and delivered on the ground.

22. In this first phase, UNAMIR would strengthen its position in Kigali, including at the airport, and establish a mobile reserve for deployment wherever required for emergencies, including reinforcement. About half the battalion would be deployed to provide some security to major concentrations of displaced persons in the interior of Rwanda where they are in most danger. UNAMIR would make clear to the authorities concerned that they are primarily responsible for the safety of these civilian groups under monitoring by UNAMIR, which would be prepared to take the measures necessary should this responsibility be violated. Military observers would be stationed in other places where assembled civilians are not under immediate threat. During this first phase, UNAMIR also would establish security for major hu-

manitarian supply depots and provide some escorts to convoys as required.

D. Phase 2

23. Because of the projected long delay in deploying the troops and equipment for phase 1, phase 2 should be initiated immediately, in close synchronization with phase 1. Owing to the logistical limitations of Kigali airport, alternative entry points would be utilized to deploy the two additional battalions, one mechanized and one motorized. This phase would be implemented in one of two possible scenarios:

(a) *No cease-fire in place at the time of deployment.* In this scenario, the additional units would establish and protect "secure areas", either by extending protection to existing assembly areas of threatened civilians or setting up new areas to which endangered civilians could be moved for safety. Clearly, the intention would be to maintain these secure areas only until such time as displaced persons can return to their places of origin or settle in other areas of their choice in reasonably secure conditions;

(b) *Cease-fire in place at the time of deployment.* In this scenario, displaced persons may be expected to begin to move out of the areas where they are assembled, and, therefore, resources required to protect "secure areas" can be reduced. This would enable UNAMIR to divert some of its additional resources in phase 2 towards monitoring the cease-fire on the terms agreed upon by the two parties. There is no intention to have UNAMIR assume the role of a buffer force unless the two parties so request and the Council approves.

E. Phase 3

24. The need to deploy the two battalions envisaged for phase 3 would depend upon how one of the scenarios in phase 2 unfolds. If a cease-fire is still not established, the experience of phase 2 will determine whether the mandate and the concept of operations are demonstrating a level of effectiveness that requires reinforcement by the units envisaged for phase 3. If not, the mandate or operational plan or both may require revision. Alternatively, if a cease-fire is established, it might be decided that these additional resources would not be required. In either case, urgent preparations for phase 3 must continue.

F. Flexibility of operations

25. During all three phases, flexible contingency plans would be in place to ensure the effective use of

available assets to respond to demands of a situation that is, and is likely to remain, fluid for some time before it stabilizes. For instance, should Kigali airport not be operational or accessible, other airfields have already been identified and reconnaissance carried out. In areas where humanitarian operations from bordering countries are evaluated as more effective in bringing assistance to displaced persons inside Rwanda, these routes would be used where required. Protection would be provided by UNAMIR to these operations, whether within the country or across borders, to the extent permitted by its available resources. In brief, coordination between UNAMIR and humanitarian agencies and NGOs would determine the most effective combination of "inside in" and "outside in" operations.

26. It is important for Council members to keep in mind that the concept of operations and the various scenarios are predicated on the assumption that the required troops with full equipment are made available to UNAMIR by Governments without further delay. Unless Member States show a determination to take prompt and decisive action, UNAMIR will not be able to implement its mandate effectively or to have the impact required to improve the lot of the Rwandese people and begin to alleviate the intense suffering to which they have been subjected.

VI. Political prospects

27. It is axiomatic that any hope of resolving the historical tensions in Rwanda must rest on the prospects of a political compromise. Indeed, such were precisely the premise and goal of the Arusha agreement of 4 August 1993. The Security Council established UNAMIR to assist the parties in implementing the agreement, this task being disrupted by the breakdown of the Arusha process in the aftermath of the death of the late President on 6 April 1994.

28. As the members of the Security Council are aware, the circumstances surrounding the crash of the presidential aircraft, in which the President of Burundi was also killed, engender extreme suspicion. Only a thorough investigation could determine whether the aircraft was brought down deliberately. If so, it would be critical to identify the source of attack, as this would indicate a possible political motive, perhaps even whether the violence that followed was part of a planned pogrom. Regrettably, here also the passage of time, with its accompanying deterioration of evidence and dispersal of witnesses, will make it difficult to establish the facts.

29. It is encouraging that, in their discussions with Mr. Riza and Maj.-Gen. Baril, both sides recognized that only a political settlement could bring stability to Rwanda and that there could be no military solution. In this context, while both sides declared that the principles of the Arusha peace agreement remained valid as a framework, each stated that the new circumstances would necessitate renegotiation of certain parts of the agreement. Clearly, there is little likelihood that their approaches and aims in such negotiations would coincide. Therefore, this positive sign notwithstanding, it is evident that, even after a cease-fire, the initiation of negotiations will not be smooth.

A. *Position of the "interim Government"*

30. The head of the "interim Government" declared bluntly that the Arusha agreement rested on the fallacious premise that the tensions in Rwanda could be resolved by a political formula. The fundamental problem was ethnic: the historic animosity between the majority Hutu who in the past had been ruled by the minority Tutsi. The Tutsi had never reconciled themselves to the democratic principle of government by the majority following the elections held on 18 September 1961 under United Nations supervision. Over the last 30 years, from bases in Uganda, the Tutsi had repeatedly tried to overthrow the democratic system by force. Having failed, they had resorted to a political stratagem following the introduction by the late President Habyarimana of a multiparty system in Rwanda in 1991. Having formed RPF as a political party, the Tutsi had induced other opposition parties to join the stratagem of arrogating to RPF far more political power than their demographic proportion of 15 per cent justified.

31. The negotiations at Arusha had been part of this stratagem, of which the mediators and the international community were unaware. Subsequently, RPF manoeuvres had "radicalized" the implementation process, split the opposition parties and aggravated tensions. Thus, RPF had exacerbated ethnic fears and animosities to a degree that, even had the broad-based transitional Government envisaged in the Arusha agreement been installed, violence against their supporters inevitably would have exploded. Now there could be no military solution: even if RPF expelled the Hutu population from Rwanda, they eventually would return to claim their rightful place. Therefore, in the view of this de facto authority, the only possible solution was a negotiated power-sharing formula within the principles of the Arusha agreement. This must guarantee the rights of both

the minority and the majority, so that one would not fear domination by the other. Elections simply by themselves were not the answer, as they always would result in a Hutu majority Government, and there was no intention of installing permanent rule by the majority.

B. *Position of RPF*

32. The RPF position is that, although carrying a strong ethnic element, Rwanda's problems are political. RPF was formed as a multi-ethnic party and its aim was to promote political pluralism rather than ethnic rivalry. Extremist elements in the late President Habyarimana's party, the Mouvement républicain national pour la démocratie et le développement, in an anti-Tutsi party, the Comité démocratique républicain, and in the Rwandan government forces simply had not reconciled themselves to the political compromise in the Arusha agreement, which required the establishment of a broad-based transitional Government leading to elections in 1995. They had engineered repeated delays in the installation of the transitional Government, and had made repeated efforts for the inclusion in it of the extremist Comité démocratique républicain, thus infringing the Arusha agreement. These attempts to subvert the peace process having failed, these extremist groups had decided to resort to the extermination of the leaders, allies and supporters of RPF. A plan for widespread killings throughout the country had been prepared and targets identified. The coup had commenced with the assassination of the President on his return from Dar es Salaam, where he had agreed, with the Presidents of the United Republic of Tanzania and Burundi, to disregard the pressures from the extremists and to proceed with the installation of the transitional Government. The systematic manner and the scale of the massacres was clear evidence that these were not spontaneous or random killings.

33. RPF takes the position that the "interim Government" was installed by the same extremist elements in the Mouvement républicain national pour la démocratie et le développement and the Rwandan government forces who had planned and executed the massacres. Therefore, RPF considered the "interim Government" a "criminal group" as well as an illegal entity and would have no contact with it, direct or indirect. Indeed, RPF is "appalled" that the United Nations and Governments deal with this entity, even more so when they allow it to participate in decisions taken by the Security Council to deal with the situation in Rwanda that the "interim

Government" itself has instigated, while RPF as the other party cannot express its views.

34. RPF declares that it does not seek to impose a military solution, and would enter into political negotiations, within the principles of the Arusha agreement, only with representatives of political parties, including the Mouvement républicain national pour la démocratie et le développement, who did not comprise individuals involved with planning and executing the massacres of RPF supporters. Meanwhile, RPF would agree to cease-fire talks with Rwandan government forces officers since the military was the only functioning institution, despite the fact that its personnel had participated in the massacres. RPF agreed that an early cease-fire was essential to spare the Rwandese population continued suffering, but to achieve this aim the Rwandan government forces would have to commit themselves to halting the killings that still were continuing in the Rwandan government forces-controlled zone. This position of the Rwandese Patriotic Front given to the special mission was also conveyed directly to me in my meeting at Headquarters on 24 May 1994 with the First Vice-President of the Rwandese Patriotic Front, Mr. Patrick Mazimhaka.

C. Arusha framework

35. It thus is evident that, even when a cease-fire is achieved, the positions of the two parties are such that a determined mediation effort will be required to bring mutually acceptable interlocutors to the negotiating table. Nevertheless, it is a positive sign that both sides accept that the negotiations would be in the framework of the Arusha agreement and that both sides would seek a durable political formula to determine the sharing of power in order to resolve the specific problems of Rwanda.

VII. Observations

36. The magnitude of the human calamity that has engulfed Rwanda might be unimaginable but for its having transpired. On the basis of the evidence that has emerged, there can be little doubt that it constitutes genocide, since there have been large-scale killings of communities and families belonging to a particular ethnic group. The continuing hostilities impede a full investigation of these massacres and, regrettably, in any case procedures in the United Nations do not lend themselves to immediate action in such circumstances. In this situation, the international community must thank the men and women working in UNAMIR, humanitarian agen-

cies, NGOs and the media for conveying the dimensions of the horror that overtook the people of Rwanda.

37. As the Security Council is informed, the High Commissioner for Human Rights, Mr. José Ayala Lasso, has visited Rwanda. He has presented his report to the Commission on Human Rights, which has designated Mr. René Degni Segui as Special Rapporteur for Rwanda.

38. In the meantime, it is unacceptable that, almost two months since this violence exploded, killings still continue. Both parties must immediately cease such activities, there being strong evidence that the overwhelming responsibility lies with the "interim Government" and the Rwandan government forces, which must immediately take effective measures to halt such killings in the zone under their control. It would be senseless to attempt to establish a cease-fire and to allow deliberate killings of civilians in the Rwandan government forces zone to continue. There is the danger that, if not stopped, this would lead to reprisals and counter-reprisals, setting off a prolonged cycle of violence.

39. Nevertheless, it is gratifying that the military authorities of both sides have commenced talks towards a cease-fire. I hope that they will show flexibility and enough concern for the suffering of their civilian compatriots to reach early agreement on cease-fire terms. The Force Commander of UNAMIR will make every effort to facilitate these talks and to support the practical implementation of the arrangements agreed upon. However, I repeat that a halt to the killings of civilians must be concomitant with a cease-fire.

40. The immediate priorities are to relieve the suffering of the displaced population and the fears of civilians under threat. The first requires organized humanitarian relief operations, which cannot be launched on the scale required unless adequate security conditions for them can be established. UNAMIR has already prepared plans to provide these conditions, which encompasses the second priority, the security of assemblies of civilians in peril. The ultimate aim of these humanitarian and security efforts would be, of course, to enable those affected to return to their homes or to seek security elsewhere in Rwanda as soon as conditions permit. As indicated above, some humanitarian relief is reaching the RPF zone. However, this does not appear practicable in the Rwandan government forces zone, where most of the displaced population is found, until UNAMIR is enabled to establish adequate security conditions there, while also introducing monitoring arrangements in the RPF zone. Clearly, these tasks assigned to UNAMIR by the Security Council in resolution

918 (1994) require the urgent provision of the necessary resources by Member States. I therefore again appeal to Governments to respond urgently to this need. I am grateful to the Governments of Ethiopia, Ghana, Nigeria, Senegal and Zimbabwe for their offers of troops. However, these cannot be dispatched until the proper equipment is provided by other Governments.

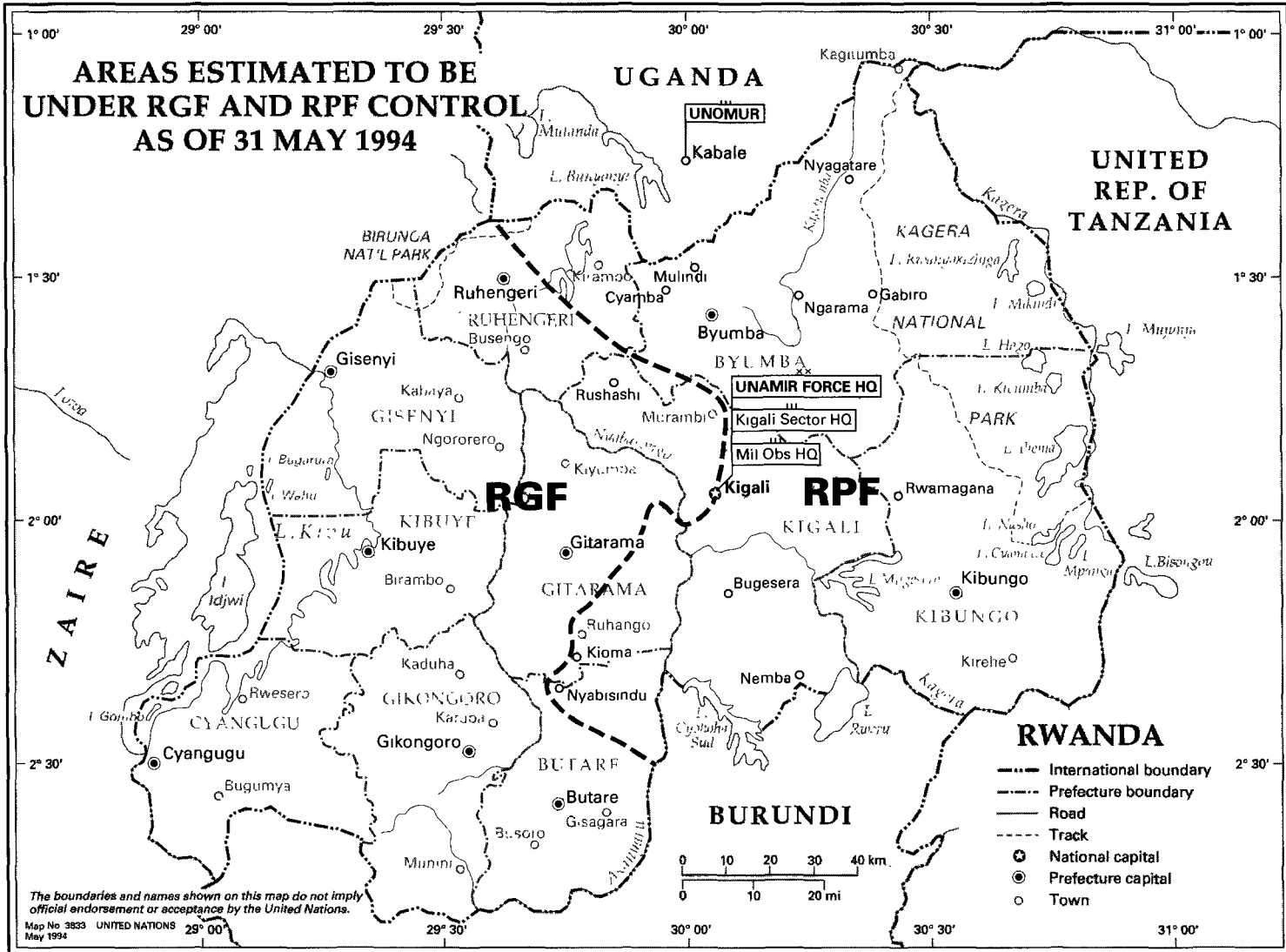
41. Only when the killings have been halted, when a cease-fire is effective, humanitarian relief being provided and some semblance of security for the population returns can there be hope for the underlying political issues to be addressed through negotiations. At that stage, it will be essential that the Organization of African Unity (OAU), neighbouring and regional Governments and all other interested Governments exert their influence upon both sides to demonstrate the commitment to compromise that alone can result in a mutually acceptable and durable political solution to Rwanda's particular problems. It is essential that the arms embargo imposed by resolution 918 (1994) be respected, and that no armaments reach either party across any of Rwanda's borders. In this context, I intend to review the role of UNOMUR, which monitors only the border with Uganda, to assess whether it would be advantageous to integrate its resources into UNAMIR to strengthen the latter.

42. I trust that the information and assessments in the present report will enable the Security Council to review the situation in Rwanda, where a humanitarian disaster, combined with widespread violence, requires urgent and decisive action. The two parties have commenced talks towards a cease-fire, but it is evident that national reconciliation will not be facile or swift. It will take some time for the Rwandese people to come to terms to reach a durable political compromise to resolve their tensions. It is the duty of the United Nations to assist in whichever way it can. I, therefore, recommend that the expanded mandate for UNAMIR be authorized by the

Council for an initial period of six months, with the anticipation that at least another six-month renewal will be required. I intend to establish a special trust fund to support effective rehabilitation programmes in Rwanda, and I appeal to all Governments to contribute to it generously.

43. The delay in reaction by the international community to the genocide in Rwanda has demonstrated graphically its extreme inadequacy to respond urgently with prompt and decisive action to humanitarian crises entwined with armed conflict. Having quickly reduced UNAMIR to a minimal presence on the ground, since its original mandate did not allow it to take action when the carnage started, the international community appears paralysed in reacting almost two months later even to the revised mandate established by the Security Council. We all must recognize that, in this respect, we have failed in our response to the agony of Rwanda, and thus have acquiesced in the continued loss of human lives. Our readiness and capacity for action has been demonstrated to be inadequate at best, and deplorable at worst, owing to the absence of the collective political will. While attempting now to redeem these failings in the Rwandese crisis, the entire system requires review to strengthen its reactive capacity. It is my intention that such a review be conducted.

44. In concluding the present report, I should like to express my appreciation to Mr. Riza and Maj.-Gen. Baril for willingly undertaking this difficult mission. I also wish to express my appreciation to my Special Representative, Mr. Booh-Booh, for his efforts to obtain support from Governments in the region to deal with the crisis in Rwanda. Even more, I reiterate once again my gratitude and high admiration to Maj.-Gen. Dallaire and the men and women of UNAMIR for their courage and continued dedication to their mission and to the Rwandese people under arduous and dangerous conditions.



Document 65

Letter dated 8 June 1994 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, transmitting a note verbale dated 1 June 1994 from the Ministry of Foreign Affairs and Cooperation of Rwanda concerning the situation in Rwanda

S/1994/691, 9 June 1994

I have the honour to transmit herewith a note verbale, dated 1 June 1994, addressed to you by the Ministry of Foreign Affairs and Cooperation of Rwanda, concerning the situation in Rwanda.

In this note, the Government of Rwanda, while expressing regret that the Rwandese Patriotic Front (RPF) is obstinately pursuing its logic of war with massive support from Uganda, urgently appeals to the Security Council to take the action necessary to bring about a cessation of hostilities and to compel Uganda to withdraw the men and the arms it has supplied to RPF.

In this connection, the Government of Rwanda requests that its complaint concerning the aggression committed by Uganda against Rwanda, which was the subject of its letter of 16 May 1994 (see S/1994/586), be considered at the earliest possible opportunity in order to restore peace in Rwanda and avert a conflagration in the sub-region.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Jean-Damascène BIZIMANA
Ambassador
Permanent Representative

Annex

Note verbale dated 1 June 1994 from the Ministry of Foreign Affairs and Cooperation of Rwanda addressed to the President of the Security Council

The Ministry of Foreign Affairs and Cooperation of the Rwandese Republic presents its compliments to the President of the Security Council and has the honour to draw his attention to the following.

1. The Government of Rwanda welcomes the strengthening of the United Nations Assistance Mission for Rwanda (UNAMIR) and the expansion of its mandate pursuant to Security Council resolution 918 (1994) of 17 May 1994.

The Government of Rwanda regrets, however, that the Rwandese Patriotic Front (RPF), obstinately pursuing its logic of war with massive support from Uganda, persists in violating paragraph 1 of section A of the above-mentioned resolution.

By opting to pursue its war of aggression against Rwanda through its proxy, RPF, Uganda is preventing the deployment of the strengthened UNAMIR and the performance of the Mission's functions.

The Government of Rwanda urgently appeals to the Security Council to take the action necessary to bring about a cessation of hostilities and to compel Uganda to withdraw the men and the arms it has supplied to RPF.

The Government of Rwanda considers, moreover, that the complaint which it lodged on 16 May 1994 concerning Uganda's aggression should be considered at the earliest possible opportunity in order to restore peace in Rwanda and avert a conflagration in the subregion.

2. In view of the stubborn refusal of RPF to engage in a dialogue with the Government of Rwanda on the establishment of a cease-fire and the settlement of the political problems that have arisen, the Security Council should consider, *inter alia*, the deployment of a buffer force capable of compelling the parties to desist from the fighting.

3. The Government of Rwanda reiterates its position concerning the embargo which has been imposed against Rwanda while the other party to the conflict continues to enjoy unimpeded access to arms and even troops supplied by its allies, who are accomplices in the aggression against Rwanda.

The Government of Rwanda believes that the embargo imposed against Rwanda in fact encourages the aggressor to seek a military victory and hence to escalate the hostilities and increase the suffering of the population. This is what has happened in Rwanda since the adoption of resolution 918 (1994).

There is therefore an urgent need for an embargo against the aggressor rather than against the victim of the aggression. The latter must be able to exercise its right of self-defence under Article 51 of the Charter of the United Nations.

4. The Government of Rwanda reiterates its request that the numerical strength and the logistical means of the United Nations Observer Mission Uganda-Rwanda (UNOMUR) be increased so that the

Mission will be better able to carry out its assigned tasks.

The Government of Rwanda would like the Security Council to deal with this note as a matter of urgency.

Document 66

Security Council resolution extending the mandate of UNAMIR until 9 December 1994 and authorizing deployment of two additional battalions

S/RES/925 (1994), 8 June 1994

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolutions 912 (1994) of 21 April 1994 and 918 (1994) of 17 May 1994, which set out the mandate of the United Nations Assistance Mission for Rwanda,

Having considered the report of the Secretary-General of 31 May 1994, 1/

Bearing in mind the statement made by the President of the Security Council on 3 May 1994, 2/

Reaffirming its resolution 868 (1993) of 29 September 1993 on the security of United Nations operations,

Noting with concern that, to date, the parties have not ceased hostilities, agreed to a cease-fire, or brought an end to the violence and carnage affecting civilians,

Noting with the gravest concern the reports indicating that acts of genocide have occurred in Rwanda, and recalling in this context that genocide constitutes a crime punishable under international law,

Reiterating its strong condemnation of the ongoing violence in Rwanda and, in particular, the systematic killing of thousands of civilians,

Expressing its outrage that the perpetrators of these killings have been able to operate and continue operating within Rwanda with impunity,

Noting that the Mission is not to have the role of a buffer force between the two parties,

Noting also that the expanded military component of the Mission will continue only as long as and to the extent that it is needed to contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda and to provide security, as required, to humanitarian relief operations,

Underscoring the fact that the internal displacement of some 1.5 million Rwandese facing starvation and disease and the massive exodus of refugees to neighbouring countries constitute a humanitarian crisis of enormous proportions,

Reiterating the importance of the Arusha Peace Agreement 3/ as the basis for the peaceful resolution of the conflict in Rwanda,

Commending the countries which have provided humanitarian assistance to Rwandese refugees, as well as emergency aid to alleviate the sufferings of the Rwandese people, and those countries which have contributed troops and logistical support to the Mission, and reiterating the urgent need for coordinated international action in this respect,

Welcoming the cooperation between the United Nations and the Organization of African Unity and the contributions of the countries of the region, especially that of the facilitator of the Arusha peace process, and encouraging them to continue their efforts,

Welcoming the visit to Rwanda and to the region by the United Nations High Commissioner for Human Rights,

Noting the appointment of a Special Rapporteur for Rwanda, pursuant to Commission on Human Rights resolution S-3/1 of 25 May 1994, 4/

Reaffirming its commitment to the unity and territorial integrity of Rwanda,

1. *Welcomes* the report of the Secretary-General of 31 May 1994; 1/

2. *Endorses* the proposals of the Secretary-General contained in that report for the deployment of the expanded United Nations Assistance Mission for Rwanda, in particular:

1/ *Official Records of the Security Council, Forty-ninth Year, Supplement for April, May and June 1994*, document S/1994/640.

2/ S/PRST/1994/22.

3/ Peace Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, signed at Arusha, United Republic of Tanzania, on 4 August 1993; see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26915.

4/ See *Official Records of the Economic and Social Council, 1994, Supplement No. 4B (E/1994/24/Add.2)*, chap.II.

(a) The immediate initiation of the deployment of the two additional battalions in phase 2 in close synchronization with phase 1;

(b) The continuation of urgent preparations for the deployment of the two battalions envisaged for phase 3;

(c) Flexible implementation of all three phases to ensure effective use of available resources to accomplish the tasks listed in paragraphs 4 (a) and (b) below;

3. *Decides* to extend the mandate of the Mission, expiring on 29 July 1994, until 9 December 1994;

4. *Reaffirms* that the Mission, in addition to continuing to act as an intermediary between the parties in an attempt to secure their agreement to a cease-fire, will:

(a) 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;

(b) Provide security and support for the distribution of relief supplies and humanitarian relief operations;

5. *Recognizes* that the Mission may be required to take action in self-defence against persons or groups who threaten protected sites and populations, United Nations and other humanitarian personnel or the means of delivery and distribution of humanitarian relief;

6. *Demands* that all parties to the conflict cease hostilities, agree to a cease-fire and immediately take steps to bring an end to systematic killings in areas under their control;

7. *Welcomes* the assurances of both parties to cooperate with the Mission in carrying out its mandate, recognizes that such cooperation will be essential to the effective implementation of the mandate, and demands that both parties adhere to those assurances;

8. *Demands further* that all parties cease forthwith any incitement, especially through the mass media, to violence or ethnic hatred;

9. *Urges* Member States to respond promptly to the Secretary-General's request for resources, including logistical support capability for rapid deployment of additional Mission forces;

10. *Requests* the Secretary-General to ensure that the Mission extends the close cooperation it has with the Department of Humanitarian Affairs of the Secretariat and the United Nations Rwanda Emergency Office also

to the Special Rapporteur for Rwanda appointed by the Commission on Human Rights;

11. *Demands* that all parties in Rwanda strictly respect the persons and premises of the United Nations and other organizations serving in Rwanda and refrain from any acts of intimidation or violence against personnel engaged in humanitarian and peace-keeping work;

12. *Emphasizes* the necessity that, *inter alia*:

(a) All appropriate steps be taken to ensure the security and safety of the operation and personnel engaged in the operation;

(b) The security and safety arrangements undertaken extend to all persons engaged in the operation;

13. *Commends* the efforts of States, United Nations agencies, international organizations and non-governmental organizations which have provided humanitarian and other assistance, encourages them to continue and increase such assistance, and urges others to provide such assistance;

14. *Welcomes* the intention of the Secretary-General to establish a special trust fund for Rwanda and invites the international community to contribute generously to it;

15. *Commends* the tireless efforts of the Force Commander of the Mission to prevent more innocent lives from being lost and to bring about a cease-fire between the parties;

16. *Commends* also the efforts of the Secretary-General and his Special Representative to achieve a political settlement in Rwanda within the framework of the Arusha Peace Agreement, invites them, in coordination with the Organization of African Unity and countries in the region, to continue their efforts, and demands that the parties undertake serious efforts to bring about political reconciliation;

17. *Decides* to keep the situation in Rwanda and the role played by the Mission under constant review, and to that end requests the Secretary-General to report to the Council as appropriate, and in any case no later than 9 August and 9 October 1994, on progress made by the Mission in the discharge of its mandate, the safety of populations at risk, the humanitarian situation and progress towards a cease-fire and political reconciliation;

18. *Decides* to remain actively seized of the matter.

Document 67

Second progress report of the Secretary-General on UNOMUR for the period from 22 December 1993 to 21 June 1994, recommending that its mandate be extended for three months until 21 September 1994 and that the mission be phased out by that date

S/1994/715, 16 June 1994

I. Introduction

1. The present report is submitted in pursuance of paragraph 2 of Security Council resolution 891 (1993) of 20 December 1993, by which the Council decided to extend the mandate of the United Nations Observer Mission Uganda-Rwanda (UNOMUR) for a period of six months from 22 December 1993 to 21 June 1994. The present report covers the period since my last report to the Security Council on UNOMUR of 15 December 1993 (S/26878).

2. UNOMUR was established with the adoption of resolution 846 (1993) by the Security Council on 22 June 1993. The mission was mandated to deploy on the Ugandan side of the border with Rwanda in order to verify that no military assistance reached Rwanda, focusing primarily in that regard on transit or transport, by roads or tracks which could accommodate vehicles, of lethal weapons and ammunition across the border, as well as any other material that could be of military use.

II. Deployment and activities

3. As of 3 June 1994, UNOMUR consisted of 81 military observers from the following countries: Bangladesh (20), Botswana (9), Brazil (13), Hungary (4), Netherlands (10), Senegal (10), Slovakia (5) and Zimbabwe (10). In addition, the mission included 11 international civilian and 7 locally recruited staff performing a variety of substantive and administrative support tasks.

4. The drastic change in the overall situation in Rwanda, sparked by the deaths of the presidents of Rwanda and Burundi in a suspicious plane crash in Kigali on 6 April, and resulting in the resumption of hostilities in that country, affected not only the operations of the United Nations Assistance Mission for Rwanda (UNAMIR), but also UNOMUR's monitoring operations on Uganda's border with Rwanda. Prior to the resumption of hostilities in Rwanda, UNOMUR had restricted its monitoring activities in Uganda along the area of the border with Rwanda which was controlled by the Rwandese Patriotic Front (RPF). As pointed out in my report of 15 December (S/26878), UNOMUR's deployment and operational activities mainly covered two major and three secondary crossing sites stretching from

Sabinio volcano in the west to Lubirizi in the east on the Ugandan side of the border (see attached map). [Editor's note: Map of UNOMUR deployment as of June 1994 is not reproduced here.]

5. Following the resumption of the civil war in Rwanda, RPF was able to gain control of the entire border with Uganda. It therefore became evident that in order for UNOMUR to fulfil its mandate, the mission would be required to extend its observation and monitoring activities along the whole border, up to Mirama Hills on the eastern part of the Ugandan side of the border, a distance of some 170 kilometres from Sabinio volcano to the West. Moreover, it was not possible for UNOMUR to investigate in a credible manner the increasing number of allegations being received that troops and support equipment were crossing the Ugandan border into Rwanda without monitoring the entire border. While UNOMUR's movements to the areas in the north-east and west beyond the mission's original area of operation were not restricted, attempts were made to restrict UNOMUR patrols eastward in the Mirama Hills area. After discussions between the UNOMUR Acting Chief Military Observer and the Ugandan military authorities at Kampala on 2 May, UNOMUR received clearance to monitor this area by both ground and air patrols. Accordingly, with effect from 14 May 1994, UNOMUR has been able to monitor the entire border between Uganda and Rwanda.

6. UNOMUR carries out its tasks essentially through patrolling, monitoring and surveillance of the whole stretch of the operational area, involving both mobile and fixed observations as well as on-site investigations of suspected cross-border traffic. Since the resumption of the fighting in Rwanda, UNOMUR's surveillance activities have been especially vigorous and have enabled it to investigate to allegations of arms flows into Rwanda through its border with Uganda.

7. The recent extension of UNOMUR's monitoring activities to the whole border has necessitated the readjustment of tasks and the reassignment of military observers in the operational area. Consequently, the headquarters staff at Kabale has been reduced from 14 to 9 currently to permit the creation of additional monitoring teams, with the remaining headquarters personnel

also participating, as appropriate, in patrolling and other monitoring assignments. To help meet the increased operational requirements, UNOMUR currently maintains seven observation posts and checkpoints manned on a 24-hour basis, as opposed to two previously.

8. In carrying out its monitoring mandate, UNOMUR is currently performing a number of specific tasks, including, *inter alia*:

(a) Fixed 24-hour manned observation through the two main crossing sites at Katuna and Cyanika and the secondary crossing points at Bigaga, Lubirizi, Kafunzo, Kashekye and Mirama Hills;

(b) Random day and night mobile patrols to cover routes or tracks which require surveillance;

(c) Random day and night foot patrols covering areas which also require surveillance but are inaccessible by mobile/vehicle patrols;

(d) Random aerial day patrols involving the airlift by helicopters of military observers into areas of high elevation for a clearer view and observation of routes leading to the border;

(e) Random aerial day surveillance by helicopter of the border areas and routes. Such surveillance is often conducted by mission commanders and staff to monitor movements along the border and routes leading to the border.

9. The arrival in the mission area of three helicopters in early April has strengthened UNOMUR's overall operational capacity. However, ground features and weather conditions do not permit safe operations of civilian-contracted helicopters at night. Therefore, the helicopters are currently used primarily for daytime aerial surveillance, patrolling and reconnaissance. They are also used for emergency medical evacuation purposes and for rapid deployment of military observers to selected remote and difficult-to-reach observation posts to monitor suspected crossing sites by day or night.

10. I am glad to report that, in general, UNOMUR's activities in pursuance of its mandate have been effective. In my last report to the Council (S/26878), I noted that any clandestine cross-border traffic had decreased appreciably and that, at that time, movement was restricted and only along well-used routes across the border. I furthermore reported that there was no evidence of any significant traffic in armaments. Despite the resumption of hostilities in Rwanda, the situation of cross-border traffic from Uganda into Rwanda does not appear to have changed during the reporting period, and no movement of armaments or armed personnel has been detected by UNOMUR.

III. Financial aspects

11. As indicated in my report on the financing of UNAMIR (A/48/837), the administrative costs related to the military observers and civilian personnel of UNOMUR, with effect from 22 December 1993, are included in the cost estimates for the maintenance of UNAMIR. The General Assembly, by its resolution 48/248 of 5 April 1994, authorized the Secretary-General to enter into commitments at a monthly rate not to exceed \$9,082,600 gross per month for the period from 5 April to 31 October 1994, for the maintenance of both operations. Should the Council decide to continue the mandate of UNOMUR as recommended in paragraph 14 below, the resources required for its maintenance would be obtained from the level authorized by the Assembly in its resolution 48/248.

IV. Observations and recommendations

12. It is now nearly a year since the Security Council decided to establish UNOMUR and almost 10 months since the mission was fully deployed in its operational area. UNOMUR was intended to create an atmosphere conducive to a negotiated settlement of the Rwandese conflict and to underscore the importance that the international community attaches to the maintenance of peace and security in the region. This observer mission has continued to be a factor of stability in the area and has been particularly critical in recent months, as UNAMIR has sought to defuse tensions resulting from the resumption of hostilities in Rwanda.

13. As a result of the dramatically changed situation in Rwanda, both the priorities and the requirements of the international community have evolved. It should be recalled in this connection that the Security Council, by its resolution 918 (1994) of 17 May 1994, decided to expand the strength of UNAMIR to 5,500 all ranks to enable it to contribute to the security and protection of persons at risk in Rwanda and to provide security and support for the distribution of relief supplies and humanitarian relief operations. Under resolution 918 (1994), the Council, acting under Chapter VII of the Charter of the United Nations, also decided to place an embargo on the delivery of arms, ammunition and related material to Rwanda. In addition, the Council established a Committee to coordinate with Member States on the action taken by them to implement the embargo.

14. Under these circumstances, there appears to be little rationale for monitoring one of Rwanda's borders and not the others. At the same time, however, the issue of arms flows is one of the major areas of concern in the cease-fire talks, which are being held under the auspices of UNAMIR. As UNOMUR's activities allow UNAMIR

to address, at least to some degree, the issue of outside interference in the Rwandese civil war, I believe that UNOMUR should continue its monitoring activities until an effective cease-fire has been established. I therefore recommend that UNOMUR's mandate be renewed for a period of three months. During this period, the number of military observers would be reduced by phases, adjusting to operational requirements. UNOMUR would be

closed down by 21 September. I would report on the completion of this process to the Security Council.

15. In conclusion, I would like to express my appreciation to the Government of Uganda for the cooperation and assistance it has extended to UNOMUR. I also wish to pay tribute to both the military and the civilian personnel of UNOMUR for the professionalism and dedication with which they have carried out their tasks.

Document 68

Letter dated 19 June 1994 from the Secretary-General to the President of the Security Council, suggesting that the Council consider France's offer to undertake a multinational operation to assure the security and protection of civilians at risk in Rwanda until UNAMIR is brought up to strength

S/1994/728, 20 June 1994

1. Since the breakdown of the peace process in Rwanda in the wake of the tragic events of 6 April 1994, I have reported to the Security Council on several occasions, repeatedly stressing the need for an urgent and coordinated response by the international community to the genocide which has engulfed that country.

2. The Security Council initially decided, by its resolution 912 (1994) adopted on 21 April 1994, to adjust the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) and to reduce its strength to 270 all ranks. However, in my letter of 29 April to the President of the Security Council (S/1994/518), I pointed out that the situation had deteriorated to the point where it had become necessary to consider what further action the Council could take, or authorize Member States to take, in order to contribute to the restoration of law and order, to end the wanton violence and massacres of defenceless civilians and to promote a cease-fire.

3. On the basis of my report of 13 May (S/1994/565), the Security Council adopted resolution 918 (1994) on 17 May 1994, authorizing the expansion of the force level of UNAMIR up to 5,500 troops and expanding its mandate to contribute to the security and protection of civilians at risk as well as to provide security and support for humanitarian relief operations. The Council requested me, as a first phase, to immediately bring up to full strength the mechanized infantry battalion already in Rwanda, and further requested me to report as soon as possible on the next phase of UNAMIR's deployment.

4. On the basis of a further report which I submitted to the Security Council on 31 May (S/1994/640), following the visit of a special mission from Headquarters to Rwanda, the Council adopted resolution 925 (1994) on 8 June 1994, in which it endorsed my proposals for the simultaneous deployment of the first and second phases of the expanded operation and for the continuation of urgent preparations for the deployment of the third phase. As of 18 June, UNAMIR consisted of a total force of 503 all ranks (354 troops, 25 military staff personnel and 124 military observers) under the command of Major-General Romeo A. Dallaire. Two Canadian C-130 aircraft are also supporting the mission. I must again reiterate my admiration for the dedication and courage of all UNAMIR personnel, despite serious casualties.

5. In anticipation of the expansion of the mandate of UNAMIR, I had written, on 30 April, to a number of Heads of State in Africa to encourage them to provide troops, and to the Secretary-General of the Organization of African Unity (OAU), asking him to support my requests. I pursued my efforts through numerous contacts with Heads of State and Government during my visit to South Africa in early May, and with African leaders at the OAU Summit conference in Tunis earlier this month. At the same time, the Secretariat had already commenced efforts to secure the equipment and troops required by UNAMIR for the implementation of the first and second phases. Accordingly, over 50 potential contributing countries were approached.

6. To date, the United Nations has received offers for the following:

- Ethiopia: motorized infantry battalion (fully equipped);
- Ghana: mechanized infantry battalion (offer not yet confirmed and made on the condition that its equipment requirements are met);
- Senegal: mechanized infantry battalion (offer not yet confirmed and made on the condition that it be fully equipped);
- Zambia: motorized infantry battalion (on the condition that it be fully equipped);
- Zimbabwe: motorized infantry battalion (on the condition that it be fully equipped);
- Congo: infantry company (on the condition that it be fully equipped);
- Malawi: infantry company (on the condition that its equipment requirements are met);
- Mali: infantry company (on the condition that its equipment requirements are met);
- Nigeria: infantry company (on the condition that its equipment requirements are met);
- Italy: 1 aircraft (most probably C-130, not to fly into Rwandese airspace);
- Netherlands: 1 Fokker 27 aircraft (not to fly into Rwandese airspace);
- United Kingdom of Great Britain and Northern Ireland: 50 trucks for infantry and cargo;
- United States of America: 50 armoured personnel carriers (APCs);
- France, on a bilateral basis, has offered 20 million French francs to Senegal to cover the equipment requirements of 200 men.

7. Some countries have indicated an interest, but have not yet made commitments, to provide the following:

- Australia: 1 medical company;
- Canada: a communication company;
- Italy: 20 water/fuel trucks;
- Romania: a surgical team;
- Russian Federation: 8 transport helicopters and a number of heavy transport cargo aircraft.

8. On the basis of the offers for troops and equipment received so far, and of the discussions between the Secretariat and the Governments concerned, the United Nations expects, in the best of circumstances, to complete the deployment of the first phase of UNAMIR in the first week of July 1994. This envisages bringing the depleted battalion presently in Kigali to its full strength, for which confirmation of the offer from Ghana is expected. Mean-

while, 10 APCs, which are being transferred from the United Nations Operation in Somalia (UNOSOM II), have already started arriving in Rwanda as part of the deployment of the first phase. In addition, the United States will start airlifting 50 APCs to Entebbe, Uganda, on 24 June.

9. The deployment schedule for the second phase of the expanded operation, which was intended to be synchronized with the first phase, cannot be determined at this time. Final confirmations of the resources required, namely two infantry battalions, a communications unit and other logistic support, have not yet been received from the Governments concerned. Moreover, the Secretariat has still not been able to secure offers for medical and other support units. In the absence of firm commitments for military logistic units, it will be necessary to seek a civilian contractor on an emergency basis. Such a contractual alternative already exists within UNOSOM II and it would be extended to UNAMIR until the necessary logistic support from Governments can be secured.

10. In the conditions prevailing in Rwanda, it is clear that additional troops can only be deployed once the necessary equipment to support them is on the ground and after the troops have been trained to use the equipment with which they may not be familiar. It also is noteworthy that, although Governments are expected to offer fully trained and equipped units for United Nations operations, almost all offers received from Governments are conditional in one way or another. The difficulties that the Secretariat has faced in securing resources for UNAMIR's expanded mandate show that there is no guarantee that the stipulated conditions can be met. Even if they can, protracted negotiations will be required, not only with the Governments making these conditional offers, but also with other Member States. In this context, it should be noted that none of those Governments possessing the capacity to provide fully trained and equipped military units have offered so far to do so for the implementation of the Security Council's resolutions to deal with the situation in Rwanda.

11. In the light of the above, it is evident that, with the failure of Member States to promptly provide the resources necessary for the implementation of its expanded mandate, UNAMIR may not be in a position, for about three months, to fully undertake the tasks entrusted to it by those resolutions. Meanwhile, the situation in Rwanda has continued to deteriorate and the killing of innocent civilians has not been stopped. Furthermore, the parties have not yet come to an agreement for a cease-fire in the talks under UNAMIR auspices, nor have they respected the cease-fire to which they agreed at the recent OAU summit in Tunis.

12. In these circumstances, the Security Council may wish to consider the offer of the Government of France to undertake, subject to Security Council authorization, a French-commanded multinational operation in conjunction with other Member States, under Chapter VII of the Charter of the United Nations, to assure the security and protection of displaced persons and civilians at risk in Rwanda. Such an operation was one of the options envisaged in my letter of 29 April (S/1994/518) and a precedent exists for it in the United States-led operation Unified Task Force in Somalia (UNITAF) which was deployed in Somalia in December 1992. If the Council decides to authorize an operation on these lines, I consider it would be necessary for it to request the Governments concerned to commit themselves to maintain their troops in Rwanda until UNAMIR is brought up to the necessary strength to take over from the multinational force and the latter has created conditions in which a peace-keeping force operating under Chapter VI of the Charter would have the capacity to carry out its mandate. This would imply that the multinational force should remain deployed for a minimum period of three months.

13. The activities of the multinational force and UNAMIR would be closely coordinated by the respective force commanders, who would take into account the fact

that the former would be operating under Chapter VII of the Charter. UNAMIR would continue to fulfil, to the extent permitted by the resources made available to it, its mandated responsibilities in and around Kigali and at the airport. It would also continue to assist in providing support for the delivery of humanitarian aid to accessible areas. During this period, UNAMIR would operate on the assumption that the parties will cooperate with the activities of the mission. However, in the event that the safety and security of UNAMIR personnel were to be jeopardized, I would immediately reassess the situation and make appropriate recommendations to the Security Council.

14. It is self-evident that the efforts by the international community to restore stability in Rwanda, both by halting the genocide and by securing a cease-fire, are directed to a resumption of the Arusha peace process. In this connection, as the Security Council is aware, my new Special Representative for Rwanda, Mr. Shaharyar M. Khan, plans to take up his assignment shortly.

15. I should be grateful if you would bring the contents of the present letter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Document 69

Security Council resolution extending the mandate of UNOMUR to 21 September 1994 and providing for the mission's phase-out by that date

S/RES/928 (1994), 20 June 1994

The Security Council,

Reaffirming its resolutions 812 (1993) of 12 March 1993, 846 (1993) of 22 June 1993 and 891 (1993) of 20 December 1993,

Recalling its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda, as well as its resolutions 893 (1994) of 6 January 1994, 909 (1994) of 5 April 1994, 912 (1994) of 21 April 1994, 918 (1994) of 17 May 1994 and 925 (1994) of 8 June 1994,

Having examined the report of the Secretary-General of 16 June 1994 on the United Nations Observer Mission Uganda-Rwanda, 1/

Welcoming the extension, as of 14 May 1994, of the observation and monitoring activities of the Observer Mission to the entire Uganda/Rwanda border,

Stressing the need for the observance and strict monitoring of the general and complete embargo of all deliveries of weapons and military equipment to Rwanda, as described in paragraph 13 of its resolution 918 (1994),

Considering that the issue of arms flows is one of the major areas of concern in the cease-fire talks currently being held between the Rwandan parties under the auspices of the Assistance Mission,

1. *Welcomes* the report of the Secretary-General ; 1/

2. *Decides* to extend the mandate of the United Nations Observer Mission Uganda-Rwanda for a final period of three months until 21 September 1994, and agrees that during this period the number of military observers should be reduced by phases;

1/ *Official Records of the Security Council, Forty-ninth Year, Supplement for April, May and June 1994, document S/1994/715.*

3. *Requests* the Secretary-General to report to the Council on the termination of the Observer Mission before the completion of its mandate;

4. *Expresses its appreciation* to the Government of Uganda for the cooperation and support it has extended to the Observer Mission;

5. *Stresses* the importance of continued cooperation between the Ugandan authorities and the Observer Mission;

6. *Decides* to remain actively seized of the matter.

Document 70

Letter dated 20 June 1994 from the Permanent Representative of France to the United Nations addressed to the Secretary-General, requesting adoption of a resolution under Chapter VII of the Charter as a legal framework for the deployment of a multinational force to maintain a presence in Rwanda until the expanded UNAMIR is deployed

S/1994/734, 21 June 1994

The humanitarian situation in Rwanda is an ongoing disaster. The cease-fire is not being respected by the parties, and massacres of civilians are continuing on a large scale.

Security Council resolutions 918 (1994) and 925 (1994) give the United Nations Assistance Mission for Rwanda (UNAMIR) a mandate to intervene in order to put an end to this humanitarian catastrophe. France and Senegal fully subscribe to the objectives and methods advocated in those two resolutions.

No doubt, however, it will take some more time before UNAMIR as expanded in accordance with those resolutions can be operational; it will not be possible to transport and make operational the contingents to be supplied by States, and their equipment, until several weeks from now. This delay is liable to cost more thousands of lives in Rwanda and cause a geographical expansion of the area affected by the tragedy.

Against that background, the Governments of France and Senegal are prepared to send a force in without delay, so as to maintain a presence pending the arrival of the expanded UNAMIR. They are in contact with other Member States likely to join the operation. The objectives assigned to that force would be the same

ones assigned to UNAMIR by the Security Council, i.e. contributing to the security and protection of displaced persons, refugees and civilians in danger in Rwanda, by means including the establishment and maintenance, where possible, of safe humanitarian areas. That objective naturally excludes any interference in the development of the balance of military forces between the parties involved in the conflict.

In the spirit of resolution 794 (1992) of 3 December 1992, our Governments would like, as a legal framework for their intervention, a resolution under Chapter VII of the Charter of the United Nations giving them a mandate to act until the expanded UNAMIR is deployed. As we see it, the interim force should be able to withdraw towards the middle of August at the latest, after handing over to UNAMIR when its reinforcements have been deployed.

I should be grateful if you would have this letter circulated as a Security Council document.

(Signed) Jean-Bernard MÉRIMÉE
Ambassador
Permanent Representative

Document 71

Security Council resolution, invoking Chapter VII of the Charter, authorizing Member States to conduct a multinational operation for humanitarian purposes in Rwanda until UNAMIR is brought up to strength

S/RES/929 (1994), 22 June 1994

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolutions 912 (1994) of 21 April 1994, 918 (1994) of 17 May 1994 and 925 (1994) of 8 June 1994, which set out the mandate and force level of the United Nations Assistance Mission for Rwanda,

Determined to contribute to the resumption of the process of political settlement under the Arusha Peace Agreement, 1/ and encouraging the Secretary-General and his Special Representative for Rwanda to continue and redouble their efforts at the national, regional and international levels to promote these objectives,

Stressing the importance of the cooperation of all parties for the fulfilment of the objectives of the United Nations in Rwanda,

Having considered the letter from the Secretary-General dated 19 June 1994, 2/

Taking into account the time needed to gather the necessary resources for the effective deployment of the Mission, as expanded in resolutions 918 (1994) and 925 (1994),

Noting the offer by Member States to cooperate with the Secretary-General towards the fulfilment of the objectives of the United Nations in Rwanda, 3/ and stressing the strictly humanitarian character of this operation, which shall be conducted in an impartial and neutral fashion and shall not constitute an interposition force between the parties,

Welcoming the cooperation between the United Nations, the Organization of African Unity and neighbour States to bring peace to Rwanda,

Deeply concerned by the continuation of systematic and widespread killings of the civilian population in Rwanda,

Recognizing that the current situation in Rwanda constitutes a unique case which demands an urgent response by the international community,

Determining that the magnitude of the humanitarian crisis in Rwanda constitutes a threat to peace and security in the region,

1. *Welcomes* the letter dated 19 June 1994 from the Secretary-General, 2/ and agrees that a multinational operation may be set up for humanitarian purposes in

Rwanda until the United Nations Assistance Mission for Rwanda is brought up to the necessary strength;

2. *Welcomes also* the offer by Member States 3/ to cooperate with the Secretary-General in order to achieve the objectives of the United Nations in Rwanda through the establishment of a temporary operation under national command and control aimed at contributing, in an impartial way, to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, on the understanding that the costs of implementing the offer will be borne by the Member States concerned;

3. *Acting under Chapter VII of the Charter of the United Nations, authorizes* the Member States cooperating with the Secretary-General to conduct the operation referred to in paragraph 2 above using all necessary means to achieve the humanitarian objectives set out in paragraphs 4 (a) and (b) of resolution 925 (1994);

4. *Decides* that the mission of Member States cooperating with the Secretary-General will be limited to a period of two months following the adoption of the present resolution, unless the Secretary-General determines at an earlier date that the expanded United Nations Assistance Mission for Rwanda is able to carry out its mandate;

5. *Commends* the offers already made by Member States of troops for the expanded Mission;

6. *Calls upon* all Member States to respond urgently to the Secretary-General's request for resources, including logistical support, in order to enable the expanded Mission to fulfil its mandate effectively as soon as possible, and requests the Secretary-General to identify and coordinate the supply of the essential equipment required by troops committed to the expanded Mission;

7. *Welcomes*, in this respect, the offers already made by Member States of equipment for troop contributors to the Mission, and calls on other Member States to

1/ Peace Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, signed at Arusha, United Republic of Tanzania, on 4 August 1993; see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26915.

2/ *Official Records of the Security Council, Forty-ninth Year, Supplement for April, May and June 1994*, document S/1994/728.

3/ *Official Records of the Security Council, Forty-ninth Year, Supplement for April, May and June 1994*, document S/1994/734.

offer such support, including the possibility of comprehensive provision of equipment to specific troop contributors, to speed the deployment of the Mission's expanded force;

8. *Requests* Member States cooperating with the Secretary-General to coordinate closely with the Mission and also requests the Secretary-General to set up appropriate mechanisms to this end;

9. *Demands* that all parties to the conflict and others concerned immediately bring to an end all killings of civilian populations in areas under their control and allow Member States cooperating with the Secretary-General to implement fully the mission authorized in paragraph 3 above;

10. *Requests* the States concerned and the Secretary-General, as appropriate, to report to the Council on a regular basis, the first such report to be made no later than fifteen days after the adoption of the present resolution, on the implementation of this operation and the progress made towards the fulfilment of the objectives referred to in paragraphs 2 and 3 above;

11. *Requests* the Secretary-General to report on the progress made towards completing the deployment of the expanded Mission within the framework of the report due no later than 9 August 1994 under paragraph 17 of resolution 925 (1994), as well as on progress towards the resumption of the process of political settlement under the Arusha Peace Agreement; 1/

12. *Decides* to remain actively seized of the matter.

Document 72

Security Council resolution requesting the Secretary-General to establish a Commission of Experts to examine information on grave violations of international humanitarian law and possible acts of genocide in Rwanda

S/RES/935 (1994), 1 July 1994

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda,

Reaffirming, in particular, its resolutions 918 (1994) of 17 May 1994 and 925 (1994) of 8 June 1994, by which it expanded the United Nations Assistance Mission for Rwanda, and stressing in this connection the need for early deployment of the expanded Mission to enable it to carry out its mandate,

Recalling its presidential statement of 30 April 1994 1/ in which it, *inter alia*, condemned all breaches of international humanitarian law in Rwanda, particularly those perpetrated against the civilian population, and recalled that persons who instigate or participate in such acts are individually responsible,

Recalling also the requests it addressed to the Secretary-General in its presidential statement of 30 April 1994 and in resolution 918 (1994), concerning the investigation of serious violations of international humanitarian law committed in Rwanda during the conflict,

Having considered the report of the Secretary-General of 31 May 1994, 2/ in which he noted that massacres and killings had continued in a systematic manner throughout Rwanda and also noted that only a proper investigation could establish the facts in order to enable the determination of responsibility,

Welcoming the visit to Rwanda and to the region by the United Nations High Commissioner for Human Rights, and noting the appointment of a Special Rapporteur for Rwanda, pursuant to Commission on Human Rights resolution S-3/1 of 25 May 1994, 3/

Expressing once again its grave concern at the continuing reports indicating that systematic, widespread and flagrant violations of international humanitarian law, including acts of genocide, have been committed in Rwanda,

Recalling that all persons who commit or authorize the commission of serious violations of international humanitarian law are individually responsible for those violations and should be brought to justice,

1. *Requests* the Secretary-General to establish, as a matter of urgency, an impartial Commission of Experts to examine and analyse information submitted pursuant to the present resolution, together with such further information as the Commission may obtain through its own investigations or the efforts of other persons or bodies, including the information made available by the Special Rapporteur for Rwanda, with a view to providing the Secretary-General with its conclusions on the evi-

1/ S/PRST/1994/21.

2/ *Official Records of the Security Council, Forty-ninth Year, Supplement for April, May and June 1994*, document S/1994/640.

3/ See *Official Records of the Economic and Social Council, 1994, Supplement No. 4B (E/1994/24/Add.2)*, chap.II.

dence of grave violations of international humanitarian law committed in the territory of Rwanda, including the evidence of possible acts of genocide;

2. *Calls upon* States and, as appropriate, international humanitarian organizations to collate substantiated information in their possession or submitted to them relating to grave violations of international humanitarian law, including breaches of the Convention on the Prevention and Punishment of the Crime of Genocide, 4/ committed in Rwanda during the conflict, and requests States, relevant United Nations bodies and relevant organizations to make this information available within thirty days of the adoption of the present resolution and as appropriate thereafter and to provide appropriate assistance to the Commission of Experts referred to in paragraph 1 above;

3. *Requests* the Secretary-General to report to the Council on the establishment of the Commission of Experts, and further requests the Secretary-General, within four months from the establishment of the Commission,

to report to the Council on the conclusions of the Commission and to take account of those conclusions in any recommendations for further appropriate steps;

4. *Also requests* the Secretary-General and, as appropriate, the United Nations High Commissioner for Human Rights, through the Secretary-General, to make the information submitted to the Special Rapporteur for Rwanda available to the Commission of Experts and to facilitate adequate coordination and cooperation between the work of the Commission and the Special Rapporteur in the performance of their respective tasks;

5. *Urges* all concerned fully to cooperate with the Commission of Experts in the accomplishment of its mandate, including responding positively to requests from the Commission for assistance and access in pursuing investigations;

6. *Decides* to remain actively seized of the matter.

4/ General Assembly resolution 260 A (III).

Document 73

Letter dated 2 July 1994 from the Secretary-General to the President of the Security Council, transmitting a letter from the Permanent Representative of France to the United Nations dated 1 July 1994 concerning the establishment of a safe humanitarian zone in Rwanda

S/1994/798, 6 July 1994

You will find attached hereto a letter from the French Government informing me of its intention to establish a humanitarian protection zone in south-west Rwanda in accordance with Security Council resolution 929 (1994) of 22 June 1994 (see annex).

I should be grateful if you would bring this letter to the attention of the members of the Security Council.
(Signed) Boutros BOUTROS-GHALI

Annex

Letter dated 1 July 1994 from the Permanent Representative of France to the United Nations addressed to the Secretary-General

I received instructions this morning to inform you of the very grave concern on the part of the French authorities at the deterioration of the situation in Rwanda and the danger of a further humanitarian tragedy in that country.

In recent days, fighting has intensified outside the capital and is spreading to the south in the region of Butare, not far from the border with Burundi, and also to the west, apparently, in the direction of Kibuye. French

units stationed in the region in implementation of Security Council resolution 929 (1994) of 22 June 1994 have already carried out reconnaissance operations in Butare. They have observed the influx of tens of thousands of inhabitants fleeing the fighting, adding to the several hundred thousand displaced persons in that part of the country. The continued fighting is creating a situation in south-west Rwanda that, in humanitarian terms, will quickly become completely uncontrollable. If steps are not taken to remedy the situation, that entire part of the country will be the scene of major outbreaks of violence, with the movement of hundreds of thousands of persons fleeing in complete desperation and with the danger of the physical elimination of the minorities in the area, which already arose during the months of April and May. There is reason to fear that all those persons will seek refuge in neighbouring countries, particularly Burundi, aggravating a situation whose precariousness you are already well aware of.

France considers it its responsibility to alert the international community through you in order to inform

it about the situation, which requires an immediate cease-fire, as called for by the United Nations and the Organization of African Unity (OAU). A halt to the fighting is the only truly effective way to stabilize the humanitarian situation and open the way to a resumption of talks with the assistance of the countries of the region in order to bring about a political settlement on the basis of the Arusha Agreement, from which those responsible for the massacres and, in particular, acts of genocide must, of course, be excluded.

If a cease-fire cannot be brought about immediately, France will be faced with the following choice: to withdraw from Rwandan territory, while endeavouring to save human lives through ad hoc actions, which would be extremely difficult and limited; or to organize, on the basis of Security Council resolutions 925 (1994) of 8 June 1994 and 929 (1994), a safe humanitarian zone where the population would be protected from the fighting and its tragic consequences in Rwanda. The Franco-Senegalese forces would seek to ensure, within their mandate, that no activities threatening the security of the population in question were carried out within or from the zone. The zone would need to be centred on the region where the humanitarian

problems are most acute and should be sufficiently large, in view of the number of persons involved, and contiguous, in order to stabilize the population in the area and facilitate the provision of humanitarian relief.

On the basis of information in our possession, the zone should comprise the districts of Cyangugu and Gikangoro and the southern half of the district of Kibuye, including the Kibuye-Gitarama road as far as the N'Daba pass.

France believes that, on the basis of resolutions 925 (1994) and 929 (1994), it is authorized to organize such a safe humanitarian zone. Nevertheless, it is the wish of France that, through you, the United Nations should indicate its support for the establishment of such a zone.

I wish to draw your attention once again to the urgent nature of the situation and emphasize that if France is unable to organize a safe humanitarian zone with the support of the international community, it will have no other choice than to withdraw very rapidly from Rwandan territory.

I should be grateful if you would have this letter circulated to the members of the Security Council.

(Signed) Jean-Bertrand MÉRIMÉE

Document 74

Statement by the President of the Security Council expressing alarm over the massive exodus of the Rwandan civilian population and demanding an immediate cease-fire and the resumption of the political process in the context of the Arusha Peace Agreement

S/PRST/1994/34, 14 July 1994

The Security Council is alarmed by the continuation of fighting in Rwanda, which is causing a massive exodus of the population. This situation may lead very quickly to a further humanitarian disaster and endanger the stability of the region, since the flow of these refugees is seriously affecting the neighbouring countries.

In the light of this grave situation, the Security Council:

- Demands an immediate and unconditional cease-fire and invites the parties to report to the Force Commander of the United Nations Assistance Mission in Rwanda (UNAMIR) on their actions in this respect;
- Urges the resumption of the political process in the framework of the Arusha Peace Agreement and calls upon the countries of the region, the Secretary-General, his Special Representative and

the Organization of African Unity (OAU) to contribute actively to it;

- Reaffirms the humanitarian nature of the secure area in the south-west of Rwanda and demands that all concerned fully respect this. It will keep the matter under close review;
- Urges also Member States, United Nations agencies and non-governmental organizations to mobilize all available resources in order urgently to provide humanitarian assistance to the civilian population in distress;
- Calls upon Member States to provide the necessary contributions in order to ensure the deployment of the expanded UNAMIR in the immediate future.

The Security Council is determined to follow very closely the development of the situation in Rwanda and remains actively seized of the matter.

Document 75

Letter dated 17 July 1994 from the Chargé d'affaires a.i. of the Permanent Mission of France to the United Nations addressed to the President of the Security Council, reporting on the deteriorating situation in Rwanda and in Goma, Zaire

S/1994/834, 18 July 1994

The French Government has asked me to inform you urgently of the deterioration of the situation in Rwanda and in the area near Goma, where the humanitarian aid operation for the Rwandese refugee population is based.

As you are aware, artillery bombardments coming from the east and, therefore, from Rwanda and probably conducted by forces of the Rwandese Patriotic Front (RPF), were directed today at the village of Goma. These bombardments have already left some 60 civilians dead and many wounded, particularly in the airport zone. The humanitarian lifeline from the Goma airport established by the United Nations with the assistance of French forces had to be immediately suspended. The refugee population, whose situation was already tragic, is even more directly threatened today.

The French Government condemns these bombardments, which are directed at the refugee population and are impeding humanitarian operations established by the international community in response to a tragedy of immense proportions. It calls once again for the immedi-

ate implementation of the cease-fire ordered by the Security Council.

I must also inform you that armed RPF elements attempted this afternoon to enter the humanitarian safe area established in south-west Rwanda. An encounter ensued with the French forces responsible for ensuring that the humanitarian character of this area is respected.

The French Government will of course ensure that this character is respected and French forces will, as announced from the outset, continue to oppose the entry of all armed persons, no matter what their origin, into the humanitarian safe area, where all military activity is by nature prohibited.

I should be grateful if you would bring this information to the attention of the Security Council by transmitting this letter to it as a document of the Council.

(Signed) Hervé LADSOUS
Chargé d'affaires a.i.

Document 76

Letter dated 19 July 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Zaire to the United Nations addressed to the President of the Security Council, reporting armed incidents involving the Rwandese Patriotic Front (RPF) in the town of Goma

S/1994/861, 22 July 1994

On the instructions of my Minister for Foreign Affairs, I have the honour to transmit to you the strong protest addressed by the Government of Zaire to the Security Council regarding the non-compliance by the Rwandese belligerents with the spirit and letter of the relevant Council resolution relating to the immediate implementation of the cease-fire in Rwanda.

In the course of Sunday, 17 July 1994, an incident whose consequences are as yet unknown took place in the town of Goma, which has given shelter to hundreds of thousands of refugees who have fled Rwanda. This town of Goma was shelled by elements of the Rwandese Patriotic Front. The shelling caused the deaths of more than a hundred Zairian citizens and greatly afflicted the population of the town.

The Government of Zaire calls on the Security Council fully to assume its responsibilities in order to avoid the repetition of such acts and to ensure that the population of the town of Goma, which has agreed to shelter the refugees, no longer falls victim to a conflict which is not in any way its affair.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Lukabu KHABOUJI
Minister Plenipotentiary
Chargé d'affaires a.i.

Document 77

Letter dated 21 July 1994 from the Secretary-General to the President of the Security Council transmitting the report on violations of international humanitarian law in Rwanda during the conflict, prepared on the basis of the visit of the United Nations High Commissioner for Human Rights to Rwanda (11-12 May 1994)

S/1994/867, 25 July 1994

You will recall that the Security Council, in paragraph 18 of its resolution 918 (1994), adopted on 17 May 1994, requested me to present a report, as soon as possible, on the investigation of serious violations of international humanitarian law committed in Rwanda during the conflict.

Accordingly, I am transmitting herewith a report prepared on the basis of the visit that the United Nations High Commissioner for Human Rights, Mr. José Ayala Lasso, made to Rwanda on 11 and 12 May 1994 (see annex).

It should be noted that, since the adoption of Security Council resolution 918 (1994), the High Commissioner has established a field operation office, temporarily headquartered at Nairobi, and that by 1 August 1994 four out of the six field officers referred to in his report will be in place. In the meantime, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Rwanda, Mr. Degni-Ségui, who visited Rwanda and the neighbouring countries from 9 to 20 June 1994, issued his first report (E/CN.4/1995/7). Finally, the Council, in its resolution 935 (1994) of 1 July 1994, requested me to establish, as a matter of urgency, a Commission of Experts to examine and analyse information on the violations of international humanitarian law committed in Rwanda, including the evidence of possible acts of genocide. It is my intention to appoint the members of that Commission in the very near future.

I should be grateful if you would bring the High Commissioner's report to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Annex

Report to the Secretary-General on the investigation of serious violations of international humanitarian law committed in Rwanda during the conflict

I. Introduction

1. The Security Council, on 17 May 1994, adopted resolution 918 (1994) in which, *inter alia*, it again ex-

pressed its alarm at continuing reports of systematic, widespread and flagrant violations of international humanitarian law in Rwanda, as well as other violations of the rights to life and property. That resolution also dealt with, among other issues, an expansion of the mandate and authorized force level of the United Nations Assistance Mission for Rwanda (UNAMIR) and an arms embargo under Chapter VII of the Charter of the United Nations, and requested the Secretary-General to present a report as soon as possible on the investigation of serious violations of international humanitarian law committed in Rwanda during the conflict. The present report is prepared in response to that request. It includes information relating to Commission on Human Rights resolution S-3/1 of 25 May 1994, in which the Commission requested its Chairman to appoint a special rapporteur charged with investigating the human rights situation in Rwanda. That resolution was endorsed by the Economic and Social Council in its decision 1994/223 of 6 June 1994. The present report also contains information previously submitted to the Commission on Human Rights regarding the situation in Rwanda, as well as information on the most recent activities of the Special Rapporteur, Mr. René Degni-Ségui.

The human rights situation in Rwanda

2. The Security Council's present concern with serious violations of international humanitarian law in Rwanda stems from the renewed fighting which followed the tragic events of 6 April 1994. It may be noted, however, that before these events, aspects of the human rights situation in Rwanda had been the object of the attention of the Commission on Human Rights and, in particular, of the Commission's Special Rapporteur on extrajudicial, summary or arbitrary executions, who visited Rwanda in April 1993 and whose report on that visit, issued on 11 August 1993 (E/CN.4/1994/7/Add.1), gives an overview of the historical background to the political violence. Focusing on the period since October 1990, it contains an analysis of the causes of violations of the right to life as well as factors which have facilitated their repeated and massive occurrence. These factors include a

tradition of impunity; serious shortcomings in the judicial system, such as insufficient training of judges, lack of respect for the principle of irremovability of judges and the lack of resources; the absence of any system for the protection of ethnic minorities, particularly the lack of effective police in the over-populated rural areas; and injurious propaganda, particularly through radio broadcasts in the Kinyarwanda language. The Special Rapporteur has subsequently continued to follow the situation in Rwanda closely. On repeated occasions, he has addressed urgent appeals to the Government of Rwanda after receiving reports of death threats and attempts against the lives of a number of persons. In his oral statement before the Commission on Human Rights on 2 March 1994, the Special Rapporteur expressed concern at reports of politically motivated killings, the failure to implement the August 1993 Arusha peace agreement and the fact that none of his recommendations for measures to protect the civilian population from renewed massacres had been followed by the Rwandese Government.

3. The pernicious role of the media, particularly the two radio stations close to the Government, "Radio Rwanda" and "Radio-Télévision Libre des Mille Collines" (RTL), founded in August 1993, in spreading unfounded rumours and in exacerbating ethnic problems and instigating acts of violence has been stressed by many sources. Appeals inciting hatred and violence were broadcast in particular in Kinyarwanda, with programmes in French differing markedly in content. The media, and in particular the radio, will play a central role in any national reconciliation campaign. After his visit to Rwanda, in April 1993, the Special Rapporteur on extrajudicial, summary or arbitrary executions recommended a reform of the role and structure of the media. In resolution S-3/1, adopted at its third special session on 25 May 1994, the Commission on Human Rights called for an immediate cessation of all incitements to violence. During the recent visit of the Special Rapporteur on the situation of human rights in Rwanda, RTL broadcast an appeal to the militias in which they were called upon to stop killing civilians, in particular displaced persons. It remains to be seen whether this was a one-off event or whether it will be followed by further similar appeals and, if so, what will be their effect.

Survey of the most recent information on the present situation of human rights in Rwanda

4. The present tragedy of unprecedented dimensions taking place in Rwanda was triggered by the assassination of President Juvénal Habyarimana on 6 April 1994 and, since then, numerous reports of serious violations of human rights have been and continue to be

received at the Centre for Human Rights of the Secretariat, including large-scale and extremely grave violations of the right to life and physical integrity, the right to freedom of movement, property rights, as well as breaches of the right to humanitarian aid and assistance. A summary of these reports follows.

Violations of the right to life

5. Immediately after the death of President Habyarimana, members of the Presidential Guard reportedly started killing civilians in Ramera, a part of Kigali in the vicinity of the airport. Roadblocks manned by militias, often assisted by gendarmes or military, were set up in less than half an hour after the plane crash had taken place. At these roadblocks, the identity cards of passers-by were checked and Tutsis taken aside and killed. During the night from 6 to 7 April 1994, violence spread out to other areas of the capital. Members of the Presidential Guard and other units of the Rwandese armed forces, political party militias, as well as gangs of armed civilians, were said to have gone from house to house, killing thousands of civilians, including women and children. Some were witnessed using pre-established lists and maps to find their victims.

6. The Rwandese Patriotic Front (RPF) started fighting against Government forces in the capital on 7 April 1994, after informing UNAMIR that they felt obliged to do so in order to protect the Tutsi population.

7. During the days and weeks that followed, violence spread to other towns and regions of Rwanda. For example, from the early hours of 7 April on, massive killings were reported in Gisenyi and Kibuye. In other areas the situation remained calm at first, such as for instance in Butare, where the killings started around 19 April 1994 after the local prefect had been replaced by an extremist military from the north and Government forces had been flown in by aeroplane. Eventually, no region of the country was spared.

8. It has been estimated that several hundreds of thousands, the majority innocent civilians, including women and children, have been killed. While many are said to have lost their lives caught up in combat or during indiscriminate attacks against civilian settlements, large-scale killings of civilians by Government forces have also been reported from areas far remote from the hostilities between the latter and RPF. The evidence available to date strongly suggests that killings were carried out in a planned and concerted manner, and in many instances the two radio stations close to the Government, "Radio Rwanda" and RTL, were reported to have broadcast programmes inciting violence and extrajudicial killings. Massive killings have continued to occur in Rwanda throughout the period since 6 April 1994. During the

recent visit of the Special Rapporteur on the situation of human rights in Rwanda to the area (see paragraphs 26-37 below), he received daily reports of killings by forces of either side of civilians, including children and displaced persons.

9. Reports have also been received concerning summary or arbitrary executions carried out by RPF forces, in what was described as acts of revenge. For example, relatives of members of the Rwandan army and persons suspected by the RPF of being militia members were said to have been killed.

10. Concerns have also been voiced about the low numbers of prisoners and fears have been expressed that most of those captured may have been killed. Furthermore, it is feared that killings continue to take place in areas that are difficult to gain access to, both under Government and RPF control. The latter's push towards the south-east has led to a situation where 2 million people are trapped between the front line and the borders with Zaire and Burundi, both of which are closed to refugees from Rwanda at the time of the preparation of the present report.

Violations of the freedom of movement: displacement

11. Massive displacement of populations is another extremely grave consequence of the violence; it is estimated that approximately 1,650,000 Rwandese have left their homes to seek refuge in other areas within the country to escape the violence. More than 500,000 others are reported to have crossed the borders to neighbouring countries, and refugee flows continue.

12. Large numbers of people have been restricted in their freedom of movement, both in government-controlled areas and in locations under the control of RPF. These include persons who were forced to move as the front line advanced; those who are not actually detained by force but who can not leave the places where they are at present, caught up between the lines of fighting and, in certain cases, used as hostages; and, finally, those forcibly detained by forces of either side. In addition to those assembled in known places such as stadiums, hotels, hospitals, churches, orphanages, etc., many are said to be in hiding. Their situation is desperate. Recent efforts by UNAMIR to facilitate the movement of some of these people to destinations of their choice had to be interrupted, as a result of the precarious security situation in Kigali. It remains to be seen whether both parties to the conflict abide by their pledged commitment to continue allowing such movements of populations.

13. Security problems that have recently arisen in displaced person and refugee camps give rise to grave concern. It should be noted that most of these camps hold both victims of acts of violence and some of their authors.

Many of the camps are said to be infiltrated by criminals, and instances of abductions and even killings have been reported. In several refugee camps in neighbouring countries, militias are said to have organized themselves and recruitment and training are said to take place.

Obstruction of delivery of humanitarian aid and assistance

14. Numerous reports have been received concerning the impossibility of providing humanitarian aid and assistance to those in need. Death by starvation threatens those caught up between the lines of fighting and those in hiding, as well as those confined to areas in the interior of the country where food cannot reach them because aid convoys are denied access. Particularly disturbing reports have been received according to which personnel of humanitarian agencies trying to access food deposits in Kigali have been shot at and thus prevented from reaching them, while others were detained and threatened by militias when attempting to distribute food. Furthermore, humanitarian installations such as the hospital run by the International Committee of the Red Cross (ICRC) in Kigali have been fired upon on repeated occasions, most recently on 19 June 1994, when one person was killed and several others wounded.

15. The danger of an outbreak of epidemics as a result of contamination of water by the corpses thrown into rivers and lakes, as well as those left to rot in the streets, is an additional threat which aggravates the humanitarian situation both within Rwanda and in neighbouring countries. Moreover, in addition to the current shortage of food, there is a great risk of famine for the future if crops are not harvested and seeding cannot be carried out during the summer months.

Other human rights concerns

16. Reports have also been received of torture, often preceding killings; many of the victims have been mutilated. Women and, in particular, girls of young age, were reported to have been raped on a large scale. Many thousands have disappeared. Massive looting is said to have taken place in Kigali and other areas of the country and houses have been invaded after their lawful owners were killed or forced to flee.

II. Action of the United Nations High Commissioner for Human Rights

17. Since he assumed his functions on 5 April 1994, the United Nations High Commissioner for Human Rights has closely followed the situation in Rwanda. Based on information on the situation in Rwanda and suggestions for action which he had solicited from a wide range of United Nations agencies and pro-

grammes, special rapporteurs of the Commission on Human Rights, chairmen of human rights treaty bodies, the Organization of African Unity, the African Commission on Human and Peoples' Rights, ICRC and non-governmental organizations (NGOs), the High Commissioner, on 4 May 1994, called on members of the Commission on Human Rights to consider the advisability of convening the Commission on Human Rights in emergency session to address the human rights situation in Rwanda.

18. In the light of continuing reports of extremely grave and massive human rights violations, the High Commissioner decided, after consultations with the Secretary-General, to undertake personally a mission to Rwanda in order to appeal to both parties to stop the human rights violations immediately and to work towards a negotiated settlement of the conflict. The High Commissioner visited the region and was in Rwanda on 11 and 12 May 1994. He submitted a report on his mission to the Commission on Human Rights (E/CN.4/S-3/3). That report briefly traced the history of the conflict in Rwanda, provided details on the High Commissioner's mission, including meetings held with officials of both sides and those of international organizations, and contained information on the situation in Rwanda then prevailing. The High Commissioner characterized the situation in Rwanda as a human rights tragedy. He called for effective international action to prevent a further escalation of the human rights violations and made a number of recommendations, including for a cease-fire, the appointment of a special rapporteur, the sending of a team of human rights monitors and the inclusion of a strong human rights component in future efforts at conflict resolution and peace-building in Rwanda.

III. Action of the Commission on Human Rights

19. Given the extreme gravity of the human rights situation in Rwanda, the Commission on Human Rights convened its third special session on 24 and 25 May 1994, and, on 25 May 1994, the Commission adopted resolution S-3/1 on the situation of human rights in Rwanda, in which it condemned in the strongest terms all breaches of international humanitarian law and all violations and abuses of human rights in Rwanda and called upon all the parties involved to cease immediately those breaches, violations and abuses and to take all necessary steps to ensure full respect for human rights and fundamental freedoms and for humanitarian law.

20. The Commission further called upon the Government of Rwanda to condemn publicly and take measures to put an end to all violations of human rights and international humanitarian law by all persons within its jurisdiction or under its control and to ensure that the

human rights of all individuals within its jurisdiction, irrespective of their ethnic origin, were fully respected, and it called upon RPF to prevent persons under its command from committing human rights abuses and violations of international humanitarian law.

21. In the same resolution the Commission strongly urged all parties to cease immediately any incitement to violence or ethnic hatred; called upon the responsible authorities, groups and individuals in Rwanda to facilitate the access of humanitarian relief to all in need; expressed its alarm at all repressive policies and policies directed against members of particular ethnic groups, and also called upon all parties concerned to ensure the protection of the rights of all persons regardless of their national or ethnic, religious or linguistic background. Moreover, the Commission called upon the parties to the conflict to ensure safe passage for those fleeing from the conflict areas including, where necessary, to asylum countries and to ensure the right to return under safe conditions; as well as for the immediate and unconditional release of all persons being held illegally against their will in camps, prisons or other places and for them to be permitted to be moved to safety; and demanded that all parties immediately notify the appropriate humanitarian organizations of the location of all camps, prisons or other places of detention, and that the parties concerned ensure immediate and unimpeded access to such places.

22. Also in the same resolution, the Commission further affirmed that all persons who had committed or authorized violations of human rights or international humanitarian law were individually responsible and accountable for those violations and that the international community would exert every effort to bring those responsible to justice, while affirming that the primary responsibility for bringing perpetrators to justice rested with national judicial systems.

23. The Commission requested its Chairman to appoint a special rapporteur, for an initial period of one year, to investigate at first-hand the human rights situation in Rwanda and to receive relevant, credible information on the human rights situation there from Governments, individuals and intergovernmental and non-governmental organizations, including on root causes and responsibilities for the recent atrocities, on a continuing basis, and to avail himself or herself of the assistance of existing mechanisms of the Commission on Human Rights. The Special Rapporteur was also asked to gather and compile systematically information on possible violations of human rights and acts which may constitute breaches of international humanitarian law and crimes against humanity, including acts of genocide, in Rwanda, and to make that information available to the Secretary-General.

24. The Special Rapporteur was requested to visit Rwanda forthwith and to report on an urgent basis to the members of the Commission on Human Rights on the situation of human rights in the country, including recommendations for bringing violations and abuses to an end and preventing future violations and abuses; a preliminary report was requested no later than four weeks from the adoption of the resolution. The Secretary-General was requested to make the report of the Special Rapporteur available to the Economic and Social Council, the General Assembly and the Security Council. Finally, the Commission requested that the Special Rapporteur be assisted by a team of human rights field officers acting in close cooperation with UNAMIR and other United Nations agencies and programmes operating in Rwanda.

25. Also on 25 May 1994, the Chairman of the Commission on Human Rights announced that he had appointed Mr. René Degni-Ségui as Special Rapporteur on the situation of human rights in Rwanda.

*Procedures to implement the mandate
of the Special Rapporteur*

26. Pursuant to the above-mentioned request made to him by the Commission on Human Rights, the Special Rapporteur carried out a first field mission from 9 to 20 June 1994. Accompanied by the Special Rapporteur on extrajudicial summary or arbitrary executions, Mr. Bacre Waly Ndiaye, and the Special Rapporteur on the question of torture, Mr. Nigel Rodley, he visited Rwanda and other countries in the region (Burundi, Zaire and Kenya). Mr. Ndiaye also visited the refugee camp of Benaco in Tanzania. During his mission, meetings were held with representatives of the Rwandese "interim Government", RPF, the Special Representatives of the Secretary-General for Rwanda and Burundi, the Force Commander and other senior officers of UNAMIR, representatives of the various United Nations agencies and programmes active in Rwanda, other intergovernmental and non-governmental organizations, as well as a large number of witnesses to, and victims of, human rights violations in Rwanda.

27. The purpose of the first mission was twofold, including, on the one hand, information-gathering for the purpose of presenting his first, preliminary report to the Commission on Human Rights (E/CN.4/1995/7), which is expected to be made available to the Member States in the course of this week, and, on the other hand, preparations for the work of the field operation.

28. It should be noted in this context that, over the years, a wide variety of methods have been developed to enable special rapporteurs to carry out their various mandates, including the use of experts, field investiga-

tions and on-site monitors. Within this framework, and taking account of the expanded nature of the mandate of the Special Rapporteur on Rwanda, procedures for the implementation of the mandate given to the Special Rapporteur are currently being devised along the lines of the following considerations.

29. The first aspect of the mandate (to investigate and report on the human rights situation in Rwanda) is similar to the mandates of other special rapporteurs of the Commission on Human Rights on particular country situations. However, the reference to root causes and individual responsibilities gives it a particular dimension and requests of the Special Rapporteur on Rwanda a more profound analysis than what is asked of other country rapporteurs. The second aspect (systematic gathering and compiling of information on violations) is to be read in connection with paragraph 17 of resolution S-3/1 which refers to individual responsibility for such violations and the need to hold their authors accountable, primarily before national jurisdictions. There is a clear link between the Special Rapporteur's mandate and possible prosecution of violators. A recent comparable precedent within the United Nations is the work carried out under the mandate of the Commission of Experts established pursuant to Security Council resolution 780 (1992), charged with the investigation of violations of international humanitarian law committed in the territory of the former Yugoslavia. It should also be noted that the mandate entrusted to the Special Rapporteur on the situation of human rights in Rwanda is broader, as it encompasses both violations of human rights and breaches of international humanitarian law, including crimes against humanity and genocide.

30. Obviously, the Special Rapporteur is not a prosecuting authority. However, information gathered and compiled systematically under his mandate should be of a quality so as to make it usable as evidence in national courts (in Rwanda, or in other countries for acts that fall under international jurisdiction). In order for that requirement to be met, the procedures for the gathering and compilation of this information must be in conformity with the highest internationally recognized standards for the gathering of evidence and its admissibility in courts. To gather testimony that could actually be used as evidence for prosecution would be the task of the field officers.

31. The Special Rapporteur intends, in principle, to carry out his fact-finding and investigatory responsibilities within the same investigative structure, in the form of two phases which may be understood as being interdependent and complementary. The first phase would focus on current events, with an emphasis on emergency situations. Nevertheless, the information gathered in this

process would also constitute a valuable basis for an in-depth investigation of cases, which will be fully developed in the second phase, with a view to pursuing individual responsibility.

32. A solid information-gathering start would be made by systematically debriefing knowledgeable staff of intergovernmental and non-governmental organizations, religious personnel and expatriate individuals who have been active in the area throughout the conflict (and often longer) and many of whom are eye-witnesses to human rights violations. In this regard, it is envisaged that human rights field officers would be placed where there is a concentration of such personnel, namely within the UNAMIR headquarters at Kigali; with the control centre of the temporary operation by Member States authorized under Security Council resolution 929 (1994) of 22 June 1994 at Gisenyi and Cyangugu, Rwanda; as well as at RPF headquarters at Mulindi, Rwanda; at Kabale, Uganda, from where the many humanitarian NGOs are operating; and in the neighbouring countries of Burundi, Tanzania and Zaire. The operation would initially be directed from Nairobi, where there is a strong presence of staff of intergovernmental and non-governmental organizations, informed journalists and military personnel. Nairobi would also provide a secure basis for the centralization and analysis of the information gathered by the field officers on their missions to the above-mentioned locations. First contacts have already been made with potential sources and many have expressed their willingness and indeed interest to cooperate fully with the Special Rapporteur's field staff. It must, however, be stressed in this connection that there will have to be an acute awareness of the danger of reprisals against victims or witnesses who might come forward at this stage, not only in Rwanda itself but also abroad, in particular in neighbouring countries.

33. The information-gathering process conducted under the first phase would result in periodic reports, whenever the need arises, to the Commission on Human Rights which, in accordance with its resolution S-3/1, will be communicated to the Secretary-General for onward transmittal to the Security Council, the General Assembly and the Economic and Social Council. These reports would contain, to the extent possible, recommendations for concrete and immediate action to save lives and protect the physical and mental integrity of persons.

34. While preliminary investigations will be carried out in the first phase, systematic on-site investigations as planned for the second phase, involving, inter alia, excavations of mass graves, expertise by ballistics experts and forensic scientists etc., must await more stable security conditions, consequent upon a cease-fire. Such systematic investigatory work would require con-

siderable security precautions which can hardly be guaranteed while the war continues, and should not divert scarce peace-keeping forces from the immediate task of saving lives.

35. The first phase of the Special Rapporteur's field operation has already started with the appointment and placement in the field of two professional officers. Information-gathering has already commenced and its first results are reflected in the report of the Special Rapporteur (E/CN.4/1995/7) and, in a succinct form, are also provided in the present report.

36. It should be borne in mind that a third phase (probably overlapping in time with the other two), might see the field operation evolving into a cooperative relationship with other United Nations agencies for reconstruction and post-conflict building of civic society in Rwanda. It is clear from the history of the conflict that this phase of United Nations efforts to deal with the crisis in Rwanda must be accompanied by a strong human rights component involving human rights verification, advisory assistance and technical cooperation.

37. The Security Council might further wish to give consideration to a number of questions which arise concerning the use of the material gathered in the course of the investigations. In accordance with the terms of resolution S-3/1 of the Commission on Human Rights, such material is to be forwarded to the Secretary-General. A clarification on how such material should be further used would be desirable for a variety of reasons. It would certainly increase the potential deterrent effect of investigations and facilitate establishing proper methodology to be used in gathering information. Moreover, it is of essential importance for victims and witnesses, as well as other individuals who provide information to the Special Rapporteur, to be fully informed regarding the possible future use of that information.

IV. Other ways and means of investigating serious violations of international humanitarian law

38. In addition to the methods of investigation of serious violations of international humanitarian law described above in connection with the appointment of the Special Rapporteur on Rwanda, other possible ways and means of conducting such investigations can be mentioned. One would be the establishment of a committee of experts such as that established pursuant to Security Council resolution 780 (1992). That resolution requested the Secretary-General to establish a commission of experts to examine and analyse information gathered with a view to providing the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former

Yugoslavia. Three reports were prepared by the Commission and transmitted by the Secretary-General to the Security Council (S/25274, S/26545 and S/1994/674). At the conclusion of its activity, the information gathered by the Commission, including its database, was transmitted to the Office of the Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

39. The Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I), in its article 90, provides for the setting up of an International Fact-Finding Commission competent to inquire into any facts alleged to be a grave breach as defined in the Conventions and that Protocol, or other serious violation of the Conventions or of the Protocol; and to facilitate, through its good offices, the restoration of an attitude of respect for the Conventions and that Protocol. Activities of the Commission are undertaken at the re-

quest of one party and require the consent of the other party.

*Human rights in conflict resolution
and peace-building in Rwanda*

40. The Commission on Human Rights, in its resolution S-3/1, requested the United Nations High Commissioner for Human Rights to take the steps necessary to ensure that future efforts of the United Nations aimed at conflict resolution and peace-building in Rwanda are accompanied by a strong human rights component and that this process is effectively supported by a comprehensive programme of human rights assistance. This was a matter that was emphasized in many of the responses to the High Commissioner's request for information and suggestions regarding Rwanda and was one of the recommendations made by him upon his return from that country. In addition, numerous speakers at the special session of the Commission on Human Rights underlined the need for human rights to be part of future peace-building in the country.

Document 78

Opening address by the Secretary-General launching the United Nations inter-agency appeal for victims of the crisis in Rwanda

UN Press Release SG/SM/5375-IHA/528, 22 July 1994

The international community, for some months, has been confronted by unacceptable genocide in Rwanda. I denounced this strongly in May, and I drew the attention of States, humanitarian organizations and international public opinion to the veritable tribal genocide that occurred.

Today, it is a new kind of genocide—by hunger, by thirst, by disease—which we must address urgently.

Rwanda is today a human tragedy which concerns all of us. This disaster, which is unfolding before our eyes, is our collective responsibility, the responsibility of the international community as a whole.

The tragedy in Rwanda is assuming unimaginable proportions. Out of a population of 7 million, more than 2 million people have already fled the violence afflicting their country. A further million are seeking a refuge in neighbouring countries. Thus, almost half of the population has been forced to take to the road.

No Rwandese has been spared by this catastrophe. Women and children have been massacred by the thousands. The ethnic genocide taking place in Rwanda has caused at least 500,000 deaths. Our consciences today

are haunted by terrifying pictures disseminated by the media.

In a single day, 200,000 people crossed the north-west frontier with Zaire. The roads in the Ruhengeri-Gisenyi region in Rwanda and the Goma region in Zaire have been swamped by a human tide fleeing the fighting as best it can. A similar exodus is now taking place in the south-west of the country.

Propaganda broadcast by clandestine radio stations, fanning the hatred and fear, has aggravated an already dramatic situation. Retreating soldiers have urged and forced whole populations to leave their homes and follow them into exile. In some cases, massacres have even been perpetrated deliberately in order to create situations of panic, chaos and fear.

The United Nations agencies and humanitarian organizations are confronted with an unprecedented crisis, so rapidly has the situation deteriorated. In the Goma region, the lives of 1.2 million refugees are dependent on a precarious airlift. The logistical problems arising today are enormous. Every day, 1,000 tons of food need to be

transported and 30 million litres of drinking water supplied in order to confront a desperate health situation.

The international community has tried to respond to these problems. The Red Cross, and more than 30 non-governmental organizations, including Médecins sans Frontières in particular, are working in conjunction with the United Nations and are doing their utmost to alleviate this terrible suffering. Thus, since April, 44,000 tons of food have already been delivered and some 30 flights a day have been organized in the Goma region.

Since the start of the crisis, the United Nations Mission to Rwanda has played an exemplary role, giving aid and support to the humanitarian operations undertaken. I should like to say here how remarkable the United Nations Assistance Mission for Rwanda (UNAMIR) contribution and General Dallaire's performance have been.

At my request, Under-Secretary-General Peter Hansen undertook a mission of humanitarian observation to Kigali in April and set up a United Nations office for Rwanda. Since then, the office has been constantly engaged in coordinating humanitarian activities. It has been present all over the country, and also at Kabale in Uganda and Goma in Zaire.

All the humanitarian agencies belonging to the United Nations system—the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the World Food Programme (WFP), the World Health Organization (WHO) and the United Nations Development Programme (UNDP)—have played a full part in these efforts, as have the non-governmental organizations. The rapid deterioration of the situation has, however, been beyond their resources and capacity. As things now stand, without substantial financial support from the international community, we shall not be able to meet the humanitarian challenge that faces us. That is the point of the appeal I am making to everyone this morning.

According to an initial estimate, \$274 million was necessary to meet humanitarian needs in Rwanda over the coming year. But at this very moment, as I am speaking, Rwanda's needs are constantly growing. It now seems to be more than \$434 million that is needed, following the recent mass movement of the population.

At the present moment it is very difficult to provide any precise indication of the extent of population movements in Rwanda. A document prepared by the Secretariat gives, however, an evaluation of the requirements sector by sector and endeavours to provide a coordinated response on the part of the United Nations system. The immediate priority is now to take care of the refugees who have left the country and provide humanitarian assistance for those who are still in Rwanda. I have accordingly

asked Mrs. Ogata, High Commissioner for Refugees, to plan and implement exceptional measures. Similarly, the World Health Organization will have to be able to cope with the cholera epidemic that now threatens the local people.

It is essential that the international community should act immediately to provide the necessary aid. Several Governments have, it is true, already announced that they will contribute to the humanitarian programme. But, quite obviously, a great deal more is needed. In view of the complexity of the situation, I would urge donor countries to allow their aid to be used with the greatest flexibility.

With this in mind, I have asked the Under-Secretary-General for Humanitarian Affairs, Peter Hansen, to convene a conference in Geneva on 2 August next. The conference should enable donor countries to assess the situation and provide information about their contributions.

I therefore trust that you will entreat your Governments to respond generously to this Appeal. I repeat, though—the need is immediate and the necessary finance must be available as quickly as possible.

I have also asked Peter Hansen, the Emergency Relief Coordinator, to proceed to Rwanda and the region immediately. He will assess the situation and satisfy himself that coordination arrangements are in place. I have also instructed him to discuss with the new Government of Rwanda the means whereby humanitarian aid can be moved to all parts of the country. He will also need to discuss with the Rwandese Government the steps needed to re-establish a climate conducive to the return of refugees and displaced persons.

I should like, however, to stress the urgent need and the importance of finding a political solution to the Rwandese crisis. My Special Representative, Shaharyar Khan, is working with the new Government and the other parties to encourage dialogue and promote national reconciliation. It is now the responsibility of the Government of National Unity to ensure that there is neither revenge nor reprisals, and that all Rwandese can return in absolute safety to their homes. The circle of suspicion and ethnic hate must be broken. The Security Council will soon approve the creation of a commission or tribunal charged with examining the question of genocide.

With this in view, the United Nations is collaborating closely with the Organization of African Unity (OAU) and with the neighbouring States to advance the political process. I remain convinced that the answer to the crisis lies in a political solution. I am certain that with the will of all parties concerned that goal can be achieved.

The French presence in the south-west has been useful and I should like to take this opportunity to thank

France for the humanitarian action it has undertaken in Rwanda. Nevertheless, the full deployment of UNAMIR as rapidly as possible is now an urgent necessity. I am grateful to those Governments which have expressed their support for UNAMIR and I greatly hope that the agreements on the deployment of troops will be concluded quickly. Only the effective presence of UNAMIR will help towards satisfactory progress in the political process and facilitate the movement of humanitarian aid.

In conclusion, I wish to thank all Governments which have provided support for the United Nations

humanitarian operations in Rwanda, and especially the peoples and Governments in the countries in the region which have given refuge to more than 2 million Rwandese. May I also express my gratification at the work performed by the staff of the United Nations and other organizations, who have done everything to mitigate the suffering of the Rwandese people. Their dedication deserves our total admiration and must evoke an equal commitment from ourselves.

I therefore call on the international community to make the greatest possible effort to support this Appeal.

Document 79

Report of the Secretary-General on the establishment of the Commission of Experts on Rwanda pursuant to resolution 935 (1994)

S/1994/879, 26 July 1994

I

1. In the Statement by the President of the Security Council of 30 April 1994 (S/PRST/1994/21), the Council condemned all breaches of international humanitarian law in Rwanda, particularly those perpetrated against the civilian population, and recalled that persons who instigated or participated in such acts were individually responsible. It further recalled, in that context, that the killing of members of an ethnic group with the intention of destroying such group, in whole or in part, constituted a crime punishable under international law. By that Statement, I was requested, *inter alia*, to make proposals for investigation of the reports of serious violations of international humanitarian law during the conflict.

2. In its resolution 918 (1994) of 17 May 1994, the Security Council reiterated its condemnation of the continued killing of civilians with impunity, and recalled that such killings constituted a crime punishable under international law. In paragraph 18 of that resolution, the Council requested me to present a report as soon as possible on the investigation of serious violations of international humanitarian law committed in Rwanda during the conflict. In its resolution 925 (1994) of 8 June 1994, the Council noted with grave concern the reports indicating that acts of genocide had occurred in Rwanda and recalled that genocide constituted a crime punishable under international law.

3. In my report on the situation in Rwanda of 31 May 1994 (S/1994/640), I noted that massacres and killings were continuing in a systematic manner throughout Rwanda, and indicated that only a proper investiga-

tion could establish the facts and definite culpability. In paragraph 36 of that report, I concluded, on the basis of the findings and evidence of the special mission to Rwanda, that there could be little doubt that the large-scale killings of communities and families belonging to a particular ethnic group constituted genocide.

4. By paragraph 1 of its resolution 935 (1994) of 1 July 1994, the Security Council requested me to establish, as a matter of urgency, an impartial Commission of Experts to examine and analyse information submitted pursuant to the said resolution, together with such further information as the Commission of Experts may obtain through its own investigations or the efforts of other persons or bodies, including the information made available by the Special Rapporteur of the Commission on Human Rights on Rwanda, with a view to providing me with its conclusions on the evidence of grave violations of international humanitarian law committed in the territory of Rwanda, including the evidence of possible acts of genocide.

5. The present report is submitted pursuant to the request contained in paragraph 3 of Security Council resolution 935 (1994).

II

6. Members of the Security Council may recall that a parallel initiative has been taken by the Commission on Human Rights. In its resolution S-3/1 of 25 May 1994, the Commission requested its Chairman to appoint a Special Rapporteur to investigate at first hand the human rights situation in Rwanda and to receive relevant, cred-

ible information on the human rights situation from Governments, individuals and intergovernmental and non-governmental organizations, including on the root causes and responsibilities for the recent atrocities. The Commission requested the Special Rapporteur to visit Rwanda and report on the human rights situation in that country, including recommendations for bringing violations and abuses to an end and preventing future violations and abuses. The Special Rapporteur was also requested to gather and compile systematically information on possible violations of human rights and acts that may constitute breaches of international humanitarian law and crimes against humanity, including acts of genocide, in Rwanda and to make that information available to me. The Special Rapporteur presented his report on the situation of human rights in Rwanda on 29 June 1994 (E/CN.4/1995/7).

7. In establishing the Commission of Experts, as requested by the Security Council, I have taken note of the similarity between the mandates entrusted to the two investigative bodies. With a view to avoiding unnecessary overlapping and to ensuring maximum cooperation between the two bodies, I have decided to establish the Commission of Experts in a way that would maximize the efficient use of scarce resources and reduce costs. I expect that the Special Rapporteur of the Commission on Human Rights will cooperate closely with the Commission of Experts and provide it with all the information at his disposal. I shall take the necessary administrative steps to ensure continuing collaboration between the two bodies.

8. The terms of reference of the Commission of Experts, as set out in Security Council resolution 935 (1994), will be to examine and analyse the information submitted pursuant to the said resolution, together with such further information as the Commission of Experts may obtain through its own investigations or the efforts of other persons or bodies, including the information made available by the Special Rapporteur of the Commission on Human Rights on Rwanda, with a view to providing me with its conclusions on the evidence of grave violations of international humanitarian law committed in the territory of Rwanda, including the evidence of specific acts of genocide. Given the urgency of the matter, I hope that that report will be submitted well within four months of the establishment of the Commission of Experts as envisaged by the resolution, and in any event not later than 30 November 1994.

9. In considering how best to bring about an early report to the Security Council, it is envisaged that the work of the Commission of Experts will be in two stages. In a first stage, the members of the Commission will review and update the information that is available from all sources and carry out its own investigations in

Rwanda to complement those already undertaken by the Special Rapporteur. That task should be accomplished within the first weeks of the Commission's existence.

10. The second stage of the Commission's work will be to draw up its conclusions on the evidence of specific violations of international humanitarian law, and in particular acts of genocide, on the basis of which identification of persons responsible for those violations could be made. In the light of these conclusions, the Commission will examine the question of the jurisdiction, international or national, before which such persons should be brought to trial.

11. I have, therefore, decided to establish a Commission of Experts, to be composed, in the first instance, of three members, one of whom will be designated, by me, as the Chairman. In selecting the members, I will take into account their qualifications in the areas of human rights, humanitarian law, criminal law and prosecution, as well as their integrity and impartiality. I shall notify the Security Council shortly of my appointments. I reserve the right to expand the membership of the Commission as necessary.

12. The members of the Commission will serve in their personal capacity.

13. The Commission will adopt its own rules of procedure. In the absence of consensus, decisions of the Commission will be taken by a majority vote.

14. For reasons of efficiency, practicality and economy, the Commission will be located at the United Nations Office at Geneva, where it will benefit from the resources of the office of the United Nations High Commissioner for Human Rights and its substantive, secretarial and administrative assistance. To the extent possible, and in order to avoid duplication, the Commission will also rely upon the resources already made available to the Special Rapporteur of the Commission on Human Rights.

15. Arrangements for the financing of the Commission of Experts will be made. In addition, I will take steps to establish a Trust Fund to receive voluntary contributions from States, intergovernmental and non-governmental organizations, as well as natural and juridical persons, to assist the Commission of Experts in carrying out its plan of work.

16. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946^{1/} will apply to the Commission and its members. The members of the Commission will have the status of experts on missions within the meaning of article VI of the Convention.

^{1/} Resolution 22 A (I).

Document 80

Letter dated 28 July 1994 from the Permanent Representative of Mauritius to the United Nations addressed to the Secretary-General, transmitting the joint communiqué on Rwanda issued on 26 July 1994 by the Presidents of Rwanda and Zaire during their meeting in Mauritius

S/1994/901, 30 July 1994

I have the honour to enclose herewith the text of a Joint Communiqué on Rwanda issued by H.E. President Pasteur Bizimungu of Rwanda and H.E. Marshal Mobutu Sese Seko, President of the Republic of Zaire, during their meeting in Mauritius.

I would be grateful for your kind assistance in distributing the present letter and its annex as a document of the Security Council.

(Signed) Satteeanund PEERTHUM
Ambassador
Permanent Representative

Annex Joint communiqué

On 26 July 1994, President Pasteur Bizimungu of Rwanda had a meeting to discuss the tragic situation in his country with Marshal Mobutu Sese Seko Kuku Ngbendu Wa Za Banga of the Republic of Zaire while the latter was on a personal visit to Mauritius.

The following agreed points emerged from their discussions.

1. They fully agree on the return to Rwanda in complete freedom of refugees who wish to do so.

2. President Mobutu emphatically confirmed that the territory of Zaire would never be used by Rwandese or by anyone else for the purpose of destabilizing Rwanda.

3. As has already been announced by the Prime Minister of Zaire, Kengo Wa Dondo, Rwandese military personnel who are in Zaire will be disarmed, where this step has not already been taken, and they will be confined to barracks.

4. The President of Rwanda informed his counterpart that mobile radio were reportedly moving about between southern Rwanda and southern Kivu and hampering the restoration of peace in Rwanda by inciting to tribal hatred. The President of the Republic of Zaire took note of this information and promised that, if the reports were found to be true, such transmissions from Zaire would be stopped immediately.

Document 81

Letter dated 1 August 1994 from the Secretary-General to the President of the Security Council reporting his urgent request to Governments to provide the reinforcements and equipment necessary to bring UNAMIR to the strength authorized by the Council in resolution 918 (1994)

S/1994/923, 3 August 1994

In my letter of 19 June 1994 (S/1994/728), I had informed the members of the Security Council about the tragic situation in Rwanda, about the need for an urgent and coordinated response by the international community to the genocide which had engulfed that country as well as about the efforts made by the Secretariat to obtain the necessary troops, together with the required equipment, to enable the United Nations Assistance Mission in Rwanda (UNAMIR) to implement the mandate entrusted to it by the Security Council.

Since that letter, the tragedy of Rwanda has been further compounded by the rapidly deteriorating events which have culminated in the catastrophic humanitarian crisis of the Rwandese refugees in Zaire with which the international community is trying its best to grapple. The members of the Security Council have been kept informed, on a daily basis, of the status of reinforcing UNAMIR up to the strength of 5,500 troops authorized by the Council in its resolution 918 (1994) of 17 May 1994. The simple and most regrettable truth is

that, even though two and a half months have elapsed since the adoption of resolution 918 (1994), UNAMIR is as far from attaining the authorized troop strength as it was at the time of the adoption of the resolution. This position obtains even though the Council, in its resolutions 925 (1994) and 929 (1994), has urged Governments to respond urgently to my request for resources for UNAMIR.

While several Governments have responded positively, their offers have been conditional and, consequently, have entailed complicated efforts to match troops from one country with equipment from another, involving prolonged and complicated negotiations. The result has been that, as on 25 July, less than 500 were on the ground, apart from a number of military observers. The slow bureaucratic processes within the Secretariat have been partly responsible for these regrettable delays—and I already am engaged in an effort to rectify them—but the major cause has been the reluctance of Governments possessing the required resources to make them available to the United Nations.

It is fully understandable that the appalling events in Rwanda, where over two months of genocidal massacres occurred concomitantly with a civil war following the breakdown of the Arusha peace process on 6 April 1994, constituted a strong disincentive against involvement. At the same time, it must be recognized that such hesitations and the consequent delays have contributed to the catastrophe which we now countenance.

In this context, I should like to express my appreciation to those Governments who allowed their troops or observers to remain in UNAMIR for varying periods after its reduction as decided by the Council in its resolution 912 (1994) of 21 April. I especially commend the Governments of Ghana, which maintained half a battalion during this phase, and of Canada, which provided the only air-bridge into Kigali even when the airport remained under fire.

Over the last two and a half months, DPKO has presented revised lists of requirements to Governments on various occasions, the first time on 12 May. These requirements were reiterated in five meetings with troop contributors between 19 May and 25 July. These efforts have brought the following offers:

Troops

Ghana—
800 (520 in Rwanda, the rest awaiting equipment)

Ethiopia—
800 (well-equipped, deployment imminent)

Zambia—
800 (awaiting equipment)

Zimbabwe—
800 (awaiting equipment)

Tunisia—
600 (partially equipped, awaiting remaining equipment)

Nigeria -
300 (being prepared for deployment)

Mali—
200 (awaiting equipment)

Malawi—
120 (awaiting equipment)

SUBTOTAL: 4,420

Specialized units

Canada—
440 (415 for communications unit and 25 for airport control, deployment in progress)

United Kingdom—
600 (engineers, logistics and medical, deployment imminent)

Australia—
300 (medical unit with infantry element, deployment imminent)

Mali—
40 medical personnel (to be confirmed)

SUBTOTAL: 1,340

TOTAL TROOPS OFFERED: 5,760

Equipment

Belgium—
range of equipment (for the Malawi contingent)

Canada—
one C-130 aircraft

France—
20 fuel/water trucks and some equipment from "Operation Turquoise"

Italy—
one C-130 aircraft and 20 trucks

Netherlands—
one Fokker 27 aircraft, 50 trucks, 25 jeeps, 15 generators and 10 kitchen trailers

New Zealand—
100 trucks

South Africa—
50 lightly armoured reconnaissance vehicles

United Kingdom—
50 trucks

United States—
50 armoured personnel carriers (refitted in Uganda
for the Ghana battalion)

In an effort to accelerate deployment, DPKO suggested that equipment-contributing countries bilaterally “adopt” units from another country requiring equipment. This approach has been accepted by a few Governments, while others maintain their preference to make the equipment offers to the United Nations, which then has the time-consuming task of distributing these offers to countries offering troops, whose requirements often are not fulfilled by the equipment offered by other countries. In many cases the equipment offered was in poor condition requiring reconditioning and thus additional weeks of delay. A major complicating factor has been the inordinate time required to negotiate the offers of equipment from some countries, since the offers are subject to payment by the United Nations. Finalizing the terms of contract, terms of payment, lead-times for delivery, training and other problems involving legal details and accounting procedures have prolonged the process for many weeks, while UNAMIR tried to cope with the deteriorating situation in Rwanda with the meagre resources at its disposal.

While all efforts at the moment are concentrated on dealing with the dreadful humanitarian situation in the refugee camps in Zaire, Tanzania, Burundi and Uganda, the need for reinforcements for UNAMIR remains urgent. One of its principal tasks is to establish conditions of safety and security to encourage the refugees to return. After their return, UNAMIR will be responsible for ensuring stability in the country, especially along the

north-western border with Zaire, where disturbed conditions cannot be ruled out. Instability must also be contained in the south-west zone from where the French force will withdraw in three weeks. I reiterate my urgent request in the strongest terms to Governments to provide the essential reinforcements for UNAMIR. Those Governments who have fully equipped units at their disposal might make them available temporarily until contingents that have been offered are properly equipped and are deployed in Rwanda. It is my hope that UNAMIR will be able to cope with the changed situation in Rwanda with its authorized troop level, but the possible need for additional resources cannot be ruled out. However, my intention would be to reduce the troop level as and when circumstances permit.

I am fully conscious of the tremendous burdens that the international community has been called upon to bear in coping simultaneously with so many demanding, and often dangerous, situations in different parts of the world. I take this opportunity to express my deep appreciation to all those numerous countries, from all continents, who have made enormous contributions to these noble endeavours of the United Nations. I feel, however, that I must continue to urge all Governments not to slacken in their efforts. Rwanda needs the help of the international community and will continue to need it for the foreseeable future. I am convinced that resources do exist. What is required is the political will in the countries around the world coalescing into a collective political will at the United Nations.

I should be grateful if you would bring these observations to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Document 82

Report of the Secretary-General on the situation in Rwanda, indicating that the failure of Member States to reinforce the military component of UNAMIR has severely limited the mission's capacity to reduce human suffering in Rwanda

S/1994/924, 3 August 1994

I. Introduction

1. The present report is submitted in pursuance of paragraphs 17 and 11 of Security Council resolutions 925 (1994) of 8 June 1994 and 929 (1994) of 22 June 1994 respectively, by which the Council requested the Secretary-General to report to it by 9 August on the progress made

by the United Nations Assistance Mission for Rwanda (UNAMIR) in the discharge of its mandate, the safety of the population at risk, the humanitarian situation and progress towards a cease-fire and political reconciliation, as well as the deployment of the expanded UNAMIR. The Secretariat presented an oral report to the Council on

7 July pursuant to paragraph 10 of resolution 929 (1994), when the Council was also informed of the arrival at Kigali on 4 July of my new Special Representative, Mr. Shaharyar Khan. Members of the Council have also seen my letter of 1 August 1994 to the President of the Council (S/1994/923) about UNAMIR'S requirements for additional troops and equipment. The present report is based on information available to the Secretariat up to 1 August 1994.

2. Since the adoption of resolutions 925 (1994) and 929 (1994), the situation in Rwanda has been transformed. The Rwandese Patriotic Front (RPF) has established military control over most of the country. About 1.5 million Rwandese sought refuge in Zaire over a two-week period in July, creating a humanitarian crisis of catastrophic proportions. The former "interim Government" fled, and on 19 July a broad-based Government of national unity was formed.

II. Military situation

3. The RPF forces took full control of Kigali, the capital, on 4 July, of Butare, the second largest city, on 5 July, and of the former Government's stronghold, Ruhengeri, on 14 July. The retreating Rwandese Government forces concentrated in and around Gisenyi in the north-west, soon withdrawing into Zaire. On 17 July RPF took Gisenyi and on 18 July it unilaterally declared a cease-fire, effectively ending the civil war which had broken out immediately after the death of the presidents of Rwanda and Burundi in a suspicious air crash, on 6 April, which led to country-wide massacres of the Hutu opposition and intelligentsia, as well as members of the Tutsi minority and other RPF supporters.

4. As the Security Council is aware, the foremost priority of UNAMIR since the start of the crisis was to bring about a cease-fire and a halt to the carnage. The Force Commander, Major-General Romeo Dallaire, had intensified those efforts since early June, when the two sides initiated cease-fire talks at the military level under UNAMIR's auspices. My new Special Representative made this his first priority upon his arrival at Kigali, establishing direct contact with the leadership of both parties and emphasizing the importance of achieving an immediate cease-fire, especially with a view to preventing further exacerbation of the humanitarian crisis. However, cease-fire negotiations remained stalled until the fall of Gisenyi on 17 July, by which time over a million Rwandese refugees had crossed into Zaire.

5. Although the Deputy Force Commander, Brigadier General Henry Anyidoho, had previously succeeded in bringing the two sides together on most of the requirements for a cease-fire, their insistence on including rigid conditions prevented the conclusion of an agreement. On

the side of the Rwandese government forces, guarantees were demanded that RPF was not willing to give, while RPF insisted on prior measures to halt the continuing massacres, which the Rwandese government forces professed themselves unable to take. There was also a strong indication that RPF was not prepared for a cease-fire until it had secured its military goals. While at first these appeared to be the control of as much territory as it could secure, the crumbling of the fighting capacity of the Rwandese government forces from late June onwards evidently encouraged RPF to intensify its offensive and take control not only of the capital, but also of the rear areas of the Rwandese government forces up to the Zairian border. Only the "humanitarian protected zone" established by the French task force, "Operation Turquoise" (see para. 7 below), did not come under the control of RPF.

6. The swift RPF advance had the effect of causing large numbers of civilians to take flight from the areas of combat. This displacement of the population might well have been containable, had not panic been caused by deliberately inflammatory broadcasts from radio stations controlled by the "interim Government". These provoked a massive stampede of refugees across the border into Zaire in the north-west, overwhelming humanitarian agencies and non-governmental organizations (NGOs) whose preparations had anticipated the simultaneous movement of refugees further south. Virtually all the Rwandese government forces retreated in disarray into Zaire, where they no longer comprise an organized fighting force, most of the personnel reportedly having been disarmed by the Zairian authorities, though there are disturbing reports that they are trying to prevent refugees from returning to Rwanda. Thus, for the present, the fighting in Rwanda has ended, with no significant military operations being reported since 18 July.

7. In the course of these events, the Government of France announced on 20 June 1994 its intention to dispatch a force to the region, based in Zaire but operating inside Rwanda, to provide protection to the large number of civilians uprooted from their homes by the fighting, many of whom had fled into Zaire. This operation was authorized by the Security Council, under Chapter VII of the Charter of the United Nations, in resolution 929 (1994). On 2 July, France announced that Operation Turquoise would establish a "humanitarian protected zone" in the Cyangugu-Kibuye-Gikongoro triangle in south-western Rwanda, covering about one fifth of Rwandese territory. While expressing its strong opposition to the French move, RPF did not seek confrontation with French forces which, on their side, avoided provocation. From the start, close cooperation at all levels was established between UNAMIR and Operation Turquoise

with frequent contact between both force commanders. UNAMIR liaison officers were immediately stationed at the headquarters of the French force at Goma, Zaire, with a French liaison office later being established at UNAMIR headquarters at Kigali. Resolution 929 (1994) had authorized the deployment of the French force until 21 August 1994, and, on 11 July, the Prime Minister of France informed the Council and me of the French Government's decision to commence its withdrawal by 31 July.

III. Humanitarian situation

8. The protracted violence in Rwanda has created an almost unprecedented humanitarian crisis. Of a total population of approximately 7 million, as many as 500,000 people have been killed, 3 million displaced internally and more than 2 million have fled to neighbouring countries. Although the flight of people seems to have slowed, the situation remains volatile and extremely fluid. Of particular concern is the possibility of another massive outflow from the humanitarian protected zone in south-west Rwanda when the French forces withdraw.

9. The international community is confronted with four basic humanitarian challenges: to respond to the immediate life-saving needs of refugees; to facilitate the early return of those who have fled their homes; to restore basic infrastructure in Rwanda; and to ensure a smooth transition in the humanitarian protected zone established by French forces.

10. It is hard to describe the horrors faced by those who have fled Rwanda, many of them inspired by propaganda radio broadcasts whose purpose has been to spread fear among the population. The pace of developments and the sheer number of people overwhelmed the capacities of the humanitarian organizations, which were striving valiantly against impossible odds. An outbreak of cholera has already claimed as many as 20,000 lives and remains a continuing threat. Thousands of corpses remain unburied, posing health hazards and endangering ground water sources in the area. The logistics of arranging the daily supply and distribution of 30 million litres of drinking water and 1,000 tons of food are daunting.

11. There is consensus on the necessity of promoting and facilitating the early return of Rwandese to their homes. This is essential given the conditions in the refugee camps and the need within the next two weeks to harvest the crops which traditionally supply 60 per cent of Rwanda's yearly caloric intake. This will require confidence-building measures among the refugees, the establishment of transit depots and the prepositioning of humanitarian supplies. I am deeply disturbed by reports that persons and groups from the former "interim Government" and the Rwandese government forces are intimidating refu-

gees in the Goma camps to prevent them from returning to Rwanda by telling them that they face torture and death at the hands of RPF troops if they do so.

12. The civil conflict in Rwanda has destroyed the country's infrastructure. Short- and medium-term rehabilitation is essential for the absorption of the returnee population as well as the resettlement of the internally displaced. The restoration of electricity, the water supply and telecommunications are the minimum actions needed. It is also important to restore the capacity of the Government to carry out its responsibilities.

13. It is estimated that there are as many as 2 million internally displaced persons in the humanitarian protected zone in south-west Rwanda. An outflow of this group into Zaire would eclipse the current horrors of Goma. To prevent this from happening, it is necessary to ensure the capacity of UNAMIR to take over responsibility in this area and to increase the humanitarian presence and activities there.

14. The actions outlined above must be pursued simultaneously. Failure to respond adequately in any one area of need will weaken the effectiveness of actions in the other interrelated areas.

15. To respond to this complex situation, the United Nations humanitarian organizations, under the leadership of the United Nations Rwanda Emergency Office, have prepared a United Nations Consolidated Inter-Agency Appeal for Persons Affected by the Crisis in Rwanda covering emergency and rehabilitation needs until the end of the current year. To support these urgent activities US\$ 434.8 million are required. In launching this appeal on 22 July, I urged the international community to contribute generously and in a timely manner to ensure that vital humanitarian programmes could be implemented. A pledging conference was convened in Geneva on 2 August. I am encouraged by the initial positive response from Governments and, indeed, from ordinary people willing to help, and would like to thank those countries that have already made significant contributions.

16. At my request, the Under-Secretary-General for Humanitarian Affairs, Mr. Peter Hansen, undertook a mission to Rwanda and to the neighbouring region from 24 to 28 July. He was accompanied by senior representatives of all principal United Nations humanitarian organizations as well as from the NGO community. During his mission, Mr. Hansen carried out an assessment of the humanitarian situation and took a number of measures to ensure that the necessary coordination arrangements were in place. These include a clear division of responsibilities among the organizations of the United Nations system, an overall strategy to meet this extraordinary humanitarian challenge, as well as a decision to

move the headquarters of the United Nations Rwanda Emergency Office from Nairobi to Kigali.

17. Along with my Special Representative in Rwanda, Mr. Hansen met with Vice President Kagame and other senior officials of the new Government in Rwanda to discuss how humanitarian aid could be delivered to all parts of the country and the urgent steps required to re-establish a climate conducive to the return of refugees and displaced persons. It is reassuring that the new Government has indicated its commitment to encourage people to return to Rwanda, to ensure their protection and to permit full access to all those in need throughout the country. Refugees have already started to return to Rwanda.

18. I should like to express my appreciation to all the relief personnel, who are working in extremely difficult conditions to meet a humanitarian challenge of this scale. The courageous staff of UNAMIR and the French-led multinational force have played and continue to play a critical role in saving lives and protecting people. I would also like to pay tribute to those neighbouring countries that have accepted and protected Rwandese refugees. Their generosity has made a difference between life and death for millions of fellow human beings in need. At this time, it is essential that the international community mobilize the necessary resources to enable humanitarian organizations to maintain and increase deliveries of urgently needed assistance.

IV. Revised operational plans of UNAMIR

19. I have already informed the Council in my letter of 1 August of the deplorable delays in the reinforcement of UNAMIR as authorized by resolution 918 (1994) of 17 May 1994. I shall not repeat my comments beyond stressing that the failure of Member States to reinforce the military component of UNAMIR with the necessary speed severely limited its capacity to reduce the human suffering that accompanied the civil conflict and the deliberate massacres of civilians, mainly members of the Hutu opposition and supporters of RPF.

20. With the situation on the ground in Rwanda having changed radically over the past few weeks, UNAMIR has adjusted its operational plans to cope with the altered circumstances within the framework of the mandate established by the Security Council in its resolution 925 (1994). UNAMIR's principal tasks are now as follows:

(a) To ensure stability and security in the north-western and south-western regions of Rwanda;

(b) To stabilize and monitor the situation in all regions of Rwanda in order to encourage the return of refugees and the displaced population;

(c) To provide security and support for humanitarian assistance operations inside Rwanda as humanitarian organizations arrange the return of refugees;

(d) To promote, through mediation and good offices, national reconciliation in Rwanda.

21. Even with the severely limited resources possessed by UNAMIR, the Mission has already taken action. It has deployed a company along the border near Goma, Zaire as well as a number of observers in that region and in the zone controlled by Operation Turquoise. In the expectation that UNAMIR will eventually receive the 5,500 troops authorized by the Security Council, the Force Commander has planned deployment in five sectors, as indicated in the map annexed to the present report and as follows:

(a) *Sector I* (north-east): 1 engineer company;

(b) *Sector II* (south-east): 1 reinforced motorized company;

(c) *Sector III* (south): 1 reinforced motorized company;

(d) *Sector IV* (south-west): 3 mechanized/motorized infantry battalions;

(e) *Sector V* (north-west): 1 mechanized/motorized infantry battalion.

[Editor's note: Map of UNAMIR Sectors of Operation is not reproduced here.]

22. The Force headquarters would remain at Kigali, with the minimum units required for protection, along with specialized units for communications and logistics, as well as the field hospital. United Nations military observers and United Nations civilian police monitors would be deployed in all sectors according to operational requirements.

23. The principal areas of concern are in the north-west to resettle returning refugees, and in the south-west to avert possible outbreaks of violence. The north-western sector borders Zaire near the vast throng of over a million Rwandese refugees assembled there in the harshest of conditions. It is known that substantial numbers of the former Rwandese government forces and militia, as well as extremist elements suspected of involvement in the massacres of the Hutu opposition and RPF supporters, are mingled with the refugees in Zaire and are reportedly trying to prevent their return. A more volatile situation prevails in the south-west, where armed elements of the Rwandese government forces have sought refuge in the French-protected zone. Furthermore, these are the two regions through which refugees will transit as they return from Zaire. Large numbers of refugees are also expected to return from Tanzania into sectors I and II, and a substantial number from Burundi into sectors II and III, but these three sectors are not expected to present the problems anticipated in sectors IV and V.

24. The situation in sector IV is particularly pressing in view of the anxiety of the French Government to complete its withdrawal by 21 August. In discussions with UNAMIR, the new Rwandese Government has indicated that it will not insist on taking control of this area immediately, provided that UNAMIR will ensure its stability. For this purpose, it would be imperative that UNAMIR be able to deploy the three battalions intended for this sector. Should they not be available, UNAMIR would have to go into the zone with depleted strength and threadbare equipment. The new Government, so far, has refused to accept that UNAMIR should include troops from some African countries participating in Operation Turquoise, but it may be possible to persuade it to permit these troops, along with their equipment, to remain. In that case, it is hoped that France will be prepared to lease some of the equipment being used by Operation Turquoise.

V. Political aspects

25. The Arusha Peace Agreement (see A/48/824-S/26915) was signed a year ago in the hope that the political balance it stipulated would bring lasting stability to Rwanda through a pluralist approach of a transitional government, which would include the numerous parties that had emerged, leading to elections. Both the "interim Government", established immediately after the death of President Habyarimana on 6 April, as well as RPF, professed some commitment to the principles of the Arusha agreement. However, the "interim Government" took the position that the agreement was based on the fallacious premise that the historic ethnic animosity between the majority Hutu and the minority Tutsi could be resolved by a political formula; the only solution would be an arrangement which could guarantee the rights not only of the minority but also of the majority so that one would not fear domination by the other; this could be achieved neither through military means nor through simple elections. For its part, RPF maintained that while it remained committed to the Arusha principles of a pluralist political compromise, the deliberate subversion of the Arusha process by extremist Hutu elements and their planned and deliberate massacres of Tutsi and moderate Hutu called for changes in the Arusha formula to ensure that this could not occur again.

26. For the present, RPF has not only military but also political control of the country, other than the area controlled by Operation Turquoise, and it installed a broad-based Government of National Unity on 19 July 1994 for a transitional period of five years. It has excluded the former governing party, the Mouvement révolutionnaire national pour le développement, as well as an openly anti-Tutsi party, the Coalition pour la défense de

la République, which was not included in the transitional government established by the Arusha agreement. In the present transitional Government, the post of President, reserved for the Mouvement révolutionnaire national pour le développement in the Arusha agreement, has been allocated to Mr. Pasteur Bizimungu of RPF, and the post of Vice President, not provided for in the Arusha agreement, has been allocated to Major-General Paul Kagame, military commander of RPF, who is also Minister of Defence. The Prime Minister is Mr. Faustin Twagiramungu of the Mouvement démocratique républicain and the Deputy Prime Minister is Colonel Alexis Kanyarengwe of RPF. Other portfolios have been allocated to these two parties as well as the Parti socialiste démocrate, the Parti démocrate chrétien and the Parti libéral, all of which were members of the previous transitional Government.

27. Since taking office, President Bizimungu has met with President Mobutu of Zaire, President Mwinyi of Tanzania, President Museveni of Uganda and the Interim President of Burundi, Mr. Ntibantunganya. The Rwandese leadership is encouraging refugees to return to Rwanda by publicizing the following assurances:

- (a) Refugees need not fear persecution or reprisals. Refugees returning from Goma will not be screened;
- (b) Refugees and displaced persons can return to their homes, properties, farms, etc. If these have been occupied by others, unauthorized occupants will be forcibly ejected. Uganda-based refugees returning to Rwanda have no right to assert their claims by dispossessing Rwandese of their legal rights;
- (c) Criminals will be prosecuted according to a process of law. The United Nations should appoint the Commission of Experts established by resolution 935 (1994), which should urgently begin its investigation;
- (d) The Government is encouraging civilian officials and army personnel to return;
- (e) The Government will give full cooperation to United Nations efforts to encourage refugee return by reopening Kigali airport, permitting the establishment of a United Nations radio station and facilitating freedom of movement for United Nations personnel carrying out their functions.

28. It is evident that the highest priority at the moment is the resolution of the massive humanitarian crisis caused by the refugees in Zaire and the displaced persons in Rwanda and the establishment of conditions of security and normalcy to encourage and enable these unfortunate people to return to their homes. Only then can the new Government ensure stable conditions in the country. Political discussions with moderate elements of the Mouvement révolutionnaire national pour le développement to work out political arrangements for the long-

term stability of Rwanda should, however, begin as soon as possible.

VI. Observations

29. The agony of a small country which is having to endure the massacre of a substantial portion of its population and the displacement of half the survivors is one of the most hideous events in recent times. It is all the more tragic that the international community hesitated for so long to intervene, despite the fact that most of its Member States have signed the Convention on the Prevention and Punishment of the Crime of Genocide. As I remarked in my report of 31 May (S/1994/640), by our failure we have acquiesced in the horrifying loss of human life and the suffering of an entire people. To make amends, the international community, at the very least, must ensure that, through the efforts of the Commission on Human Rights, the United Nations High Commissioner for Human Rights and the Commission of Experts established by Security Council resolution 935 (1994) of 1 July 1994, those individuals responsible in their personal and official capacities for unleashing and instigating this cataclysm are brought to justice.

30. As regards the Commission of Experts, my report of 26 July 1994 (S/1994/879) set out its mandate. I have requested it to provide me, not later than 30 November 1994, with its conclusions on evidence of specific violations of international humanitarian law and acts of genocide, on the basis of which identification of the persons responsible for those violations could be made. The Commission is also empowered to examine the question of the jurisdiction, international or national, before which such persons should be brought to trial. I have appointed the following persons to serve as members of the Commission: Mr. Atsu-Koffi Amega, Chairman (Togo), Mrs. Habi Dieng (Guinea) and Mr. Salifou Fomba (Mali).

31. It is incumbent upon the international community to do everything in its power to alleviate the appalling human suffering in the refugee camps in Zaire, as well as in Tanzania, Uganda and Burundi, and to enable refugees and displaced persons to return to their homes or other safe areas in reasonable security. In this connection, I am grateful to those Governments that have decided to deploy troops to Rwanda and/or Zaire in order to provide critically needed logistic support to the humanitarian effort. At the same time, I am becoming concerned by the problems of coordination that will arise if several foreign forces under national command are working along side UNAMIR, which is under United Nations command, and the forces loyal to the new Government. Ideally, all foreign forces engaged in support of the humanitarian effort should be part of UNAMIR. If this is not possible,

I would urge that the deployment of the foreign forces should be authorized by the Security Council, even if their mandate is purely humanitarian, and that formal liaison arrangements should be established between them and UNAMIR, as has been the case with Operation Turquoise.

32. Governments which possess the necessary resources are also urged to apply them toward the reconstruction and rehabilitation needed to bring Rwanda to its feet again. I commend those Governments that are already beginning to provide these forms of tangible assistance.

33. The recently installed Government in Rwanda also bears responsibility for bringing its people together again in national reconciliation. Even in the wake of the tragedy that it has confronted, it must show magnanimity and not allow its military success to create a desire for permanent dominance. It must ensure that there are no reprisals. It must enable families to regain their homes and individuals to return to their professions and livelihoods. It must accept in the national army those soldiers of the former armed forces and gendarmerie who did not deliberately engage in wanton killings. It must install an equitable and transparent system of justice to try those suspected of instigating or participating in the massacres of their compatriots.

34. These are overwhelming tasks for a fledgling Government which has taken power in a wrecked and devastated country. In addition to the urgent humanitarian needs and help in reconstruction and rehabilitation, the Government will also require assistance in re-establishing systems of administration, justice, police, finance, education and health and all the other responsibilities a Government must discharge. I hope that Governments will make this available on a bilateral basis or through the United Nations system. But, ultimately, it is the Rwandese who must assume these tasks, and this can only be done if the Government commits itself to genuine and full reconciliation.

35. The ultimate political aim must be the installation of a broad-based system of government that will give all elements of society, irrespective of ethnic origin or social level, a sense of security and a stake in the country. The Arusha agreement still provides principles and a broad framework for establishing such a system. The Organization of African Unity and the United Republic of Tanzania, which were instrumental in the negotiation of the Arusha agreement, will have a special role to play. Rwanda's four neighbours also have a special responsibility to promote stability in this recuperating country and to ensure that their territories are not used for further destabilization. It is gratifying to note that the new Government has established cordial contacts with all four

neighbours. All countries in the region must work to ensure that the repercussions of the crisis in Rwanda do not strike at Burundi, for this could destabilize the entire region.

36. In conclusion, I should like to commend my former Special Representative, Mr. Jacques-Roger Booh-Booh, and my new Special Representative, Mr. Shaharyar Khan, as well as the personnel of UNAMIR, who have

worked with dedication under the most demanding conditions. I must especially commend the Force Commander, Major-General Dallaire, for his outstanding leadership. In ending, I extend on my own behalf and on behalf of all members of the United Nations our heartfelt condolences to all in Rwanda who have lost members of their families in what would have been a nightmare had it not actually come to pass.

Document 83

Letter dated 5 August 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Tunisia to the United Nations addressed to the President of the Security Council, transmitting a special resolution of the Central Organ of the Organization of African Unity, on the deployment of African troops in Rwanda with UNAMIR II

S/1994/945, 9 August 1994

In my capacity as representative of the current Chairman of the Organization of African Unity, I have the honour to request that the attached special resolution of the Central Organ on the deployment of African troops in Rwanda with UNAMIR II, adopted by the Central Organ at its third ordinary session at ministerial level, held at Sousse, Tunisia, on 3 and 4 August 1994, be circulated as a document of the Security Council.

(Signed) Mokhtar CHAOUACHI
Chargé d'affaires a.i.
of the Permanent Mission of Tunisia
to the United Nations
Representative of the current Chairman
of the Organization of African Unity

Annex

Special resolution of the Central Organ of the Organization of African Unity on the deployment of African troops in Rwanda with UNAMIR II

The Third Ordinary Session of the Central Organ, meeting at ministerial level at Sousse, Tunisia, on 3 and 4 August 1994,

Having considered the report of the Secretary-General on the situation in Rwanda,

Gravely concerned at the continued humanitarian crisis in Rwanda,

Determined to ensure that Africa continues to make its contribution in concert with the international community towards overcoming this crisis, through, *inter alia*, the creation of a climate of confidence in the country,

Convinced that the speedy deployment of UNAMIR will make an important contribution towards the restoration of confidence, the early return of the refugees and in assisting the Government of Rwanda in the efforts at promoting national reconciliation,

Recalling the decisions on Rwanda taken by the Assembly of Heads of State and Government of the Organization of African Unity at its thirtieth ordinary session in Tunis, including, in particular, the expressed preparedness of African countries to contribute troops to UNAMIR II,

Also recalling that the following African countries have already pledged troops: Congo, Ethiopia, Ghana, Malawi, Mali, Nigeria, Senegal, Tunisia, Zambia and Zimbabwe,

Further recalling the efforts made by the current Chairman and the Secretary-General of the Organization of African Unity to mobilize logistical support for the African troops,

1. *Categorically reaffirms* Africa's readiness to contribute troops to Rwanda within the context of UNAMIR II;

2. *Expresses its profound regret and dismay* at the very slow pace in the deployment of the African troops by the United Nations, owing to lack of logistical support;

3. *Declares* that in addition to the contingent of Ghana, which is already deployed in Rwanda, the States of Ethiopia, Nigeria and Tunisia (all members of the Central Organ) are ready to have their troops immediately deployed in Rwanda;

4. *Requests*, in this context, the Secretary-General of the United Nations to take immediate measures for the urgent deployment of at least the troops from Ethiopia, Nigeria and Tunisia, and in any case to enable these troops to be in Rwanda by 21 August 1994;

5. *Also requests* the Secretary-General of the United Nations to take all the necessary measures to deploy the other African troops as a matter of urgency and not later than 15 September 1994;

6. *Launches an urgent appeal* to the international community, especially to the developed countries, to provide logistical support to the United Nations in order to facilitate the aforementioned deployment of African troops;

7. *Draws the attention* of the United Nations, in particular the Security Council, as well as the international community at large, to the various implications that any further procrastination in the deployment of African troops will have with respect to the situation in Rwanda and, indeed, to any serious regional effort at contributing to peace and security within the framework of the United Nations;

8. *Requests* the Secretary-General of the Organization of African Unity to follow closely the implementation of this resolution including coordination, as appropriate, with the Secretary-General of the United Nations;

9. *Decides* to remain actively seized of the issue.

Document 84

Statement by the President of the Security Council calling on all concerned to facilitate the rapid return of refugees and displaced persons to their homes and reaffirming that the Arusha Peace Agreement constitutes a basis for promoting national reconciliation in Rwanda

S/PRST/1994/42, 10 August 1994

The Security Council remains extremely concerned at the situation, as described in the report of the Secretary-General on Rwanda (S/1994/924) and oral briefings by the Secretariat, in Rwanda and in the countries of the region where millions of displaced persons and refugees are concentrated in extremely precarious conditions from the standpoint of both food and sanitation.

Bearing in mind the extreme seriousness of this situation, the Security Council considers that at present the most immediate task is to respond to the massive humanitarian crisis created by the population movements. To this end, the Council expresses its appreciation to all Member States, United Nations agencies, non-governmental organizations and individuals who responded to this humanitarian challenge and encourages them to continue and intensify their efforts, in particular in Rwandan territory with a view to alleviating to the best of their ability the situation of all those who have fled from their homes and villages.

The Security Council believes, furthermore, that the rapid return of the refugees and displaced persons to their homes is essential for the normalization of the situation in Rwanda. In this regard, the Council strongly condemns attempts to intimidate refugees carried out by those who are seeking to prevent them from returning to Rwanda. It urges the former leadership of Rwanda and those who have assumed political responsibility in the refugee camps

to cooperate with representatives of the current Government in reconciliation and repatriation efforts and cease forthwith attempts and propaganda campaigns directed at destabilizing the situation in Rwanda and inducing refugees to stay in exile.

The Security Council, moreover, welcomes the declared readiness of the new Government of Rwanda to encourage the return of the refugees and displaced persons, ensure their protection and their legal rights and allow aid to reach those who require it anywhere in the country. It considers that the new Government of Rwanda is responsible for the rapid implementation of these commitments, which are essential for speeding up the return of refugees to Rwanda.

The Security Council also calls upon the Government of Rwanda to ensure that there are no reprisals against those who wish to return to their homes and resume their occupations. To this end, the Council encourages the Government of Rwanda to cooperate with the United Nations, in particular with the Commission of Experts established by the Council in its resolution 935 (1994), in ensuring that those guilty of the atrocities committed in Rwanda, in particular the crime of genocide, are brought to justice through an appropriate mechanism or mechanisms which will ensure fair and impartial trials in accordance with international standards of justice. In this connection, the Council welcomes the recent state-

ment by the new Government of Rwanda supporting the establishment of an international tribunal and welcomes the report of the Secretary-General of 26 July 1994 (S/1994/879) on the establishment of the Commission of Experts and the appointment of its members (S/1994/906), and urges the Commission to submit its conclusions as soon as possible.

The Security Council welcomes the Secretary-General's intention to adapt the practical tasks of the United Nations Assistance Mission for Rwanda (UNAMIR) to the evolving situation within the framework of Security Council resolution 925 (1994). The Council underlines that the full deployment of UNAMIR will be important to establish a more secure environment in order to accelerate the process of return of refugees and displaced persons and to prevent further population movements, in particular from the secure humanitarian area, which might exacerbate the situation in neighbouring countries. For this reason, it is essential that the contingents that are to be part of UNAMIR are deployed without further delay and that the technical assistance that they require for this purpose is provided to them as soon as possible.

The Security Council also notes the importance of the deployment in Rwandan territory of civilian observers responsible for monitoring the establishment of a more secure environment, and in this regard welcomes the measures envisaged by the High Commissioner for Human Rights, within his mandate, with the assistance of certain Member States.

The Security Council reaffirms, as the Secretary-General emphasizes in his report of 3 August 1994 (S/1994/924), that the Arusha Peace Agreement constitutes an appropriate frame of reference for promoting national reconciliation in Rwanda. The Council reminds the Government of Rwanda of its responsibility for bringing its people together again in national reconciliation. In this context, the Council commends the countries neighbouring Rwanda and the Organization of African Unity for their commitment and assistance towards the solution of the conflict in Rwanda, and encourages them to continue to promote stability in the country and the entire region. The Council believes that, for their part, the neighbouring countries are also responsible for ensuring that their territories are not used for further destabilization of the situation.

Document 85

Letter dated 15 August 1994 from the Prime Minister of Zaire, Kengo wa Dondo, to the Secretary-General concerning refugees from Rwanda in Zaire

Not issued as a United Nations document; translated from French

The disturbing situation in eastern Zaire caused by the tragic events in Rwanda affords me this opportunity to inform you of the following.

Among the many Rwandese refugees who have settled in eastern Zaire are about 20,000 soldiers, members of the former Rwandese National Army who were disarmed by the Zairian Armed Forces and put in makeshift camps not far from the Rwandese border.

In accordance with the provisions of the Convention governing the specific aspects of refugee problems in Africa, and particularly of article II, paragraph 6, which reads "For reasons of security, countries of asylum shall, as far as possible, settle refugees at a reasonable distance from the frontier of their country of origin", Zaire should settle these military refugees at a distance of more than 150 kilometres from the Rwandese border.

My country's economic and financial situation does not permit it to bear this heavy burden alone.

Zaire would greatly appreciate a contribution from the United Nations system to this humanitarian effort.

In addition, I should like to inform you that the Zairian Government intends to settle the former Rwandese authorities provisionally in Kinshasa, in the hope that the United Nations will rapidly find a country other than Zaire to accept them.

I venture to hope that this message will be accorded the fullest attention by the United Nations.

For its part, the Government of the Republic of Zaire will spare no effort to cooperate and collaborate with the specialized agencies of the United Nations in seeking ways and means of resolving the serious crisis that exists in eastern Zaire.

It is in this conviction that I beg you to accept, Mr. Secretary-General, the assurances of my highest consideration.

(Signed) Kengo WA DONDO

Document 86

Statement by the President of the Security Council concerning the postponement of Rwanda's presidency of the Council

S/PRST/1994/48, 25 August 1994

The Security Council has decided to suspend the operation of rule 18 of the provisional rules of procedure so as to allow the Presidency of the Security Council to

be held in September 1994 by Spain. The timing of the Presidency of the Council by Rwanda will be addressed later.

Document 87

Letter dated 9 September 1994 from the Secretary-General to the Prime Minister of Zaire concerning efforts to address the situation of Rwandan refugees in Zaire

Not issued as a United Nations document; translated from French

Thank you for your letter of 15 August 1994 on the Rwandese refugees in Zaire. I wish also to thank you for your confirmation that Zaire is ready to cooperate with the United Nations in assisting these refugees and creating the security conditions necessary for their voluntary repatriation in accordance with the relevant international conventions.

The information contained in your letter on the disarmament of the personnel of the former Rwandese Army by the Zairian Armed Forces is encouraging. The disarmament of these personnel is undoubtedly an important first step in the efforts to improve security in the camps. Their transfer to a certain distance from the Rwandese border would also contribute to promoting a climate of confidence in these camps, and would enable the refugees to exercise their right of return without constraint or coercion. Furthermore, your proposal that the leaders of the former Rwandese Government should be temporarily settled in Kinshasa seems to me to be conducive to an easing of the tensions and to a political settlement based on national reconciliation.

I am fully aware of the heavy burden placed on Zaire by the humanitarian problems resulting from the civil war in Rwanda. I wish nevertheless to assure you that the United Nations is ready, to the fullest extent of its ability, to support the steps taken by the Zairian Government and to provide it with the necessary logistic assistance.

It was for this reason that I requested my Special Representative in Rwanda, Mr. Shaharyar Khan, to visit Kinshasa. Mr. Khan has been instructed to explore with you and the other senior officials concerned specific measures that could be taken to contribute to a normalization of the situation in the refugee camps and facilitate the restoration of a climate of peace and stability in the region. On the basis of Mr. Khan's report to me, I will submit the necessary recommendations to the Security Council.

Please accept, Mr. Prime Minister, the assurances of my highest consideration.

(Signed) Boutros BOUTROS-GHALI

Document 88

Statement by the President of the Security Council announcing that Rwanda will hold the presidency of the Council in December 1994

S/PRST/1994/55, 16 September 1994

The Security Council has decided to suspend the operation of Rule 18 of the provisional rules of procedure so as to allow the Presidency of the Security Council to be held in December 1994 by Rwanda, following the holding of the Presidency in October 1994 by the United Kingdom of Great Britain and Northern Ireland and in

November 1994 by the United States of America. From January 1995, the Presidency will again be held as specified in Rule 18, beginning with the member of the Security Council whose name in the English alphabetical order follows that of the United States.

Document 89

Third progress report of the Secretary-General on UNOMUR for the period from 16 June 1994 to 19 September 1994

S/1994/1073, 19 September 1994

I. Introduction

1. The present report is submitted in pursuance of paragraphs 2 and 3 of Security Council resolution 928 (1994) of 20 June 1994, in which the Council extended the mandate of the United Nations Observer Mission Uganda-Rwanda (UNOMUR) for a final period of three months until 21 September 1994 and requested the Secretary-General to report to the Council on the termination of the operation before the completion of its mandate. The present report covers the period since my last report to the Security Council on UNOMUR, dated 16 June 1994 (S/1994/715).

2. It will be recalled that UNOMUR was established by the Security Council in its resolution 846 (1993) of 22 June 1993, with the mandate to deploy on the Ugandan side of the border with Rwanda and to verify that no military assistance reached Rwanda. The Council decided that the monitoring activities of UNOMUR would focus primarily on transit or transport, by roads or tracks that could accommodate vehicles, of lethal weapons and ammunition across the border, as well as any other material that could be of military use.

II. Deployment and activities

3. As indicated in my previous report (S/1994/715), the breakdown of the cease-fire and the resumption of the civil war in Rwanda after 6 April 1994 compelled UNOMUR to expand its monitoring activities in Uganda from the areas controlled by the Rwandese

Patriotic Front (RPF) to the entire border area between the two countries. Despite the Mission's phased reduction plan, set out in paragraph 9 of the present report, the expanded monitoring of the 170-kilometre border area continued during the period under review.

4. UNOMUR has implemented its tasks essentially through patrolling, monitoring and surveillance of the whole stretch of the operational area, involving both mobile and fixed observations, as well as on-site investigation of suspected cross-border traffic. Those tasks also included random aerial surveillance and patrols by helicopters, as well as the airlifting of military observers into areas of high elevation for observation of routes leading to the border.

5. Since my last report, the situation of cross-border traffic from Uganda into Rwanda has remained unchanged and no significant movements of armaments or armed personnel have been detected by UNOMUR.

6. In addition to its border-monitoring activities, UNOMUR has more recently played an important role in supporting the build-up of the United Nations Assistance Mission for Rwanda (UNAMIR) and coordinating humanitarian activities in support of the displaced persons and other civilians affected by the hostilities in Rwanda. That role was performed at a critical time when the resumed fighting in Rwanda made the use of Kigali airport difficult and, at a later stage, impossible. UNOMUR activities in that respect have continued even after the unilateral declaration of a cease-fire by RPF on

18 July in order to alleviate the suffering of the civilian population in Rwanda.

7. Following the adoption on 17 May by the Security Council of its resolution 918 (1994), in which it authorized the expansion of the UNAMIR force level to 5,500 all ranks, the Mission became a forward base to back up the movement of personnel, equipment and supplies into Rwanda. During the closure of Kigali airport, Entebbe airport in Uganda functioned as the only air base from which those personnel and supplies were routed by land to Rwanda. A team of UNOMUR military observers was stationed at Entebbe to coordinate logistic activities. UNOMUR escorted 60 armoured personnel carriers as well as convoys with logistic material and foodstuffs from Entebbe to the Uganda-Rwanda border for use by UNAMIR. A temporary transit camp with the capacity of accommodating at least 100 troops was established at the Mirama Hills checkpoint to ensure smooth entry of newly arriving UNAMIR troops into Rwanda.

8. The evacuation of UNAMIR casualties was carried out with UNOMUR assistance. UNOMUR also made a total of 117 helicopter sorties between Kabale and Entebbe during the period under review, as well as between Kabale and the Zairian towns of Goma and Bukavu, in order to transport UNAMIR and other United Nations personnel.

9. In accordance with paragraph 2 of Security Council resolution 928 (1994), I have started implementing the following plan to reduce the size of UNOMUR in four phases, with its monitoring activities being scaled down gradually. The first three of the four phases have already been carried out.

10. Phase I of the reduction took effect on 15 August and the Mission's total strength of 80 military observers was reduced by 25. Accordingly, the Sector West headquarters and the observation posts at Lubirizi and Kafunzo were closed down. In Phase II, effective from 30 August, the Mission was further reduced by nine military observers.

11. In Phase III, effective from 6 September, an additional 12 military observers left the Mission, leaving a total strength of 34 military observers. The Sector East headquarters was closed during that period and the UNOMUR team stationed at Entebbe was withdrawn. As at 12 September 1994, in addition to the remaining

military observers, the Mission also included 11 international civilian and 7 locally recruited staff, who are being phased out. In the final phase of reduction, which is to be completed at the end of the Mission's mandate on 21 September, all the remaining military observers will leave the area of operation. UNOMUR will be officially closed down on that date in a small ceremony to be presided over by the Under-Secretary-General for Peace-keeping Operations, Mr. Kofi Annan, who will be in the region at that time.

III. Financial aspects

12. As indicated in my report on the financing of UNAMIR (A/48/837 and Corr.1), the administrative costs related to the military observers and civilian personnel of UNOMUR, with effect from 22 December 1993, are included in the cost estimates for the maintenance of UNAMIR. The General Assembly, in its resolution 48/248 of 5 April 1994, authorized me to enter into commitments at a monthly rate not to exceed \$9,082,600 gross per month for the period from 5 April to 31 October 1994, for the maintenance of both operations.

IV. Observations

13. UNOMUR was established in June 1993 to help create an atmosphere conducive to a negotiated settlement of the Rwandese conflict. While the tragic turn of events in Rwanda prevented UNOMUR from contributing to that goal, the Observer Mission did play a useful role as a confidence-building mechanism in the months following the conclusion on 4 August 1993 of the Arusha peace agreement and during UNAMIR's initial efforts to defuse tensions between the Rwandese parties and to facilitate the implementation of that agreement. Following the resumption of the civil war in Rwanda, UNOMUR also played an important role in support of the deployment of the expanded UNAMIR and of the coordination of humanitarian relief activities in that country.

14. In conclusion, I would like to express again my appreciation to the Government of Uganda for the cooperation and assistance it has extended to UNOMUR. I also wish to commend both the military and the civilian personnel of UNOMUR for the dedication and professionalism with which they have carried out their tasks.

Document 90

Update on the Rwanda emergency by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

A/AC.96/825/Add.1, 26 September 1994

I. Introduction

1. Within a few months of the October 1993 civil unrest in Burundi, which by the end of the year had forced over 650,000 Burundi nationals to leave their country, Rwanda experienced once again the trauma of socio-political upheaval and inter-ethnic violence. In the space of a few weeks, hundreds of thousands of persons were killed, following the dramatic events of 6 April 1994, when an aircraft carrying the Presidents of Burundi and Rwanda was shot down, killing both of them and several ministers.

2. The resulting turmoil led to a massive exodus of refugees (see attached table for current refugee estimates). The scope and character of the massacres in Rwanda and their consequences retain a major preoccupation. They have disrupted life to such an extent and caused such levels of disorientation among the population that UNHCR is providing simultaneously protection and assistance to a very large refugee caseload, assisting spontaneous returns and providing relief to internally displaced persons. To respond to the crisis adequately, UNHCR had to develop a clear set of priorities in order to implement appropriate activities, whilst not losing sight of the conceptual framework but allowing for the flexibility required by a fast changing situation.

3. The developments in Burundi are also of grave concern, increasing fears that the recent tragedy in Rwanda may be repeated in Burundi. Incidents of serious civil unrest continue, mainly in Bujumbura, but also in the provinces of Kirundo and Cibitoke. In a significant breakthrough Burundi political parties signed the Convention of Government on 10 September 1994. The election of a new President and establishment of a new Government, which will facilitate international assistance for the country's rehabilitation, are dependent on the results of on-going negotiations.

4. In addition to paying close attention to developments in Burundi, UNHCR's main areas of concern in the region are:

- the security of refugees and aid workers in asylum countries;
- conditions of safety inside Rwanda for the return of refugees and prevention of further flight from Rwanda; and
- the continuation of assistance on the scale required.

II. Security for refugees and returnees

5. A high level of violence characterizes the situation in refugee camps, particularly in Zaire. Murders, assaults and harassment of refugees are daily occurrences. Even relief workers have been physically threatened with machetes and axes.

6. While overcrowded and poor living conditions have a negative impact overall, the responsibility for security incidents lies primarily with militiamen, often acting at the instigation of some former civilian leaders whose aim it is to maintain control over the refugee population, to prevent repatriation and to benefit from the distribution of assistance. Organized gangs of thugs also operate in all camps, especially in Zaire, where security problems are compounded by the presence of the former Rwandese army in the refugee camps or in their vicinity.

7. Poor security conditions have a direct negative impact on assistance programmes. Vulnerable groups have less access to food and non-governmental organization (NGO) medical personnel cannot work at night, a time at which children in the centres for unaccompanied minors require medical assistance most. UNHCR has taken measures in the camps in Goma, by organizing groups of women and of influential elders and establishing more food distribution points, in an attempt to improve the situation; however a solution requires firm political action.

8. In this regard, UNHCR has been in contact with the Zairian authorities, both in Kinshasa and at the local level. The Secretary-General, who is himself gravely concerned with the problem and was approached by UNHCR, dispatched a mission to Zaire from 12 to 14 September 1994, led by his Special Representative in Rwanda and including UNHCR's Special Envoy, to examine ways and means of tackling the security problems with the appropriate authorities at the highest level.

9. The envisaged plan of action already agreed to by the authorities includes the disarmament and encampment of former Rwandese Army soldiers in sites away from the refugee camps and the Zaire/Rwanda/Burundi borders. It also considers the removal of the former Rwandese senior leadership from that region. Despite the goodwill and intentions on the part of the authorities, Zaire faces its own political and economic difficulties and would need international assistance to implement these

measures and to maintain security in refugee camps. Within the framework of its mandate and subject to the availability of resources, UNHCR is prepared to contribute to finding a solution to the security problem facing refugees.

10. Killings of refugees have taken place in Burundi over the past few weeks, in particular a serious incident in Kirundo Province in June 1994 when close to a hundred refugees were slaughtered. Also in Kirundo, in August 1994, a UNHCR Field Officer was killed. Following security incidents, in Muyinga and Kirundo Provinces particularly, refugees have been fleeing in increasing numbers to the United Republic of Tanzania. UNHCR has requested the authorities at the highest level to investigate the incidents and to take measures necessary to protect refugees and aid workers.

11. As in Zaire, the control exercised over refugees by former Rwandese local leaders and militiamen is the main source of insecurity in the refugee camps in the United Republic of Tanzania. UNHCR has been working with the Government to accelerate the deployment of a larger police contingent in the refugee camps.

III. Return to Rwanda

12. UNHCR is of the opinion that voluntary repatriation of refugees to Rwanda is the best solution to the refugee crisis provided that it takes place in conditions of safety and dignity. In a country which was often subjected to human rights violations, as evidenced by the massacres which occurred during the recent civil war, the presence of United Nations human rights monitors enhances confidence-building measures. UNHCR, through its field presence and in cooperation with the human rights monitors who are now being deployed, is monitoring the overall security situation in the country and particularly that of returnees.

13. Despite the good intentions expressed and the guarantees given by the new Rwandese Government, there are reports of arrests of returnees and of residents, as well as of summary executions and disappearances in the south and south-eastern areas of the country. Refugees who arrived recently in the United Republic of Tanzania and Zaire report violence against them while in Rwanda. The Government was informed of these findings and whilst contesting the allegations undertook to investigate them further. Arrangements are being made for a thorough investigation to be carried out by the Commission of Experts established by Security Council resolution 935.

14. While the return from neighbouring countries of those refugees who left Rwanda after April 1994 has not been on a massive scale, significant numbers of refugees who left the country between 1959 and 1993 are

coming back (see paragraph 34). Many are occupying houses and lands left vacant by those who fled since April. Though the Government has repeatedly stated that the right to property shall be respected and that it is willing to act in the spirit of the Arusha Agreement, empty houses and vacated land continue to be occupied. The extent to which these returnees are settling on the property of absent owners is one of the main areas of concern to UNHCR and the subject of continuing dialogue with the authorities.

15. As the agency mandated to protect refugees and promote their voluntary repatriation, UNHCR is handling assistance to spontaneous returnee movements with a significant number of implementing partners and in close cooperation with other United Nations agencies. UNHCR preparations for a large-scale return continue, although voluntary repatriation to Rwanda is a complex and, in all likelihood, lengthy process. In that context, at the beginning of September, an informal meeting was held in Addis Ababa with senior officials of the five countries affected by the emergency, the observers to the Arusha negotiations, the Secretary-General of the Organization of African Unity (OAU) and the High Commissioner. It was agreed that repatriation tripartite agreements (Rwanda-UNHCR-country of asylum) should be formalized and that a Joint Commission should be established to ensure the existence of minimum conditions conducive to repatriation and to support the repatriation process.

IV. Emergency response and relief assistance

16. In April and in July 1994 very sudden and extraordinarily large refugee movements took place—some two million persons fled Rwanda seeking refuge in Burundi, the United Republic of Tanzania and eastern Zaire. In a matter of days they crossed the border and settled in ecologically fragile areas, close to borders. While security remains a problem in need of firm political action and follow-up, refugees have been assisted by the collective efforts of NGOs, donor Government service personnel and United Nations humanitarian agencies.

17. The magnitude and complexity of the exodus into Goma required innovative approaches, such as the creation of "service packages" (see paragraph 23), and the development of an immediate capacity to lift relief supplies to the area. In an effort involving many donors, and United Nations humanitarian agencies, an airlift, modelled on the Sarajevo experience, was quickly organized, with a coordination cell established at UNHCR Headquarters. Within days the air-bridge was in full swing and flight crews, ground personnel and air cell coordination teams were managing a 24-hour relief operation. The airlift, initially only to Goma, and later

expanded to Kigali and Bukavu, conducted over 2,000 flights between July and mid-September.

A. *United Republic of Tanzania and Uganda*

18. In the United Republic of Tanzania, 60 UNHCR international staff are working with more than 25 NGOs to assist over 500,000 refugees in the Ngara and Karagwe districts. Although the provision of assistance to this very large refugee caseload has stabilized, the situation remains fragile: water availability is below accepted standards and death rates are high. It should be noted, however, that statistics are being distorted by the very poor physical condition of new arrivals, who, although in a minority, constitute the majority in the mortality rate figures (in one community in Lumasi camp, for example, they represent 38 per cent of the population but 75 per cent of the mortality rate).

19. With the support of ECHO, UNHCR, implementing partners and the Government are improving primary education at the camps through the procurement of school tents, training and payment of teachers who are recruited from the refugee population. In close coordination with the Tanzanian Government, UNHCR and implementing partners are developing two major environmental projects, which cover fuelwood distribution, tree marking, wood-saving stoves and reforestation.

20. In addition to the nine existing refugee sites, others are in the process of being identified in order to decongest some of the larger camps, to respond to the continued refugee influx and as contingency for a possible new exodus.

21. UNHCR is assisting some 10,000 Rwandese refugees in Kiboro and Rwembogo transit camps in Uganda. The population has stabilized and plans are afoot for the transfer of refugees to Oruchinga, farther removed from the border, where land for farming is available. Some 120,000 Rwandese refugees, some of whom have been in Uganda since 1959, have repatriated spontaneously.

B. *Eastern Zaire*

22. By mid-September 1994, UNHCR had deployed 80 international staff members in eastern Zaire, running programmes and operations covered by offices in Goma, Bukavu and Uvira. While security remains a major problem, assistance for refugees in Goma has improved and the immediate emergency has been overcome, though that is not the case in Bukavu or Uvira. It is estimated that there are up to one million Rwandese refugees in north and south Kivu; in addition, some 145,000 Burundi refugees are in the Uvira region.

23. The sudden and very large refugee influx into Goma (close to one million people in four days) demon-

strated that traditional approaches would not constitute an effective response to this very complex crisis. While the numbers alone made the operation extraordinary, very complicated logistics and an adverse environment made it almost unmanageable. That realization prompted UNHCR to take an innovative approach and appeal to donors to provide "service packages". This approach and the subsequent donor response brought a very dramatic situation under control; while many refugees died, more would have lost their lives if it were not for the very effective cooperation and coordinated efforts of NGOs, donor Government service personnel and United Nations humanitarian agencies.

24. Although still unacceptably high, the death rate has decreased. Medical assistance is available in all camps and the cholera epidemic has been brought under control, but dysentery remains a problem. Immunization campaigns have been undertaken in all camps. In the health sector, UNHCR implementing partners are concentrating on primary health care/prevention through the recruitment of community health workers.

25. As a result of the establishment of a World Food Programme (WFP) food pipeline and transport capacity, sufficient food is being distributed in all camps in Goma as well as in Bukavu and Uvira. However, surveys in Goma indicate that large numbers of people are suffering from malnutrition, which, given the almost adequate supply of food, points to inequitable distribution, a problem intimately linked with camp security. Also in response to the levels of malnutrition, special feeding programmes were initiated in Bukavu town. The main focus now is the distribution of plastic sheeting—an essential item with the onset of the rainy season.

26. Water distribution has improved in Goma, but sanitation remains a major problem because of the nature of the terrain: the camps are situated on volcanic terrain, making it difficult to implement a major latrine construction programme. While donors were very responsive to the needs in the water and health sectors, the sanitation service package did not receive the same level of support.

27. Identification of sites for refugee camps remains a major problem in densely populated and intensively cultivated Bukavu. There are also very complex land property issues involving individuals, communities and government agencies. The result is that, despite the efforts of UNHCR and its implementing partners, there are still thousands of refugees in the streets of Bukavu town as well as many others who remain outside the camps, in the surrounding areas.

28. Refugee registration has started in Goma (expected to be concluded by end of September 1994) and is planned for Bukavu. More accurate refugee statistics will help to improve distribution of food and non-food items

as well as to provide more effective protection. The result of the census will also be taken in consideration as UNHCR, in cooperation with local authorities, continues to search for new sites in the Goma, Bukavu and Uvira areas.

C. *Burundi*

29. With six offices and 46 international staff members, UNHCR and 16 NGO implementing partners are providing assistance to some 270,000 Rwandese refugees who fled to Burundi between 1959 and 1993, and after April 1994. The old caseload has started to repatriate spontaneously. Other candidates for voluntary repatriation are being registered by UNHCR Burundi, in coordination with the UNHCR office in Kigali.

30. Apart from some 10,000 refugees, the new population (207,000) has been accommodated in camps with basic services: access roads have been opened, sanitation and water services installed, and health systems are available. Individual assistance in the form of plastic sheeting, blankets, jerrycans and cooking sets is being distributed to the majority of the families. However, given the emergency needs in Goma and Bukavu, several assistance items which were supposed to be delivered to the refugee camps in Burundi were redirected to those locations. By mid-September 1994 replacement items started to reach Bujumbura for further distribution amongst the most needy refugees.

31. Assistance to returnees (some 500,000 persons who fled to Rwanda in the aftermath of the October 1993 events and returned to Burundi after April 1994) has been disrupted by several factors: lack of security in the areas of return; the geographical spread of places of return; the emergency situation of the Rwandese refugees in Burundi; and the emergency in Goma and Bukavu to where, as indicated above, some of the relief assistance stocks in the area were diverted.

32. Owing to the scarcity of land available, a significant number of these returnees remain in camps or in other temporary accommodation. As a result, they are dependent on the international community for assistance until a solution to the land issue is found (UNHCR assistance to returnees in possession of land focuses on the distribution of seeds and tools as a step toward self-sufficiency). Returnee camps offer basic services such as water, health, sanitation and educational facilities. Land continues to be a politically sensitive issue in Burundi and for the time being, given the volatile situation in the country, UNHCR has not been able to raise these concerns with the authorities.

D. *Rwanda*

33. In order to provide immediate assistance to all returnees and to needy internally displaced persons (IDPs) in areas of return inside Rwanda, UNHCR has entered into an agreement with the International Organization for Migration (IOM) for the transport of returnees. NGOs are providing technical support to the transport operation and are running "way stations", established along return routes. At each of the "way stations" emergency facilities have been established, providing returnees and IDPs with medical assistance, water and food. UNHCR is also providing returnees with a repatriation package containing soap, blankets, jerrycans and mats.

34. It is estimated that some 450,000 refugees had gone back to Rwanda by mid-September (210,000 from eastern Zaire, 120,000 from Uganda and 120,000 from Burundi). A number of internally displaced persons in the south-western part of the country have been returning to the region between Butare and Gitarama; the United Nations Assistance Mission in Rwanda (UNAMIR), IOM and UNHCR have been providing transport assistance.

35. With the start of the rainy season, the rapid distribution of agricultural seeds and tools is of crucial importance to enable returnees to progress quickly towards self-sufficiency. Seeds and agricultural tools will also be distributed to needy residents. Returning refugees are also receiving plastic sheeting to provide them with some temporary shelter while the rehabilitation of houses with local materials is in progress. Housing needs for particular groups of returnees after their long absence of 20 to 30 years are being examined jointly by UNHCR, with the Government and other United Nations agencies.

36. Initial assessments made by UNHCR in communities of return indicate that the health sector presents one of the most serious problems in the country: the basic infrastructure has been damaged, most trained personnel have left the country and no medicines or medical equipment are available. UNHCR has identified some health centres in remote areas in need of urgent rehabilitation and equipment to cope with returnee arrivals and those in transit towards their villages of origin. Several agreements are being signed with NGOs to implement projects in this sector.

37. Education facilities have also been looted and/or destroyed. UNHCR is at this stage planning its participation in the rehabilitation of some educational facilities in returnee-impacted areas. The identification of remote facilities to be repaired and equipped in rural areas will be undertaken in conjunction with the Ministry of Education, and the United Nations Children's Fund (UNICEF) and the United Nations Educational, Scientific

and Cultural Organization (UNESCO), who are the major agencies assisting the Government in this sector.

38. Whilst UNHCR coordinates relief activities for refugees in neighbouring countries of asylum in accordance with its traditional mandate, in Rwanda itself it participates in United Nations efforts on the basis of the allocation of responsibilities made among United Nations agencies.

39. UNHCR's limited community rehabilitation activities are part of the comprehensive "Rwandese Emergency Normalization Plan", prepared by the United Nations Rwanda Emergency Office (UNREO). In this Plan, UNHCR is sharing responsibility with the respective United Nations sectoral agencies, under the overall coordination of UNREO. In this context and because of the internal division of responsibilities, UNHCR was called upon to play a prominent role in the assistance of the IDPs in the south-west of the country. While this was initially considered a preventive measure to avoid further outflow, IDPs continue to receive UNHCR assistance.

40. UNHCR programmer and activities in Rwanda are undertaken by its implementing partners and 48 international staff members are working in the country. Since the declaration of the cease-fire in Rwanda, UNHCR has reopened its Branch Office in the capital Kigali and created five Field Offices (in Gisenyi, Gikongoro, Butare, Cyangugu and Kibungo). There are over 100 NGOs working in Rwanda.

V. Unaccompanied minors

41. The problem of unaccompanied minors has reached such proportions (a conservative estimate puts their number at 60,000 in all five countries of the emergency area), that it requires very effective coordination and cooperation of all agencies involved in this issue. Several NGOs, the International Committee of the Red Cross (ICRC), UNICEF and UNHCR have been working together both in developing approaches to the problem and in actual implementation of projects.

42. The Guidelines on Adoption of Unaccompanied Minors issued by ICRC, UNICEF and UNHCR provide a framework for action, the salient features of which are that children in an emergency context are not available for adoption. Since most unaccompanied children are not orphans, what they need is suitable interim care with a view to possible reunification with their families.

43. Within the framework of UNHCR's regional policy on "Refugee Unaccompanied Minors", the following activities are being implemented: support to government institutions and NGOs supporting "foster families"; support to NGO projects which aim to help reunite refugee/returnee children separated from their

parents/guardians as a result of the conflict; and emergency support to existing community centres housing unaccompanied minors.

44. Provided that the physical security of unaccompanied minors is assured and their basic material needs are satisfactorily met in the countries of asylum, UNHCR is not yet advocating their repatriation to Rwanda. Rehabilitation of Kigali and other locations is a precondition for successful reintegration of vulnerable groups such as unaccompanied minors. The adult repatriation movement has not yet gained momentum and vulnerable groups requiring support systems in Rwanda should not be among the first to return.

VI. Budget and funding

45. In July 1994, UNHCR issued an Appeal covering the requirements for the Burundi and Rwanda Emergency Operation, including repatriation, for the period 1 January to 31 December 1994. The total number of refugees and returnees in need of assistance was then estimated at 700,000 refugees, with 600,000 mainly Burundi returnees, while a provision was also included for the procurement of domestic relief items for an additional 500,000 persons. The document also included a Flash Appeal for funds to cover immediate, initial needs for three months for an estimated number of 1,700,000 new Rwandese refugees, who had sought asylum in Zaire starting 13 July 1994.

46. The combined Appeal amounts to \$258.2 million and, at the third week of September 1994, a total of \$194.8 million had been received in contributions against which \$158.3 million are obligated. UNHCR is at present reviewing its total 1994 requirements, particularly the needs up to the end of the year in view of the July 1994 influx into Zaire, as well as the requirements for an increased number of Rwandese returnees. It is expected that the requirements will increase by between \$40 million and \$50 million.

47. UNHCR's 1995 requirements for assistance to Burundi and Rwandese refugees and returnees will be presented at a later stage, given the fluidity of the present situation. Donors will be kept informed continuously regarding developments and needs of UNHCR's assistance programmes.

VI. Future prospects

48. Conditions in refugee camps in countries of asylum which restrict refugees from exercising their right of return, as well as the destruction and damage to infrastructure and services and the internal security in the country of origin, are among the major obstacles to the repatriation of Rwandese refugees. Only the estab-

ishment of proper security at refugee camps in countries of asylum and a peaceful reconciliation process, undertaken in conjunction with the rehabilitation of basic structures in Rwanda, will ensure the return of Rwandese refugees and internally displaced persons to their places of origin in large numbers.

49. UNHCR is deeply concerned with the very large number of refugees in asylum countries, which continues to represent a destabilizing factor in the region. The sustainability of an extended relief assistance programme for these two million refugees is also of great concern. UNHCR will continue to work towards a durable solution to the problem and seek the necessary support for the creation of conditions conducive to voluntary repatriation. However, as a large-scale repatriation is not possible at the moment, refugee assistance in camps must be maintained and improved.

50. In the meantime, new refugee sites have to be identified and developed to allow for decongestion in camps and thus improve security and delivery of assistance. Due to the nature of the refugee flight, most camps are currently too close to the border, representing a possible security threat for refugees and adding to tension in the region. In addition, natural resources, local infrastructure and services in asylum countries are being stretched to the limit by the continued presence of such a large refugee population. Bukavu and Goma schools occupied by refugees, and the destruction of vegetation in the Benaco camp region are just two illustrations of the problem.

51. In order to reduce operational costs and also in response to the closure of the Entebbe airhead operation at the end of September, the UNHCR airlift will be reduced and the airhead will be transferred to Kigali. UNHCR will utilise commercial transport companies to truck relief items from the Dar es Salaam and Mombasa ports to Zaire, Burundi, the United Republic of Tanzania and Rwanda. Most goods will be moved by road, but rail routes will also be used.

52. According to feasibility studies recently concluded, relief items will be delivered to Kigali, Bujumbura, Ngara, Kigoma and Goma, from where they will be transported by UNHCR trucks or those of implementing partners to local warehouses. There are other contingency plans (including increasing the airlift capacity again), in the event that a political, security or any other situation might hinder road traffic or border crossings. A regional emergency non-food items stock is being established to cover the needs of 500,000 persons. It will be used as required to cover either a new emergency in the

region or immediate needs arising in already established operations.

VII. Lessons learned

53. Although the crisis is not over yet, UNHCR and its major partners have already amassed a significant amount of experience which needs to be reviewed and reflected upon to systematize the information and knowledge obtained. With this objective in mind, UNHCR will soon invite major partners for a "lessons-learned" exercise. While traditional activities of the emergency operation will be reviewed, the focus of attention will be on new experiences in particular.

54. One topic of great interest is that of service packages, a concept created to respond to the influx into Goma. Such packages had a positive and fundamental impact and made the Goma crisis manageable. But there are also aspects of this new approach which require improvement. Among them: the establishment of criteria which will indicate when service packages are required; a more precise definition of what services are needed in order better to indicate to potential donors the type and volume of resources required as well as expected length of commitment; and a hand-over mechanism to traditional implementing partners.

55. UNHCR's response to the emergency should be reviewed both in terms of its own internal capacity—deployment of staff and establishment of field offices, immediate delivery of supplies, coordination between field and Headquarters, etc—as well as its contributions—expertise and mandated responsibilities—to the wider efforts of the international community emergency response mechanisms. A similar evaluation could be undertaken by UNHCR's major partners in order to enrich reflections on a key aspect of the "lessons-learned" exercise: how the dynamics of the emergency relate to the dynamics of the emergency response support system.

56. The Rwanda-Burundi operation was and still is very complex and has suffered from a series of logistical, institutional, political and administrative constraints. In the context of the proposed evaluation, it would also be useful for UNHCR and its major partners to identify preparedness requirements for any possible new refugee crisis in the region, taking into consideration the current shortage of sites and environmental limitations, security problems at refugee camps, and the overstretched facilities in the different asylum countries.

*Rwandese and Burundi refugee figures**

| Country of asylum | Country of origin | | Total |
|---------------------------------|-------------------|-----------|-----------|
| | Burundi | Rwanda | |
| Burundi (1) | | 277,000 | 277,000 |
| Rwanda (2) | 6,000 | | 6,000 |
| United Republic of Tanzania (3) | 40,000 | 510,000 | 550,000 |
| Uganda | | 10,000 | 10,000 |
| Bukavu (4) | | 450,000 | |
| Zaire (South Kivu) | | | 628,100 |
| Uvira | 145,900 | 32,200 | |
| Zaire (North Kivu) | | 850,000 | 850,000 |
| Goma (5) | | | |
| TOTAL | 191,900 | 2,129,200 | 2,321,100 |

*All figures are estimates, and have been rounded.

NOTES

(1) Post April caseload: 207,000
1959-1993 caseload : 70,000

Refugees of the old caseload are registering for voluntary repatriation since 19 September.

(2) Information available to UNHCR early September indicates that most Burundi refugees in Rwanda

have left the country either to repatriate or to seek asylum in neighboring countries. UNHCR field office continue to investigate the whereabouts of this caseload.

(3) Though at a slower pace, the influx of Rwandese refugees continues (Between 10 and 16 September some 5,000 new arrivals were registered in Ngara). Their physical condition is bad—dehydration, malnutrition, illness—and many had machete wounds. Following security incidents in Muyinga and Kirundo Provinces particularly, Burundi Hutus have been fleeing increasing numbers to the United Republic of Tanzania: 989 during August, 635 in the first week of September, and approximately 250 a day between 10-17 September.

(4) Bukavu—with the influx at the end of August, the estimated number of new refugees brought totals to 450,000, of which 200,000 are estimated to be in need of UNHCR assistance.

Uvira—even with no further influx from Rwanda/Burundi, the Uvira caseload will increase again as more refugees (up to 50,000) from the Bukavu region are transferred to Uvira camps.

(5) Working figure until refugee registration is concluded.

Document 91

Letter dated 28 September 1994 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, transmitting a statement dated 28 September 1994 of the Government of Rwanda on the establishment of an International Tribunal for the prosecution of persons responsible for genocide and other serious violations of international humanitarian law in relation to Rwanda

S/1994/1115, 29 September 1994

I have the honour to submit annexed hereto the text of the statement on the question of refugees and security in Rwanda.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Manzi BAKURAMUTSA

Ambassador
Permanent Representative of Rwanda
to the United Nations

Annex

Statement dated 28 September 1994 on the question of refugees and security in Rwanda

Following the April genocide and the resumption of war in April 1994, over a million Rwandese ran to neighbouring countries. Given that we already had over one million Rwandese living in exile for three and a half decades, the refugee problem acquired an unprecedented dimension.

In order to explain properly the current nature of the refugee problem in our country, we wish to inform the international community that the latest wave of refugees, which began in April 1994, was a result of a number

of factors, and the refugees themselves fall into different categories:

(a) The first category includes the criminals who had committed the genocide and feared being brought to justice by the new Government;

(b) The second category of refugees includes those innocent people who were confused by the propaganda of the criminal clique and were actually intimidated and coerced into running away to exile;

(c) The third category includes the people who genuinely ran away, because the situation in the country was highly volatile.

When the genocide started in April this year the Rwandese Patriotic Front (RPF) took up arms to remove from power the criminal elements that were responsible for the holocaust.

This was accomplished in July this year and the broad-based Government of National Unity was installed. Since then peace and security have returned to the country.

It has been a major preoccupation of the Government to see to it that all Rwandese refugees return to their country. To this end a number of steps have been taken, including the following:

(a) Committees have been set up to facilitate the return of refugees. Such committees include the Crisis Committee in Gisenyi and the Zairo-Rwandais Intergovernmental Committee;

(b) There have been meetings between Rwandese and Zairian local administration officials on both sides of the border. Similar meetings have also taken place on the border between Rwanda and the United Republic of Tanzania;

(c) High-ranking government officials have made visits around the country, meeting people and encouraging them to settle down and invite their friends and relatives still in exile to return;

(d) High-ranking government officials have visited neighbouring and other countries requesting them to assist in the repatriation of refugees;

(e) The National Radio has from time to time broadcast messages inviting all Rwandese refugees to return home.

Unfortunately, these efforts have been frustrated by a number of forces:

(a) Criminal elements from the last regime who are now living in refugee camps in neighbouring countries intimidate and coerce Rwandese refugees to prevent them from returning home. These criminal elements use all means, including killing those who insist on returning home. They also use propaganda and misinformation, alleging that there is insecurity in the country and that they will be killed on return;

(b) Some members of the international community frustrate the efforts of the Government by indulging in propaganda and misinformation, making unfounded allegations;

(c) There is evident reluctance by the international community to set up an international tribunal to expose and punish the criminals who are still at large. This is tantamount to diluting the question of genocide that was committed in Rwanda;

(d) There is also irresponsible reporting through the media that encourages divisive mentalities among the Rwandese along "ethnic" lines.

We categorically deny the following unfounded allegations made by the officials of the Office of the United Nations High Commissioner for Refugees (UNHCR):

(a) That there are systematic and organized killings by the Government causing insecurity in the country;

(b) That there is a mass exodus of people fleeing the country to the neighbouring United Republic of Tanzania;

(c) That refugees do not return because of the alleged insecurity in the country.

Realities on the ground

All refugees still outside the country wish to return home except the criminal clique that masterminded the genocide. Many returnees testify to this fact and also tell of horror stories of militias and former Rwandese Government Forces (RGF) who harass the refugees and make it almost impossible for them to return. The truth is that the refugees are hindered from returning owing to this harassment prevailing in camps in the countries of asylum.

There is no exodus of people from Rwanda to the United Republic of Tanzania. What is actually happening is that some refugees who left Rwanda are changing positions and crossing from Burundi to the United Republic of Tanzania because of the apparent insecurity in Burundi, in fact some of them are advised to do so. There are also systematic movements of refugees from Zaire to the United Republic of Tanzania with hostile intentions of destabilizing the Government of Rwanda. There are cases reported where militias infiltrate inside Rwanda either to collect their families or coerce some people to join them outside the country. They even kill to create a sense of insecurity.

The Government of Rwanda is transparent: aid agencies and international media work and move freely throughout the country. We are open to international human rights observers and there is a United Nations Assistance Mission for Rwanda (UNAMIR) force deployed in all parts of the country. Surely, no significant incidents can take place without being noticed and re-

ported. Those who attempt to make reports should always do so in an objective manner.

We request the international community to reinforce government efforts by:

(a) Ensuring that all aid earmarked for Rwanda is directed inside the country. The resulting improvement in welfare will encourage refugees to return and help those who have already returned to get settled. The majority of Rwandese are inside the country and they need assistance;

(b) Committing funds to the Government to improve its efficiency and capacity to implement programmes, for instance, in areas of security, especially the police. It would be very important to assist in training, investigation procedures and in any other fields;

(c) Setting up as soon as possible an international tribunal to try the criminals;

(d) Giving factual and objective information on Rwanda;

(e) Desisting from any acts that may frustrate the efforts of the new broad-based Government of National Unity;

(f) In particular we would like to express our disappointment about the manner in which UNHCR has behaved *vis-à-vis* the problem in our country;

(g) At the height of the genocide in April-May this year UNHCR officials dared make a false report that RPF forces were responsible for the genocide. Yet the whole world witnessed the militias of the Mouvement révolutionnaire national pour le développement/Coalition pour la défense de la République (MRND/CDR) and the former RGF butchering innocent people in broad daylight;

(h) UNHCR accepted and widely publicized false reports by MRND/CDR militias in the refugee camp in

Ngara, United Republic of Tanzania, which alleged that RPF forces had killed people at a church in Kibungo. When these reports were cross-checked by the United States Committee for Refugees and by independent journalists, they were found to be false. The dead bodies alleged to be the work of RPF were proved to have been those of persons who had died long before RPF appeared in the area;

(i) In the "French free zone" in the south-west of the country, UNHCR officials encouraged the people to run to Zaire lest they be killed by RPF forces when the French forces left. When no such killings occurred when RPF came in, the UNHCR officials were markedly disappointed;

(j) UNHCR reported bodies in the Akagera river in early September, purportedly resulting from government atrocities. Following this, the President made a week-long verification tour in areas along the river and did not come across a single body in it;

(k) At the same time it is very surprising to see that in the existing refugee camps in neighbouring countries the administrative structures are still in the hands of the known militias yet UNHCR overlooks and pays these administrators highly. This discourages the refugees from returning.

The above cases raise suspicions that UNHCR could have other motives not yet known to us. Otherwise how does one explain their continued baseless and unfounded allegations up to this day?

The Government of Rwanda reaffirms its commitment to providing peace and security and to encouraging the refugees to return home, since it is their right.

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Letter dated 1 October 1994 from the Secretary-General to the President of the Security Council transmitting the interim report of the Commission of Experts on the evidence of grave violations of international humanitarian law in Rwanda, including possible acts of genocide

S/1994/1125, 4 October 1994

By its resolution 935 (1994) of 1 July 1994, the Security Council requested me to establish, as a matter of urgency, an impartial Commission of Experts to examine and analyse information submitted pursuant to that resolution, together with such further information as the Commission of Experts might obtain through its own

investigations or the efforts of other persons or bodies, including the information made available by the Special Rapporteur of the Commission on Human Rights on Rwanda, with a view to providing me with its conclusions on the evidence of grave violations of international humanitarian law committed in the territory of

Rwanda, including the evidence of possible acts of genocide.

On 26 and 29 July 1994, I informed the Security Council of the establishment of the Commission and its terms of reference and composition (S/1994/879 and S/1994/906). On that occasion, I expressed the hope that, in view of the urgency of the matter, the final report of the Commission would be submitted not later than 30 November 1994.

The Commission began its work on 15 August 1994 and, after a series of meetings in Geneva, conducted a field mission to Rwanda and some neighbouring countries from 29 August to 17 September 1994. Pursuant to a decision taken at its first session, the Commission has transmitted to me an interim report which covers its preliminary investigations and activities prior to 30 September 1994. The Commission has taken the period 6 April 1994 to 15 July 1994 as the temporal mandate for the purpose of its interim report.

The interim report provides an account of the evidence gathered by the Commission during its field visit to Rwanda or provided by various Governments, intergovernmental institutions and non-governmental organizations. It also contains conclusions and recommendations and describes a plan of work for the remainder of its activities.

I wish to draw your attention to the conclusions reached at this stage by the Commission, namely that, in the period under consideration:

(a) Individuals from both sides to the armed conflict have perpetrated serious breaches of international humanitarian law, in particular of obligations set forth in article 3 common to the four Geneva Conventions of 12 August 1949 and in Protocol II additional to the Geneva Conventions and relating to the Protection of Victims of Non-International Armed Conflicts of 8 June 1977;

(b) Individuals from both sides to the armed conflict have perpetrated crimes against humanity in Rwanda;

(c) Acts of genocide against the Tutsi group were perpetrated by Hutu elements in a concerted, planned, systematic and methodical way. These acts of mass extermination against the Tutsi group as such constitute genocide within the meaning of article II of the Convention on the Prevention and Punishment of the Crime of Genocide. The Commission has not uncovered any evidence to indicate that Tutsi elements perpetrated acts committed with the intent to destroy the Hutu ethnic group as such.

The Commission of Experts has recommended that the Security Council take all necessary and effective action to ensure that the individuals responsible for the

foregoing grave violations of human rights in Rwanda during the armed conflict are brought to justice before an independent and impartial international criminal tribunal. In order to enhance the fair and consistent interpretation, application and adjudication of international law on individual responsibility for serious human rights violations and to achieve the most efficient allocation of resources, the Commission has further recommended that the Security Council amend the Statute of the International Criminal Tribunal for the former Yugoslavia so that it can consider crimes under international law committed during the armed conflict in Rwanda.

In view of the importance of the contents of the interim report, in particular of its conclusions and recommendations, I am forwarding a copy to you for the information of the Council. I will, of course, bring to the attention of the Security Council the final report envisaged in paragraph 3 of resolution 935 (1994) as soon as the Commission makes it available to me.

(Signed) Boutros BOUTROS-GHALI

Annex

Preliminary report of the Independent Commission of Experts established in accordance with Security Council resolution 935 (1994)

I. Introduction

A. Mandate

1. On 1 July 1994, the Security Council adopted resolution 935 (1994) requesting the Secretary-General to establish, as a matter of urgency, an impartial Commission of Experts to examine and analyse information submitted pursuant to that resolution, with a view to providing the Secretary-General with its conclusions on the evidence of grave violations of international humanitarian law committed in the territory of Rwanda, including the evidence of possible acts of genocide.

2. In pursuance of paragraph 3 of the above-mentioned resolution, the Secretary-General submitted, on 26 July 1994, a report to the Security Council (S/1994/879). In that report, the Secretary-General stated that the Council had condemned all breaches of international humanitarian law in Rwanda, particularly those perpetrated against the civilian population during the armed conflict, and had recalled that persons who instigated or participated in such acts were individually responsible. The Council had affirmed that the killing of members of an ethnic group with the intention of destroying the group as such, in whole or in part, constituted a crime under international law.

3. Based on the terms of reference set out in Security Council resolution 935 (1994), the Secretary-General requested the Commission of Experts to review and update information available from all sources; to carry out its own investigations in Rwanda; to draw its own conclusions concerning evidence of specific violations of international humanitarian law and in particular acts of genocide; and to determine whether and to what extent certain individuals might be held responsible for having committed those violations.

4. In view of the above, the Commission was requested to examine the question of jurisdiction, whether international or municipal, before which such persons could be brought to trial. The Commission of Experts decided that its temporal mandate should cover the period 6 April 1994 to 15 July 1994. 1/

5. Furthermore, the report of the Secretary-General outlined the composition of the Commission of Experts and its operational modalities. In that regard, the Secretary-General took note, *inter alia*, of the similarities of the mandates entrusted by the Commission on Human Rights in its resolution S-3/1 of 25 May 1994 to the Special Rapporteur on Rwanda and the terms of reference outlined by the Council in its resolution 935 (1994) *vis-à-vis* the Commission of Experts.

6. To avoid unnecessary overlapping and to ensure maximum cooperation between the two investigative bodies, the Secretary-General urged that the information submitted to him in pursuance of the above-mentioned resolutions should be made available to each body in the performance of their respective tasks.

7. For reasons of efficiency, practicality and economy, the Secretary-General decided that the Commission of Experts should be located at the United Nations Office at Geneva, where it could benefit from the resources of the Office of the United Nations High Commissioner for Human Rights as well as those made available to the Special Rapporteur of the Commission on Human Rights.

8. Given the urgency of the matter, the Security Council requested the Commission of Experts to submit its conclusions within four months of its establishment, through the Secretary-General. The Secretary-General established the deadline of 30 November 1994 for submission of the final report.

9. In addition, the Commission of Experts decided at its first session, on 18 and 19 August 1994, to submit an interim report to the Secretary-General covering its preliminary investigations and activities prior to 30 September 1994.

B. Composition

10. On 26 July 1994, the Secretary-General established the Commission of Experts composed of three members. Accordingly, he nominated Mr. Atsu-Koffi Amega (Togo), as Chairman, Ms. Habi Dieng (Guinea), and Mr. Salifou Fomba (Mali), to serve in their personal capacities.

C. Meetings

11. The Commission of Experts began its work on 15 August 1994, in Geneva. Its first session was held on 18 and 19 August, during which it adopted its internal method of work, rules of procedure and a plan of activities.

12. On 19 August 1994, the Commission of Experts held consultations with the Special Rapporteur of the Commission on Human Rights on Rwanda, Mr. René Dégni-Ségui, to coordinate the modalities of their work, primarily for the purposes of gathering information and evidence concerning their respective mandates. The Commission also met several times with the United Nations High Commissioner for Human Rights. Meetings were held between the Commission and representatives of a number of United Nations organizations, and in particular delegations from the Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme, and also from the International Committee of the Red Cross (ICRC) and a number of non-governmental organizations.

13. The Chairman appealed to Member States for assistance so as to improve implementation of the Commission's mandate. On 23 August, prior to the Commission's departure for Rwanda, he held a meeting at Geneva with 21 government representatives to outline its immediate plan of activities. His request for assistance, including in matters related to prosecution, police investigations and forensic expertise so that proper hearings of victims and witnesses could be conducted and that mass graves could be exhumed.

1/ The Commission of Experts wishes to make clear that the choice of its own mandate covering the period 6 April to 15 July 1994 is not meant to imply that jurisdiction *ratione temporis* of a tribunal, if formed to try and punish individuals responsible for crimes under international law in Rwanda, should be in any way limited to this period. The Commission considers that 6 April 1994 was clearly the date that the pertinent armed conflict was triggered. However, the Commission chooses to consider 15 July 1994 as a convenient endpoint delimiting its temporal mandate over the situation in Rwanda, for the purpose of making its preliminary report. The Commission of Experts reserves the right to extend, contract or in any other way modify its temporal mandate in conformity with Security Council resolution 935 (1994).

D. *Missions carried out in Rwanda and in neighbouring countries*

14. From 29 August to 17 September 1994, the Commission of Experts conducted a field mission in Rwanda and its three neighbouring countries, Burundi, the United Republic of Tanzania and Zaire. The Commission met with the national authorities of those countries, United Nations officials, representatives of international and local non-governmental organizations, diplomatic representatives and other individuals in order to collect substantial information relating to grave violations of international humanitarian law and acts of genocide committed in Rwanda during the conflict.

15. During its stay in Rwanda, the Commission carried out a number of missions in the field and initiated several investigations. It also had the opportunity to hold a number of meetings with Rwandese refugees at Goma, Zaire, and at Dar-es-Salaam and to collect allegations of violations committed by the Rwandese Patriotic Front (RPF).

E. *References made to the Commission of Experts by other United Nations bodies*

16. At its first session, the Commission took note of Security Council resolutions 918 (1994) and 925 (1994), and of the reports of the Secretary-General (S/1994/640 and S/1994/879), leading to the establishment of the Commission.

17. The Commission also took note of the resolution adopted by the Commission on Human Rights at its special session held in Geneva on 25 May 1994 (S-3/1) and of the reports of the Special Rapporteur of the Commission on Human Rights on Rwanda (E/CN.4/1995/7 and E/CN.4/1995/12) submitted pursuant to that resolution.

18. Furthermore, at its forty-sixth session, the Sub-commission on Prevention of Discrimination and Protection of Minorities adopted resolution 1994/1 entitled "Situation in Rwanda", which called the attention of the Commission of Experts to the need to inquire, *inter alia*, into events leading to the present situation, including the attack on the plane carrying the Presidents of Burundi and Rwanda, the assassination of the Prime Minister and of Rwandese ministers and dignitaries, as well as of the 10 United Nations soldiers assigned to protect the Prime Minister; to identify the Rwandese and foreign individuals implicated in the traffic of arms or other illicit traffic; and to engage as a priority in the identification and finding of evidence leading to attribution of responsibility of proprietors, management and personnel of certain media institutions, especially those of Radio des Mille Collines, which played a crucial role in the perpetration and spread of the atrocities through incitement.

II. Sources of information and analysis of information received by the Commission of Experts

19. In accordance with Security Council resolution 935 (1994), the Commission of Experts has conducted several investigations and has sought and received reliable information concerning serious human rights violations.

A. *Information received from States*

20. The Commission has received documents from the Governments of Spain, the United States of America, France and Ireland. They have come primarily from non-governmental organizations and private individuals.

21. Files submitted by the Government of Spain have come from the following institutions: ANB-BIA, the Contacts Committee (Conference of Catholic Bishops of Rwanda and the Protestant Council of Rwanda), the Congregation of Nuns of San José of Gerona, Médecins du Monde (Spain) and from the Society of African Missionaries (Pères Blancs).

22. The United States Government has also submitted documents to the Commission received from the following governmental and non-governmental organizations: the Foreign Affairs Commission of the Senate, the Department of State, Amnesty International (USA) and the United States Committee for Refugees. Information and testimonies contained in these reports indicate that numerous massacres have been perpetrated throughout Rwanda. The victims appear to be overwhelmingly either of Tutsi ethnic origin or Hutus who opposed the regime of former President Juvénal Habyarimana. In addition, these reports reveal that the violations were carried out mostly by armed gangs, including the *interahamwe* trained by the Presidential Guard and supported by the Rwandese armed forces. The reports mention certain high-ranking officials of the former regime as well as owners and journalists of Radio des Mille Collines as being chiefly responsible for having incited the Hutu population to exterminate Tutsis and to kill moderate Hutus.

23. Most of the organizations that have submitted reports to the Governments of Spain and the United States recommend that the United Nations act urgently with a view to preventing additional human rights violations in Rwanda. They also urge the establishment of an impartial body to investigate serious violations of human rights and humanitarian law, including genocide.

24. The French Government, for its part, has submitted to the Commission information gathered through "Opération Turquoise".

B. *Information provided by organs within the United Nations system*

25. The Special Rapporteur appointed in accordance with resolution S-3/1, adopted by the Commission on Human Rights on 25 May 1994, was entrusted with the following mandate:

(a) To investigate at first hand the human rights situation in Rwanda and to receive relevant and credible information on the human rights situation there from Governments, individuals, intergovernmental and non-governmental organizations, including on root causes and responsibility for atrocities committed on a continuing basis;

(b) To gather and compile systematically information on possible violations of human rights and acts that may constitute breaches of international humanitarian law and crimes against humanity, including acts of genocide, in Rwanda and to make that information available to the Secretary-General.

26. The Special Rapporteur has submitted two reports so far. In his first report (E/CN.4/1995/7 of 28 June 1994), the Special Rapporteur indicated that large-scale massacres were organized and carried out by the Hutu militia *interahamwe*, associated with the Mouvement révolutionnaire national pour le développement, and by the *impuzamugambi*, associated with the Coalition pour la défense de la république.

27. The victims of the massacres were mostly either of Tutsi origin or were Hutus considered to be moderate. The report cited numerous heinous acts perpetrated against those groups, including the killing of moderate Hutus by extremist Hutus, acts of torture and other cruel, inhuman or degrading treatment, as well as the incitement of ethnically motivated hatred and violence. The report concluded that responsibility for the above rested with the aforementioned militias and the "transitional Government" of Rwanda. It recommended, *inter alia*, the establishment of an ad hoc international criminal tribunal or, alternatively, the extension of the jurisdiction of the International Criminal Tribunal for the former Yugoslavia.^{2/}

28. In his second report (E/CN.4/1995/12 of 12 August 1994), the Special Rapporteur denounced in particular the activities of the Radio-Télévision Libre des Milles Collines and of the former Government that fled the country as being primarily responsible for the killing of Tutsis and moderate Hutus and also for the fear of refugees to return to Rwanda.

29. The Special Rapporteur has transmitted to the Commission a list of 55 persons he considers chiefly responsible for the massacres, persons against whom there is "sufficient evidence" regarding massive human rights violations, in particular those concerning genocide.

30. The Commission of Experts has also received information from UNHCR that contains extensive evidence of systematic killings and persecution, in some cases as recently as early September, of Hutu individuals by the RPF army. The victims were consistently reported to have been men, women and children. The vast majority of the killings did not appear to be associated with any suspicion that the victims were personally associated with the April 1994 massacres of Tutsis. Floating bodies, many bound at the hands and feet, indicating death by summary execution, were retrieved from the Kagera River at an average of five bodies per day during the last week of August and the first week of September. The Government of Rwanda has acknowledged that some 60 to 70 Hutus were killed by RPF army soldiers in various parts of the country, although it has described these killings as "isolated incidents". The Government has reportedly apprehended seven RPF army suspects.

C. *Information provided by other intergovernmental bodies*

31. The Commission of Experts has received the report on the situation in Rwanda of the Secretary General of the Organization of African Unity (OAU), which was presented to its Council of Ministers at its sixtieth regular session (Tunis, 6-11 June 1994). The Secretary General of OAU concluded in his report that there had been a deterioration of the political situation and a decrease in security arising from the assassination of political leaders and massacre of civilians. These killings were described as deliberately perpetrated and carried out on an almost unimaginable scale. In particular, the report called for the setting up of an independent and impartial expert commission of inquiry to investigate the circumstances of the accident concerning the presidential airplane on 6 April 1994 and the ensuing massacres.

D. *Information provided by non-governmental organizations*

32. A large number of non-governmental organizations submitted reports to the Commission of Experts. These reports contained either observations of a general nature about violations of human rights and humanitarian law in Rwanda or specific allegations regarding the killing or kidnapping of persons identified by name.

33. The crimes have been attributed principally to the militias identified above, to the Rwandese armed

^{2/} The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established by Security Council resolution 827 of 25 May 1993 will be referred to in this report as the "International Criminal Tribunal for the former Yugoslavia".

forces, to the political and administrative authorities and to several hundred Rwandese Hutu individuals.

34. A number of reports contain detailed lists of names of presumed authors of the massacres and other abuses. The following non-governmental organizations have provided the Commission with reports: Amnesty International; the Regional Council of Non-Governmental and Development Organizations of Southern Kivu; Droits de l'Homme sans Frontières; International Federation of Human Rights; Médecins du Monde; Médecins sans Frontières; Nord-Sud XXI; World Organization Against Torture; OXFAM; Reporters sans Frontières; the Zaire section of the International Society for Human Rights; the International Service for Human Rights; Survival International and the United States Committee for Refugees. ICRC has also provided information.

35. Most of these reports recommend the establishment of a tribunal to try and punish the individuals responsible for genocide.

36. The information contained in the majority of the reports appears to be precise, detailed and corroborated by information gathered by the Special Rapporteur. Among documents worthy of special attention that could be cited *vis-à-vis* evidence incriminating specific persons are the Statutes of the Radio-Télévision des Mille Collines (which lists the names and signatures of 50 shareholders) and a formal complaint filed with the Belgian and French judicial authorities by Reporters sans Frontières against certain officials of the former Rwandese regime who have been identified by name. In the complaint, the individuals named are specifically accused of having committed the following acts: (a) the crime of genocide; (b) grave violations of international humanitarian law; (c) crimes against humanity; and (d) torture and other cruel, inhuman or degrading treatment or punishment. Another piece of evidence on file constitutes a transcript of broadcasts made by Radio des Mille Collines concerning incitement to commit acts of genocide.

E. *Information provided by both sides to the armed conflict*

37. The Commission has received from both sides to the conflict thousands of pages of documents, letters, complaints and testimonies, both in writing and in other forms (audio and video recordings), indicating that serious violations of international human rights and humanitarian law have taken place. These documents vary in quality. From RPF and, consequently, from the Government that is currently in power in Kigali, the Commission received documents incriminating the former Government, as well as related entities and militias, in crimes against Tutsis. Some of these documents contain lists, which are not exhaustive, of principal suspects. In this

context, the Commission received from RPF a list of Hutu persons accused of instigating the massacres and other crimes committed in Rwanda after 6 April 1994.

38. For their part, leaders of the former Government, now in exile, provided the Commission with documents enumerating (a) the names of several hundred persons massacred by the Inkotanyi troops of the RPF; (b) specific sites of some 15 mass graves where victims of massacres perpetrated by the RPF were buried; and (c) written testimony of a number of Hutus who had escaped from areas occupied by RPF during the armed conflict.

F. *Information provided by private individuals*

39. The Commission also took note of testimonies, reports, complaints and other documents provided by private individuals. They consist primarily of information provided by members of religious orders and foreign nationals who lived in Rwanda or had maintained relations with nationals of Rwanda and Rwandese refugees in Zaire.

40. Information has also been received from associations of Rwandese of each side, resident in other countries, but these show especially strong bias. Pro-Hutu groups argue that the international community should not consider Tutsis as the only victims of the Rwandese tragedy. They point in particular to certain serious violations such as the killing of prisoners, taking of hostages, destruction of property belonging to the Hutu extremists who have fled the country, torture and other cruel, inhuman or degrading treatment. Pro-Tutsi associations have insisted, for their part, on the premeditated and planned nature of the killings by Hutus.

III. *Overview of the facts*

A. *Background*

41. A number of massacres have been perpetuated in Rwanda in the last 45 years. In particular, the years 1959, 1963, 1966, 1973, 1990, 1991, 1992 and 1993 were marked by massacres in Rwanda. Mass killings were carried out in October 1990, January-February 1991 and March 1992. From December 1992 to February 1993 about 2,000 people were murdered. The report of the fact-finding mission of the International Federation of Human Rights of February 1993 recounted massive and systematic human rights violations. These violations were principally carried out against Tutsi individuals. The facts were corroborated by other sources (see reports published by Amnesty International *Rwanda, Persecution of Tutsi, Minority and Repression of Government Critics, 1990-1992*, of May 1992; and also of the Association Rwandais pour la Défense des droits de la personne et des

libertés publiques, Rapport sur de droits de l'homme au Rwanda, September 1991-September 1992.

42. On 6 April 1994, Juvénal Habyarimana, President of the Rwandese Republic, Cyprien Ntuyamira, President of the Republic of Burundi, and a number of entourage members and crew were killed when the aircraft carrying them was attacked. This disaster triggered a pre-planned execution of severe human rights violations, including systematic, widespread and flagrant breaches of international humanitarian law, large-scale crimes against humanity and genocide.

43. Since 6 April 1994, an estimated 500,000 unarmed civilians have been murdered in Rwanda. That estimate indeed may err on the conservative side for, as the Special Rapporteur of the Commission on Human Rights observed in his report of 28 June 1994 (E/CN.4/1995/7, para. 24), some reliable estimates put the number of dead at close to 1 million. It is unlikely that the world will ever know the exact number of men, women and children slaughtered in this holocaust.

B. *Concerted, planned, systematic and methodical nature of the criminal acts*

44. Overwhelming evidence indicates that the extermination of Tutsi by Hutu had been planned months in advance of its actual execution. The mass exterminations of Tutsis were carried out primarily by Hutu elements in a concerted, planned, systematic and methodical way and were motivated out of ethnic hatred. These mass exterminations were clearly "committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such" within the meaning of article II of the Convention on the Prevention and Punishment of the Crime of Genocide of 1948. Certain organizations such as Doctors without Borders have provided audio tapes and press releases based on information from former informants from the official news service. These informants provided them tapes proving the existence of "Escadrons de la mort", called "Réseau O", established by the staff of the former Head of State who was assassinated.

45. The Rwandese Government of President Juvénal Habyarimana, following colonial policy, had classified Rwandese by ethnic group. The ethnic identity of individuals in Rwanda is traditionally determined on a patrilineal basis, taking sole account of the father's ethnicity. While mixed marriage abounds in Rwanda, one is considered a Tutsi in Rwanda where the father is Tutsi, regardless of the mother's ethnic background. In April 1994, the population of Rwanda consisted of approximately 84 per cent Hutu, 14 per cent Tutsi, and 2 per cent other.

46. Certain physical traits have commonly been attributed to the Tutsi population that are taken to distinguish them from Hutu. Tutsi are described as being taller than Hutu, with more aquiline noses, thinner ankles, longer fingers and longer gums.

47. In Rwanda, the ethnic designation of every individual is clearly indicated on his or her identity card. In the past, censuses have been taken that relate the name of each Rwandese to his or her ethnic identity. These lists were used during the killings that began on 7 April 1994.

48. Ample evidence of extensive preparation and planning months in advance of the actual violations indicates the concerted and premeditated character of the criminal acts in question.

49. In 1992, Leon Mugesera, an official in President Habyarimana's Mouvement révolutionnaire national pour le développement delivered a speech at a party conference at Gisenyi. In his speech, he explicitly called on Hutus to kill Tutsis and to dump their bodies in the rivers of Rwanda. The Commission of Experts has in its possession an audio cassette of this speech, which will likely prove to be of significant probative value to establish the presence of criminal intent to commit genocide when the perpetrators are brought to justice.

50. Racist hate propaganda was disseminated on a widespread basis as far back as 1993, especially by Radio-Télévision Libre des Mille Collines, a private radio station owned by members of President Habyarimana's party. These incitements branded Tutsi as well as certain Hutu opponents of the President as "enemies" and "traitors" who "deserved to die". The radio referred to all Tutsi as "the enemy" and accused them of siding with RPF. It called for all "enemies" to be "exterminated". Posters, leaflets and radio broadcasts on Radio des Mille Collines dehumanized Tutsis as "snakes", "cockroaches" and "animals". Individuals targeted in the radio broadcasts were among the first killed (along with their families) in April 1994.

51. Subsequently, a training camp for Hutu militia (*interahamwe*) was established at Mutara. The programmes there, which lasted for three weeks each, involved indoctrination of groups of 300 men in ethnic hatred against the Tutsi minority. The programmes also propagated information on methods of mass murder. These trainees formed the militia of *interahamwe*, meaning "those who attack together". They formed the core perpetrators of genocide. This militia was augmented by the *impuzamugambi*, which means "those who have a single aim", of the Hutu Coalition pour le défense de la République. The *impuzamugambi* militia were trained, armed and led by the Presidential Guard and other elements of the Rwandese government army.

52. Events in the hours immediately following the aircraft crash claiming the lives of President Habyarimana and President Ntuyamira underscore that extensive planning and premeditation were involved in the human rights violations. As stated in the report of the Special Rapporteur (*ibid.*, para. 26), the “provisional Government” was formed within only a few hours of the aircraft crash. Within 30 to 45 minutes of the crash, even before the news could be spread by national radio, barricades were erected on certain major thoroughfares. The Special Rapporteur records that within 45 minutes of the crash, the road from the Hotel Méridien to Amahoro Stadium was blocked by soldiers and civilians. He notes that senior officers of the general staff of the “provisional Government” conceded these facts. However, the officers contended that the exceptionally swift pace of events was really attributable to civilians and certain soldiers acting spontaneously in reaction to the sudden death of the Rwandese President, who had enjoyed great popularity. This explanation can hardly be convincing because news of the crash, which had only occurred 45 minutes previously, had yet to be disseminated.

53. Perhaps even more damning, the Rwandese Presidential Guard set up roadblocks that prevented United Nations Assistance Mission for Rwanda (UNAMIR) troops from reaching the airport to investigate the President’s assassination. 3/

54. Before dawn on 7 April, members of the Presidential Guard went to the homes of moderate opposition members and then killed them and their families. Among those killed were Prime Minister Agathe Uwilingiyimana, 10 Belgian UNAMIR soldiers who tried to protect her, the President of the Supreme Court (Cour de Cassation), Mr. Joseph Kavaruganda, and human rights advocates Charles Shamukiga, Fidele Kanyabugoyi, Ignace Ruhatana and Patrick Gahizi. Soldiers also attacked a Roman Catholic Centre in Kigali and murdered 17 Tutsi, mostly priests and nuns, including Father Chrysologue Mahame (Society of Jesus) and Abbot Augustin Ntagara.

55. On 8 April 1994, the Presidential Guard, along with Rwandese army troops and *interahamwe* militia, began a systematic slaughter of Tutsi civilians in Kigali. As the Special Rapporteur states in his report, roadblocks had been set up and identity cards inspected to determine the ethnic identity of individuals within 30 to 45 minutes of the aircraft crash. At this time, individuals bearing Tutsi physical traits were singled out and summarily executed. As reported extensively in press reports, the streets of Kigali had begun to fill with corpses.

56. Eyewitness accounts indicate that house to house searches were carried out and Tutsis were hunted down and killed. Some Tutsis tried to flee to churches or hotels or to places where there might be safety in num-

bers. However, soldiers systematically murdered Tutsis who had tried to take refuge in the warehouse of the Belgian Red Cross in Kigali. Churches and the Amahoro Stadium were surrounded by soldiers who prevented Tutsis inside from leaving.

57. On 9 April 1994, the Rwandese Army and *interahamwe* militia continued to slaughter Tutsis at street barricades in Kigali and began to take people out of the churches for execution. At least 100 persons that were either inside or in front of a church were murdered. Others were burnt alive in a chapel.

58. Within the next week, the Presidential Guard and militia had killed an estimated 20,000 people in Kigali and its immediate environs. The mass killings, fomented by Radio des Milles Collines broadcasts which encouraged listeners to “fill the half-empty graves”, spread to areas outside Kigali.

59. Many documents from human rights non-governmental organizations have provided non-exhaustive lists of victims:

Human Rights Watch/Africa (Report of June 1994)

- 2,800 persons killed in a church in Kibungo;
- 6,000 Tutsis killed in a church in Cyahinde where they had taken refuge. Only 200 survived;
- 4,000 killed in a church in Kibeho;
- 2,000 killed in a parish in Mibirizi;
- 4,000 killed in Shangi parish;
- 500 killed in Rukara parish;
- Hundreds of sick patients and also medical staff in hospitals in Kigali and in Butare;
- 31 Tutsi orphans and 11 Red Cross volunteers who tried to protect them were killed at the orphanage at Butare;
- 88 students were killed at their school in Gikongoro.

Doctors without Borders (USA)

60. According to testimony on the events of 6 to 30 April 1994, Doctors without Borders provided the names of hundreds of persons murdered, prefecture by prefecture. The perpetrators of the crimes were Rwandan civilians and Hutu refugees from Burundi, RPF army soldiers and also Hutu militia.

Prefecture of Ngenda

- 3 persons were killed in a camp at Burengé (6 to 10 April);
- 5 persons working for Doctors without Borders were assassinated at Burengé, close to

3/ See *Human Rights Watch: Africa*, May 1994, p. 3.

the office of the Belgian Red Cross, on 10 April 1994;

- On 7 and 12 April, 24 other persons disappeared from a camp.

Prefecture of Butare

- 600 persons, most of whom were Tutsis, were killed in the commune of Mungaza on 19 April. The perpetrators of the crimes were from Hutu militia and neighbouring communes, made up of and accompanied by the communal administrator, the sector councillor, cell members, the mayor (bourgmestre) and members of the Mouvement révolutionnaire national pour le développement;
- Assassination of numerous sick, wounded and medical staff of the Butare university hospital between 16 and 26 April 1994, by the soldiers of the Rwandese armed forces and Hutu militia;
- Assassination of the Sub-prefect of Butaré (Parti socialiste démocrate, opposition party) and all members of his family, including a child of three months, by elements of the Presidential Guard, *interahamwe* militia and communal police officers, on 22 April 1994;
- 30 Tutsi civilians were beaten by the Presidential Guard in front of the Fascon Hotel;
- 170 patients (wounded and sick), all belonging to the Tutsi ethnic group, and 5 members of the medical staff, were kidnapped, then beaten to death or cut into pieces, at the Butare university hospital on 22 to 23 April 1994; the perpetrators of the violations were *interahamwe* militia, supported by Presidential Guard soldiers coming from Kigali and present in the hospital;
- Massacre of 4,000 Tutsi Rwandese civilians in the communal office of Muyaga by Rwandese armed forces soldiers supported by Hutu civilians on 27 April 1994.

Prefecture of Kibungo

- In the centre of Saint Joseph, Kibungo, 2,800 Tutsi persons were attacked on 15 April 1994 by Hutu soldiers and *interahamwe* militia with grenades.

Prefecture of Gikongoro

- 100 Tutsi civilians were killed in Kibehe (south-west Rwanda) by soldiers of the provisional Government army and by groups of armed Hutus following orders of the army.

United States Committee for Refugees

- 15,000 Tutsis were grouped together, by order of the Kibuye Prefect, at the stadium of

Gatwaro, Kibuye, and massacred by *interahamwe* militia on 18 April 1994;

- Massacre of 4,300 Tutsis at St. Jean Home from 18 to 20 April 1994;

Testimony of clergy gathered by soldiers of Opération Turquoise

- 30 priests of the Nyundo Diocese were assassinated;
- Massacres and mass graves (pits) at Birambo, on the order of the mayor (bourgmestre) of Bwakira, and of the Sub-prefect of Birambo.

Other testimony from general sources

61. On 11 April, more than 800 Tutsi gathered at Kiziguro Roman Catholic Church, Murambi district, Byumba prefecture. Rwandese soldiers and militia attacked and killed all but 10 of them. Those survivors threw themselves into the mass grave to avoid being hacked to death.

62. Nine Tutsi patients at the Kigali hospital were killed in separate attacks on 11 and 15 April by Rwandese government soldiers.

63. It was reported that 500 Tutsi were killed by *interahamwe* militia and gendarmes at Rukara Roman Catholic mission in Kibungo prefecture, Rukara district.

64. On 15 April and thereafter, Rwandese army troops distributed automatic and semi-automatic rifles and pistols to *interahamwe* militia, with which they continued the mass slaughter of Tutsis that had begun with machetes and other weapons.

65. On 17 April more than 100 Tutsi were killed by soldiers and militia at Nyanza. On 18 April, 2,000 Tutsi were massacred by *interahamwe* militia in the Mibirizi Roman Catholic church, Cyangugu prefecture, Cyimbogo district.

66. On 19 April, the President of the provisional Rwandese government, Theodore Sindikubwabo, spoke on the radio and called for the killing of "accomplices" in Butare. The Presidential Guard flew in that night and dug pits, filled them with burning tires, and pushed Tutsi into them. They also executed Tutsi near the National University for the next three days, killing thousands.

67. Over 2,800 people, most of them Tutsi, were killed at Mukarange Roman Catholic parish, Kibungo prefecture, Rwamagana district. *Interahamwe* militia used grenades, machine-guns, R4 rockets and machetes in this massacre.

68. In Gikongoro, 88 students were singled out because of their Tutsi origin and slaughtered at their school.

69. On 23 April, Government troops and militia murdered 170 Tutsi patients and staff at Butare hospital. Doctors of Médecins sans frontières witnessed these acts.

70. On 29 April, military and militia killed over 300 of 5,000 hostages held in the Cyangugu stadium.

71. On 30 April, the Rwandese Government radio called on people to take up arms against "the enemy" (the Tutsi) all over Rwanda. Leaders of the Hutu militia called upon their members to finish the "nettoyage" (cleansing) of Rwanda of all Tutsi.

72. On 1 May, at the Butare orphanage, militia murdered 21 orphan children, segregated on account of their Tutsi origin, along with 13 Rwandese Red Cross volunteers who tried to protect them.

73. Beginning on 11 May, militia and military took hundreds of Tutsis from the Cyangugu stadium into the countryside by bus, where they were murdered.

74. In Cyahinda, over 5,800 Tutsi who had taken refuge in a church were murdered. Only 200 people survived the massacre.

75. On 16 May, Rwandese government troops and militia removed hundreds of Tutsis from the church centre of Kabgayi and executed them, while only a few kilometres away the Rwandese "Minister of Defense" of the "provisional Government", Augustin Bizimana, told reporters the massacres had stopped.

76. In Kigali, thousands of Tutsis sought refuge in the Amahoro Stadium, the Hotel des Milles Collines, the Sainte Famille Church and other locations. Militia entered at night on a number of occasions, removed hundreds of Tutsis from the Stadium and church, then murdered them.

77. The genocidal massacres in Rwanda continued into July 1994. The Commission could cite many more massacres committed by Rwandese government soldiers and Hutu militia against the Tutsi of Rwanda.

78. The mass murder of Tutsis continued throughout areas controlled by the Rwandese "provisional Government". Reliable estimates put the number of persons murdered in Rwanda between the period 6 April 1994 and 15 July 1994 at half a million.

C. *Violations of international humanitarian law and of human rights law attributed to the Rwandese Patriotic Front*

79. While the massacres perpetrated by RPF were less systematic than those of the Rwandese armed forces and Hutu militia, certain crimes against humanity are alleged to have been carried out by RPF.

80. The former exiled Government submitted to the Commission many lists of persons alleged to have been massacred by RPF. In particular, it is alleged that 11 Hutu were murdered in August, including certain persons returning from exile, and that 27 Hutu families were massacred between 2 and 12 April 1994. The former Government also provided a document that alleged the

existence of mass graves attributed to RPF elements, including 8 in Kigali.

81. Other lists were submitted by witnesses and parents of Hutu victims, now refugees in Zaire: about 300 persons were alleged to have been killed by the Inkotanyi (regulars of the RPF forces) in Byumba prefecture. In the commune of Bwisige, it is alleged that the following massacres were perpetrated: 30 Hutus killed in Bwisige sector; 49 in Nyarurama sector; 52 in Kabongoya sector; 52 in Buhanga sector; 22 in Gihuke sector; 26 in Muti sector and 25 in Karehe sector. The former Government has alleged that, in Kigali prefecture, RPF elements massacred 102 Hutus in the communes of Rutongo, Shorgi, Mutwa and Rwerere from April to June 1994.

82. The Commission of Experts has concluded that there exist substantial grounds to conclude that mass assassinations, summary executions, breaches of international humanitarian law and crimes against humanity were also perpetrated by Tutsi elements against Hutu individuals and that allegations concerning these acts should be investigated further. To this point, the Commission has not uncovered any evidence to indicate that Tutsi elements perpetrated acts committed with intent to destroy the Hutu ethnic group as such within the meaning of the Genocide Convention of 1948.

83. As it was finalizing the present document, the Commission of Experts received reports of violations of the right to life in Rwanda perpetrated in the period from August to early September 1994. The Secretary-General has asked the Commission to investigate these reports. The Commission will undertake to investigate the reports within the terms of its mandate and to submit its report to the Secretary-General in accordance with his request.

IV. Issues of law concerning individual responsibility in international law

A. *Applicability of international law to the situation in Rwanda*

84. The applicability of international legal norms to the situation in Rwanda in the period 6 April to 15 July 1994 depends upon (a) the legal status of the conflict (determined by the factual situation in Rwanda and the legal norms in force); (b) the scope *ratione materiae* of specific norms of international human rights law and international humanitarian law (determined by their content); and (c) the legal status of these norms (determined by their sources of law).

85. With these indices in mind, it is clear that international legal norms providing for individual responsibility for serious human rights violations have been breached in Rwanda during the period 6 April to

15 July. 4/ Specifically, certain individuals are responsible for breaches of (a) norms of international humanitarian law on a systematic, widespread and flagrant basis; (b) norms prohibiting crimes against humanity; and (c) norms prohibiting acts of genocide.

86. The relevant norms of international law providing for individual responsibility overlap to a certain extent. Consequently, in some instances a single act may qualify as a crime on more than one separate and distinct legal ground.

B. *Breaches of international humanitarian law, particularly those perpetrated against the civilian population*

87. Rwanda succeeded to the Geneva Conventions of 12 August 1949 on 5 May 1964 and acceded to Protocols additional thereto of 1977 on 19 November 1984. 5/

88. The applicability of international humanitarian law hinges on the status of the conflict.

89. First, there must be an *armed* conflict. There can be no doubt that the conflict in Rwanda was an *armed* conflict as evidenced by the means and methods employed by those involved, and as evidenced by the sheer scale of atrocities committed during the period 6 April to 15 July 1994.

90. Secondly, precisely *which* rules of international humanitarian law apply to the armed conflict in Rwanda between 6 April and 15 July depends on whether the armed conflict is to be considered an *international* armed conflict or a *non-international* conflict. 6/

91. The armed conflict between the period 6 April and 15 July 1994 qualifies as a *non-international* armed conflict. The use of armed force had been carried out within the territorial borders of Rwanda and did not involve the active participation of any other State. Third State involvement entailed peacemaking and humanitarian functions rather than belligerent action.

92. This is not to say that the armed conflict in Rwanda has not had a serious effect on neighbouring States or on the international community as a whole. Serious repercussions on the social and political welfare and internal stability of neighbouring States has been affected. For example, the massive influx of refugees into their respective territories has created difficulties. Moreover, the conflict in Rwanda makes it an obvious threat to international peace and security within the meaning of Chapter VII of the Charter of the United Nations. None the less, these aspects do not alter the basic character of the armed conflict in Rwanda during the period 6 April to 15 July 1994 as predominately non-international in character.

93. Accordingly, the obligations set out in common article 3 to the four Geneva Conventions of 1949 govern-

ing "situations not of an international character", as well as Protocol II 7/ additional thereto (intended to develop and supplement common article 3 but without modifying its existing conditions of application) 8/ are applicable.

94. At the other end of the scale, the non-international armed conflict in Rwanda cannot be considered to be of a purely internal nature within the meaning of article 1 (2) of Protocol II. The violence in Rwanda has far exceeded mere "internal disturbances and tensions, such as riots, isolated acts of violence [or] other acts of a similar nature". 9/ The evidence indicates very clearly that the violence perpetrated in Rwanda was carried out not by small groups in a spontaneous fashion, but by individuals under a responsible command that conducted "sustained and concerted military operations" 10/ involving strategic planning and tactical sophistication. 11/

95. Common article 3 to the Geneva Conventions of 12 August 1949 prohibits "at any time and in any place whatsoever":

- (a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) Taking of hostages;
- (c) Outrages upon personal dignity, in particular humiliating and degrading treatment; and
- (d) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples;

against "persons taking no active part in the hostilities, including members of armed forces who have laid down

4/ A more developed argument will appear in the final report to be submitted to the Security Council by 30 November 1994.

5/ Even if Rwanda had not become a party to the Geneva Conventions of 1949, it is universally widely acknowledged that common article 3 has become part of customary international law binding non-parties to the Conventions and is very likely to have attained the status of *jus cogens* as well. Norms of a *jus cogens* have a peremptory status and do not permit of any derogation or exception.

6/ Article 2 common to the four Geneva Conventions of 12 August 1949 concerns the applicability of the Conventions to all cases of declared war between two or more High Contracting Parties, even if the state of war is not recognized by one of them and all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance. Article 3 common to the four Geneva Conventions of 12 August 1949 applies to cases of "armed conflict not of an international character occurring in the territory of one of the High Contracting Parties".

7/ Protocol II: Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts, entered into force on 7 December 1978.

8/ See article 1 of Protocol II.

9/ See article 1 (2) of Protocol II to the Geneva Conventions of 1949.

10/ See article 1 (1) of Protocol II.

11/ Therefore, article 1 (2) of Protocol II relating to the protection of victims of non-international armed conflicts, which provides that "This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts", does not apply in the case of Rwanda.

their arms and those placed *hors de combat* by sickness, wounds, detention or any other cause”.

96. Article 3 (2) provides that “the wounded and sick shall be collected and cared for”.

97. Article 4 of Protocol II, which supplements article 3 common to the four Geneva Conventions, prohibits the following acts against “all persons who do not take a direct part or who have ceased to take part in hostilities”:

(a) Violence to the life and person, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation, cruel treatment or any form of corporal punishment;

(b) Collective punishments;

(c) Taking of hostages;

(d) Acts of terrorism;

(e) Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;

(f) Slavery and the slave trade in all their forms;

(g) Pillage;

(h) Threats to commit any of the foregoing acts.

98. Article 4 of Protocol II provides that children shall be provided with the care and aid they require and that “children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities”.

99. Article 5 of Protocol II provides that “the following provisions be respected as a minimum with regard to persons deprived of their liberty for reasons related to the armed conflict, whether they are interned or detained”:

(a) The wounded and sick shall be treated in accordance with article 7;

(b) The persons referred to in this paragraph shall, to the same extent as the local civilian population, be provided with food and drinking water and be afforded safeguards as regards health and hygiene and protection against the rigours of the climate and the dangers of the armed conflict;

(c) They shall be allowed to receive individual or collective relief;

(d) They shall be allowed to practise their religion and, if requested and appropriate, to receive spiritual assistance from persons, such as chaplains, performing religious functions;

(e) They shall, if made to work, have the benefit of working conditions and safeguards similar to those enjoyed by the local civilian population.

100. Article 7 (1) requires that:

“All the wounded, sick and shipwrecked, whether or not they have taken part in the armed conflict, shall be respected and protected.”

101. Article 7 (2) provides that:

“In all circumstances they shall be treated humanely and shall receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. There shall be no distinction among them founded on any grounds other than medical ones.”

102. Article 8 requires that:

“Whenever circumstances permit, and particularly after an engagement, all possible measure shall be taken, without delay, to search for and collect the wounded, sick and shipwrecked, to protect them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead, prevent their being despoiled, and decently dispose of them.”

103. Article 9 provides that medical and religious personnel shall be respected and protected. Article 11 provides that medical units and transports shall be respected and protected at all times and shall not be the object of attack.

104. Part IV of Protocol II relates to protection of the civilian population. Article 13 provides that:

1. The civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations. To give effect to this protection, the following rules shall be observed in all circumstances.

2. The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.

3. Civilians shall enjoy the protection afforded by this Part, unless and for such time as they take a direct part in hostilities.

105. Article 14 guarantees protection of objects indispensable to the survival of the civilian population. Article 16 provides for protection of cultural objects and places of worship.

106. Article 17 provides that:

“The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.”

107. The Commission of Experts has determined that common article 3 of the Geneva Conventions of 1949 and the provisions cited above of Protocol II additional to the Geneva Conventions of 1949 were violated in Rwanda during the period 6 April to 15 July 1994 on a systematic, widespread and flagrant basis.

C. Crimes against humanity

108. To understand whether and to what extent norms prohibiting crimes against humanity apply to the armed conflict in Rwanda it is necessary to consider the content and legal status of “crimes against humanity” as a norm of international law.

109. “Crimes against humanity” as a legal category is not as clear in content or legal status as “genocide” or breaches of the Geneva Conventions or Protocols additional thereto. A certain level of ambiguity in the content and legal status of “crimes against humanity” derives partly from its formulation in the Nuremberg Charter and partly from the way it was interpreted by the Nuremberg Tribunal.

110. “Crimes against humanity” were cast in article 6 (c) of the Nuremberg Charter as:

“murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population before or during the [Second World] war, or persecutions on political, racial, or religious grounds in execution of or in connection with any crime within the jurisdiction of the [Nuremberg] Tribunal, whether or not in violation of the domestic law of the country where perpetrated.”

It was unclear at the outset as to whether norms prohibiting “crimes against humanity” were intended to overlap with norms prohibiting war crimes or whether they were supposed to be independent juridical concepts.

111. Article 6 (c) of the Nuremberg Charter does narrow the concept of “crimes against humanity” considerably. As Sunga 12/ states:

“In particular, the acts must have been committed against civilians rather than soldiers (whereas norms prohibiting war crimes restrict actions against soldiers as well), and the acts must have been committed ‘either before or during the war’ (although what period of time before the war is not specified). A Protocol of 6 October 1945, done in Berlin, amended the original version of article 6 (c). The original provision contained a semicolon which followed the word ‘war’ which seemed to imply that murder etc. could be considered as crimes against humanity independent of the jurisdiction of the Tribunal. However, the semicolon was replaced with a comma by the Protocol. The result was to imply that crimes against humanity were

to be interpreted to import liability only for acts connected to the war.”

Moreover, the United Nations War Crimes Committee on Facts and Evidence in 1946 sought to clear up any ambiguity by stating that:

“... crimes against humanity as referred to in the Four Power Agreement of 8th August 1945, were war crimes within the jurisdiction of the [United Nations War Crimes] Commission.” 13/

112. Consequently, “crimes against humanity” were interpreted by the Nuremberg Tribunal as offences that were connected to the Second World War, rather than to any situations that might have existed prior to it.

113. If the normative content of “crimes against humanity” had remained frozen in its Nuremberg form, then it could not possibly apply to the situation in Rwanda that existed between 6 April and 15 July 1994 because there was not a “war” in the classic sense of an inter-State or international armed conflict.

114. However, the normative content of “crimes against humanity”—originally employed by the Nuremberg Tribunal for its own specific purposes in connection with the Second World War—has undergone substantial evolution since the end of the Second World War.

115. First, even the Nuremberg Tribunal itself had established that “crimes against humanity” covered certain acts perpetrated against civilians, including those with the same nationality as the perpetrator. Indeed, “crimes against humanity” as a normative concept finds its very origins in “principles of humanity” first invoked in the early 1800s by a State to denounce another State’s human rights violations of its own citizens. Thus, “crimes against humanity” as a juridical category was conceived early on to apply to individuals regardless as to whether or not the criminal act was perpetrated during a state of armed conflict or not and regardless of the nationality of the perpetrator or victim.

116. Secondly, the content and legal status of the norm since Nuremberg has been broadened and expanded through certain international human rights instruments adopted by the United Nations since 1945. In particular, the Genocide Convention of 1948 affirms the legal validity of some of the normative content of “crimes against humanity” as conceived in article 6 (c) of the Nuremberg Charter, but does not overtake it. The Inter-

12/ Sunga, *Individual Responsibility in International Law for Serious Human Rights Violations*, 1992. See also Reshetov, “Development of Norms of International Law on Crimes against Humanity” in *The Nuremberg Trial and International Law*, Ginsburgs and Kudriavtsev (eds.) 1990, pp. 199-200.

13/ See Dinstein, *International Criminal Law* 20 Israel L. Rev. 206-242 (1985) and *Id.* at 36-7.

national Convention on the Suppression and Punishment of the Crime of Apartheid, adopted by the United Nations General Assembly on 30 November 1973, refers in article 1 to apartheid as a "crime against humanity".

117. Thirdly, the Commission of Experts on the former Yugoslavia, established by the Security Council in its resolution 780 (1992) has stated that it considered crimes against humanity to be:

"gross violations of fundamental rules of humanitarian and human rights law committed by persons demonstrably linked to a party to the conflict, as part of an official policy based on discrimination against an identifiable group of persons, irrespective of war and the nationality of the victim." 14/

This view finds support in the writings of publicists. 15/

118. The Commission of Experts on Rwanda considers that "crimes against humanity" are gross violations of fundamental rules of humanitarian and human rights law committed by persons demonstrably linked to a party to the conflict, as part of an official policy based on discrimination against an identifiable group of persons, irrespective of war and the nationality of the victim, and includes acts such as the following:

- Murder and extermination;
- Enslavement;
- Deportation and population transfer;
- Persecution;
- Mutilation;
- Cruel treatment;
- Humiliating and degrading treatment;
- Torture;
- Unlawful human experimentation;
- Apartheid.

The Commission has determined that there exists ample grounds to conclude that "crimes against humanity" were committed in Rwanda between the period 6 April and 15 July 1994.

D. Genocide

119. The Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the United Nations General Assembly on 9 December 1948 and entered into force on 12 January 1951 in accordance with article XIII. Rwanda acceded to the Genocide Convention on 16 April 1975. Rwanda entered a reservation that states: "The Rwandese Republic does not consider itself as bound by article IX of the Convention." Article IX provides that:

"Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the

responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

Even if Rwanda had not ratified the Genocide Convention, it would be bound by the prohibition of genocide which forms part of customary international law. Moreover, it is universally accepted and recognized by the international community that the prohibition of genocide has attained the status of *jus cogens*. It therefore has a peremptory status. 16/ For these reasons, the prohibition of genocide as affirmed in the Genocide Convention applies to all members of the international community rather than merely to parties to the Convention.

120. Article I of the Genocide Convention affirms that "genocide, whether committed in time of peace or in time of war, is a crime under international law" which ratifying States undertake to prevent and punish.

121. Article II provides that:

"In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical (sic), racial, or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group."

122. Article III provides that "the following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide."

14/ S/25274, annex I, para. 49.

15/ See, for example, Reshetov, "Development of Norms of International Law on Crimes against Humanity" in *The Nuremberg Trial and International Law*, Ginsburgs and Kudriavtsev (eds.) 1990, p. 199. See also Bassiouni, *Crimes against Humanity in International Criminal Law*, 1992, chap. 11.

16/ Article 53 of the Vienna Convention on the Law of Treaties, 1969, provides that a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.

123. Article IV provides that “persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.”

124. The Commission of experts has determined that there are ample grounds to conclude that every provision laid out in article III of the Genocide Convention has been violated in Rwanda in the period 6 April to 15 July 1994 in respect of a specific ethnic group as such.

V. Attribution (imputability)

A. Individual responsibility in international law

125. The attribution of responsibility to the individual in *propria personam* is not entirely new. Indeed, military trials of individuals for having committed war crimes date back at least to 1419, as Keen documents in his work *The Laws of War in the Middle Ages*.^{17/} There is also the international trial of Peter von Hagenbach, which took place in 1474 for acts that today are considered crimes against humanity. International legal norms stipulating individual responsibility for slave-trading and slave-trafficking and for piracy arose out of the Congress of Vienna in 1815. Today these norms are considered part of customary international law and probably of *jus cogens*.^{18/}

126. It is true that international responsibility is predominantly, even almost exclusively, centred around States rather than other entities. This should not be surprising since it is the State that is the primary subject of international law. Prior to the Nuremberg Trials following the end of the Second World War, even war crimes and crimes against humanity involved responsibility primarily of the State rather than of the individual.

127. However, the Nuremberg Trials established clearly the principle that any individual, regardless of office or rank, shall be held responsible in international law for war crimes, crimes against peace or crimes against humanity. It symbolized the possibility that trials could actually be carried out and punishment enforced in modern times.

128. The principle that the individual shall be held responsible for serious violations of human rights—firmly enforced by the Nuremberg Tribunal and today universally recognized by the international community—is the same principle that guides the operation of the International Criminal Tribunal for the former Yugoslavia and of the present Commission of Experts on Rwanda acting in conformity with United Nations Security Council resolution 935 (1994).

B. Command responsibility

129. It is a well-established principle of international law that a person who orders a subordinate to commit a violation for which there is individual respon-

sibility is as responsible as the individual that actually carries it out. The Nuremberg Principles, adopted by the United Nations General Assembly on 11 December 1946, affirmed that even a Head of State is not free from responsibility under international law for the commission of a crime under international law.^{19/}

130. The principle of command responsibility has been incorporated in article IV of the Genocide Convention laid out above and is expressed also in article 86 (2) of the 1977 Protocol I additional to the Geneva Conventions of 1949 relating to international armed conflicts. It finds expression again in the Draft Code on Crimes against the Peace and Security of Mankind.^{20/}

C. Defences: superior orders, duress, mistake, military necessity and reprisal

131. Since the inception of the Nuremberg Charter it has been recognized that the existence of superior orders does not provide an individual with an exculpatory defence.^{21/} Nevertheless, the existence of superior orders may be taken into account with respect to mitigation of punishment.

132. The Commission wishes to note that it considers the defences of duress and mistake of fact as possible defences to individual allegations of serious human rights violations.

VI. The question of criminal jurisdiction: advantages and disadvantages of international prosecution of international crimes versus municipal prosecution of international crimes

The Commission of Experts wishes to register its strong support for the creation of an international criminal tribunal (or perhaps expansion in the jurisdiction of an existing one) to undertake prosecutions of individuals on the basis of international law. It considers that prosecution of individuals for having committed crimes under international law during the armed conflict in Rwanda would be better undertaken by an international, rather than by a municipal, tribunal for the reasons explained below.

134. One could argue that a municipal tribunal could be more sensitive to individual cases and more

^{17/} Keen, *The Laws of War in the Middle Ages*, 1965.

^{18/} See Sunga, *Individual Responsibility in International Law for Serious Human Rights Violations*, 1992, and, generally, Bassiouni, *International Criminal Law*, 1986.

^{19/} See General Assembly resolution 95 (I) of 11 December 1946.

^{20/} See report of the International Law Commission on the work of its forty-third session (A/46/10).

^{21/} Article 8 of the Nuremberg Charter provides that “The fact that the defendant acted pursuant to order of his Government or of a superior shall not free him from responsibility, but may be considered in mitigation of punishment if the Tribunal determine that justice so requires”.

responsive to the needs of the local community because it is likely to be situated in, or close to, the site where alleged violations were perpetrated. Secondly, the gathering of evidence and visitation of the site of the alleged atrocities could be facilitated by having a municipal court preside over these cases. Thirdly, in some instances, judgements of municipal courts could be of greater and more immediate symbolic force because verdicts would be rendered by courts familiar to the local community. Conversely, international prosecution could be perceived in some cases to be too far removed from the actual community it serves.

135. However, one should not confuse the jurisdiction of the tribunal competent with trying individual suspects with *the site* where the trial is held. No inconsistency would in any way exist between having cases brought under the jurisdiction of an international criminal tribunal and between having the trials conducted by that tribunal in the territory of Rwanda if that were deemed suitable.

136. There are some obvious disadvantages to the municipal prosecution and trial of individuals in cases where the crimes alleged concern extremely severe violations, such as those determined to have taken place in Rwanda between 6 April and 15 July 1994. Municipal prosecution in these highly emotionally and politically charged cases can sometimes turn into simple retribution without respect for fair trial guarantees. Even where such trials are conducted with scrupulous regard for the rights of the accused, there is a great likelihood that a conviction will not be perceived to have been fairly reached.

137. Therefore, for the purposes of independence, objectivity and impartiality, there are advantages in having trials conducted by an international criminal tribunal in a place such as The Hague for the very reason that there would be a certain measure of distance from the venue of the trial and the places where severe atrocities have been perpetrated.

138. Moreover, the gravity of human rights violations committed in Rwanda from 6 April to 15 July 1994 extends far beyond Rwanda. As a matter of international peace and security, they concern the international community as a whole. It is not only a matter of ensuring justice in respect of atrocities that have already been perpetrated, but also a matter of deterrence for the future. The coherent development of international criminal law better to deter such crimes from being perpetrated in future not only in Rwanda but anywhere, would best be fostered by international prosecution rather than by domestic courts. An international tribunal can more effectively take account of the relevant international legal norms in their specificity because that forms its special field of competence. Domestic courts are not likely to be

as familiar with the technique and substance of international law.

139. It would seem that if criminal cases concerning Rwanda could perhaps be brought under the competence of the International Criminal Tribunal for the former Yugoslavia (created pursuant to Security Council resolutions 808 (1993) and 827 (1993)), this could greatly advance the cause of international criminal justice.

140. The alternative of creating an ad hoc tribunal alongside the already existing international criminal tribunal in The Hague would not only be less efficient from an administrative point of view of staffing and use of physical resources, but would be more likely to lead to less consistency in the legal interpretation and application of international criminal law.

141. For these reasons, the Commission of Experts recommends that trials of individuals suspected of serious breaches of international humanitarian law, crimes against humanity and acts of genocide be carried out by an international criminal tribunal.

142. The Commission of Experts considers it preferable that the jurisdiction of the International Criminal Tribunal for the former Yugoslavia be expanded to cover international crimes committed in Rwanda from 6 April rather than to create a separate ad hoc international criminal tribunal.

VII. Projected plan of work

143. The Commission intends to investigate particular cases with a view to forwarding that information to an international prosecutor or—in the event that such prosecutor is not appointed—to national prosecutors when they are deemed to be in a position to receive the information in question.

144. The method to be used in securing evidence will be in accordance with generally accepted rules governing criminal investigations. Guidance will be sought in the Statute for the International Criminal Tribunal for the former Yugoslavia and its rules of procedure.

145. The final report will only refer to these investigations in general terms so as not to destroy evidence or otherwise impede future prosecutions or cause security risks to victims and prosecution witnesses.

VIII. Conclusions and recommendations

A. Conclusions

146. The Commission of Experts concludes, on the basis of ample evidence, that individuals from both sides to the armed conflict in Rwanda during the period 6 April 1994 to 15 July 1994 have perpetrated serious

breaches of international humanitarian law, in particular of obligations set forth in article 3 common to the four Geneva Conventions of 12 August 1949 and in Protocol II additional to the Geneva Conventions and relating to the protection of victims of non-international armed conflicts, of 8 June 1977.

147. The Commission of Experts concludes also that ample evidence indicates that individuals from both sides to the armed conflict perpetrated crimes against humanity in Rwanda in the period mentioned above.

148. After careful deliberation, the Commission of Experts has concluded that there exists overwhelming evidence to prove that acts of genocide against the Tutsi group were perpetrated by Hutu elements in a concerted, planned, systematic and methodical way. Abundant evidence shows that these mass exterminations perpetrated by Hutu elements against the Tutsi group as such, during the period mentioned above, constitute genocide within the meaning of article II of the convention on the Prevention and Punishment of the Crime of Genocide, adopted on 9 December 1948. To this point, the Commission has not uncovered any evidence to indicate that Tutsi elements perpetrated acts committed with intent to destroy the Hutu ethnic group as such during the said period, within the meaning of the Genocide Convention of 1948.

149. The Commission considers that to enhance the fair and consistent interpretation, application and adjudication of international law on individual responsibility for serious human rights violations and to effect the most efficient allocation of resources, the jurisdiction of the International Criminal Tribunal for the former Yu-

goslavia should be expanded to permit cases concerning the situation in Rwanda to be brought under it.

B. Recommendations

150. The Commission of Experts strongly recommends that the Security Council take all necessary and effective action to ensure that the individuals responsible for the serious violations of human rights in Rwanda during the armed conflict triggered on 6 April 1994 are brought to justice before an independent and impartial international criminal tribunal.

151. The Commission of Experts recommends that the Security Council take all measures to ensure that individuals shall be accorded a fair trial on the facts and law according to international standards of law and justice.

152. The Commission of Experts recommends that the Security Council amend the Statute of the International Criminal Tribunal for the former Yugoslavia to ensure that its jurisdiction covers crimes under international law committed during the armed conflict in Rwanda that began on 6 April 1994.

153. The Commission of Experts wishes to express its gratitude to Mr. José Ayala Lasso, the United Nations High Commissioner for Human Rights, and to Mr. Ibrahim Fall, Assistant Secretary-General for Human Rights, for their coordinated efforts and support to the Commission.

154. The Commission of Experts will submit its final report to the Secretary-General by 30 November 1994.

Document 93

Progress report of the Secretary-General on UNAMIR for the period from 3 August to 6 October 1994

S/1994/1133, 6 October 1994

I. Introduction

1. The present report is submitted in pursuance of paragraph 17 of Security Council resolution 925 (1994) of 8 June 1994, by which the Council requested me to report by 9 August and by 9 October 1994 on progress made by the United Nations Assistance Mission for Rwanda (UNAMIR) in the discharge of its mandate, the safety of populations at risk, the humanitarian situation

and progress towards a cease-fire and political reconciliation.

2. Since my last report on the situation in Rwanda, dated 3 August 1994 (S/1994/924), the Secretariat has provided the Security Council with oral updates on relevant developments, especially with regard to the Mission's support for humanitarian operations, efforts to accelerate the return of refugees, progress made in the deployment of the expanded UNAMIR and the UNAMIR take-over from Operation Turquoise.

II. Political aspects

3. As members of the Security Council are aware, since the cease-fire declared on 18 July 1994, the fighting in Rwanda has all but ceased. The Broad-based Government of National Unity (BBGNU), installed at Kigali on 19 July, has established control over the whole of the national territory. While over two million Rwandese refugees remain in the neighbouring countries, the Government has undertaken efforts, in coordination with my Special Representative and other United Nations officials on the ground, to encourage their safe and voluntary return to Rwanda. At the same time, there is steady progress in efforts to normalize the situation inside Rwanda, with the gradual re-establishment of such basic services as water, electricity and communications facilities, particularly at Kigali. The Government has also begun to put civilian administrative structures in place at the central, provincial and local levels. My Special Representative has circulated to donor countries, United Nations agencies and non-governmental organizations a Rwanda Emergency Normalization Plan, outlining the priority services for which both technical and financial assistance are required.

4. While initial progress has been made in normalizing the situation, the Government is faced with the arduous task of rebuilding a country where the social and physical infrastructure has been almost totally destroyed and where a deep mistrust continues to prevail between the various political and ethnic groups that make up Rwandese society. The Government has a difficult road ahead in establishing safety and security for all and in creating a climate where those who have participated in the genocide can be held accountable while others rebuild their lives without fear of revenge or retribution. Furthermore, the Government suffers from a severe lack of basic resources, including cash reserves to pay the salaries of its civil servants, banks having been looted during the fighting. This is a serious problem, as civil servants and the military may turn to other means of ensuring an income.

5. In order to create stability and lasting peace in Rwanda, the Government seems to recognize the need to include all its citizenry, regardless of ethnicity, within its administrative and security structures. The President of Rwanda has assured my Special Representative that efforts are continuing to make the Government more inclusive by inviting some members of the Mouvement républicain national pour le développement (MRND), which is the only major political party not presently represented in the BBGNU, to join the Government. However, these efforts have not yet produced positive results.

6. In a further effort towards national reconciliation, members of the former Rwandese Government Forces (RGF) are being encouraged to join the new national army. These soldiers have the choice of registering at specified centres, set up by the Government, or with UNAMIR personnel deployed in the country. It seems, however, that the response to this government initiative remains limited.

7. In order to promote national reconciliation and assure the population that their civil and human rights will be respected, the Government has continued to organize mass rallies in several cities, including Ruhengeri, Kibungo, Byumba, Kibuye, Gikongoro, Cyangugu and Butare. Through these rallies, the Government has attempted to address the population's concerns with regard to such issues as property rights and the fair treatment by the Rwandese judicial system of those accused of crimes against humanity.

8. During the month of August, members of the Government made several visits to refugee camps in Zaire in an attempt to encourage the refugees to return voluntarily to their places of origin. Those efforts have caused some increase in the numbers of returning refugees. Some 360,000 refugees have returned to Rwanda spontaneously since the cease-fire on 18 July. The Government has expressed its concern about the presence in the camps of elements who continue to incite people to flee from Rwanda and to threaten those in the camps from returning to their homes and farms in Rwanda. In September, reports and preliminary investigations pointed to the possibility that refugees returning to Rwanda might have been subjected to reprisals by government troops; further investigations are in progress (paras. 14 and 15 below).

9. The misinformation propagated during and after the hostilities is considered to have been a major factor in inciting the massacres and subsequent exodus of refugees into neighbouring countries. Information remains an important element in creating both stability in the country and a climate conducive to the safe and voluntary return of refugees and displaced persons. Rwanda has no newspapers or television, and radio is the only medium of information. UNAMIR, in association with concerned United Nations agencies, is therefore developing a broadcasting capability in order to provide the Rwandese people with factual information on the situation in their country, to assist in explaining UNAMIR's mandate and to disseminate information on humanitarian programmes. UNAMIR is currently installing at Kigali an FM broadcasting capability with a 20-kilometre range. Additional equipment, which would enable UNAMIR broadcasts to cover the whole country, is being procured and the necessary specialists recruited. UNAMIR has also asked the Rwandese authorities for formal authorization

to begin broadcasting and for a frequency allocation. I hope the Government will respond positively to those requests in the near future.

III. Human rights aspects

10. A Commission of Experts was established on 26 July 1994 under Security Council resolution 935 (1994) of 1 July 1994 to examine and analyse information concerning grave violations of international humanitarian law committed in the territory of Rwanda, including evidence of possible acts of genocide. The Commission started its work on 15 August 1994 and visited Rwanda as well as Burundi, the United Republic of Tanzania and Zaire from 29 August to 17 September. In accordance with resolution 935 (1994), the Commission is to report its findings to me by 30 November 1994. I have, however, asked the Commission to expedite the preparation of its report. Accordingly, the Commission submitted to me on 30 September a preliminary report which I have made available to the Council (S/1994/1125).

11. During the Commission's visit to Rwanda, the Government urged the Commission to conclude its work expeditiously and also urged that an international tribunal, along the lines of that organized for the former Yugoslavia, be created. The Government expressed the view that the trial of those accused of serious breaches of international humanitarian law and acts of genocide by an external impartial body would help promote peace and reconciliation among the parties and contribute to the stabilization of the situation in Rwanda. The Government has given assurances that it will make every effort to prevent summary trials, revenge executions and other acts of violence and that it will arrest those accused of such crimes.

12. On 25 May 1994, the Commission on Human Rights, in its resolution S-3/1, appointed a Special Rapporteur to report on the root causes of the recent atrocities and on the ongoing human rights situation in Rwanda. Under this mandate, the United Nations High Commissioner for Human Rights has deployed human rights officers to Rwanda to assist the Special Rapporteur in the implementation of his functions. Following the establishment of the Commission of Experts, I reported to the Security Council, on 26 July 1994 (S/1994/879), that the Commission would be based at Geneva and benefit from the resources of the High Commissioner for Human Rights and, in particular, those already made available to the Special Rapporteur. Subsequently, it became apparent that a much larger number of human rights staff would be required to deal with the extremely complex situation in Rwanda. Therefore, the High Commissioner for Human Rights, on 2 August 1994, launched

an appeal to the international community for voluntary contributions to expand human rights activities in the field. As at 30 September 1994, the High Commissioner had deployed 31 human rights officers to Rwanda. In accordance with an agreement reached with the Government during his second visit to the country on 19 and 20 August 1994, he intends to increase that number to 147 as soon as possible so as to cover each one of the communes in Rwanda.

13. The objective of the human rights field operation in Rwanda is to carry out investigations into violations of human rights and humanitarian law; to monitor the ongoing human rights situation and, through the presence of human rights officers, help redress existing problems and prevent possible human rights violations from occurring; to cooperate with other international agencies in re-establishing confidence and thus facilitate the return of refugees and displaced persons and the rebuilding of civil society; and to implement programmes of technical cooperation in the field of human rights, particularly in the area of administration of justice. Following a request from the High Commissioner, UNAMIR is providing assistance within its existing resources in order to enable the human rights officers already deployed to become fully operational. That assistance will continue as further human rights staff are deployed.

14. The United Nations High Commissioner for Refugees sent a mission to Rwanda in August to assess how far conditions existed for the safe return to that country of refugees who had fled to Burundi, the United Republic of Tanzania and Zaire. In the course of its work, the mission of the Office of the United Nations High Commissioner for Refugees (UNHCR) obtained certain information that appeared to indicate that soldiers of the RPF might have been engaged in systematic killings of members of the majority community in Rwanda.

15. On 16 September, the High Commissioner briefed senior officials of the United Nations on the matter. On the basis of that briefing, I directed that the allegations should be immediately taken up with the Government of Rwanda. This was done by the Under-Secretary-General for Peace-keeping Operations, Mr. Kofi Annan, who was in Rwanda on mission at that time, and my Special Representative for Rwanda, Mr. Shahryar Khan. The Government of Rwanda undertook to investigate the matter urgently and a team consisting of four government ministers, representatives of UNAMIR and UNHCR and a United Nations human rights monitor paid a visit on 23 September to some of the places where the killings were alleged to have taken place. Those allegations have been reported to the Commission of Experts and to the Special Rapporteur and

arrangements are now being made for a thorough investigation to be carried out under the mandate of those two mechanisms.

IV. Mission of my Special Representative to Zaire and the United Republic of Tanzania

16. The presence of former RGF political leaders, military elements and militia in the Rwandese refugee camps, especially those in Zaire, have had a destabilizing effect on security in the camps and a number of violent incidents have occurred. Refugees suspected of favouring a return to Rwanda have frequently been attacked. The humanitarian agencies are reviewing how they can continue to deliver assistance in this insecure environment. There are also signs that ex-RGF troops located in the camps may be preparing to make incursions into Rwanda.

17. In view of that situation, I instructed my Special Representative for Rwanda to undertake a mission to Zaire and the United Republic of Tanzania to explore with the authorities of both countries ways in which the problem can be addressed. Mr. Shaharyar Khan visited Zaire from 12 to 14 September and the United Republic of Tanzania on 16 September. In Zaire, he met with President Mobutu and Prime Minister Kengo Wa Dongo. In the United Republic of Tanzania, he was received by President Mwinyi.

18. My Special Representative has reported that the Government of Zaire expressed its commitment to address the refugee crisis and to improve security in the camps. The Government of the United Republic of Tanzania had already undertaken to move certain unruly elements away from places where refugees were located. On the basis of his discussions with the Governments of Zaire and the United Republic of Tanzania, my Special Representative has recommended that attention be focused, as a matter of priority, on the camps in Zaire where the problems are significantly more acute than in the United Republic of Tanzania.

19. The population of the camps in Zaire fall into the following categories: (a) political leaders, estimated at approximately 50 heads of family; (b) uniformed military elements of the RGF, estimated at 16,000 and accompanied by their families, bringing the total to approximately 80,000; (c) militia, whose number is unknown since they have mingled with the refugees; and (d) ordinary refugees, estimated at about 1 million persons.

20. It was agreed with the Zairian authorities that the only effective way of ensuring the safety of the refugees and their freedom to exercise their right to return to Rwanda would be the separation of those in categories (a), (b) and (c) from the rest of the population of the

refugee camps. The militia (category (c)) represent the greatest threat for the refugees. However, their separation from the others would be a difficult and complex undertaking, especially as they would be likely to resist, and incite others to resist, any attempt to relocate them. A strong security mechanism would be needed in order to protect both the refugees and those carrying out the operation. The separation of these persons is, however, the only means of providing security for the refugees and allowing them to choose freely to return to Rwanda.

21. While the Government of Zaire has indicated its desire to address these issues, it has also indicated that it would require substantial assistance from the international community both in financial and logistic support and in the provision of security for such an operation.

22. The Secretariat has examined my Special Representative's recommendations in consultation with UNHCR. In order to address more fully the problems of separating former RGF political leaders, military and militia from the others in the camps, and to evaluate the financial, logistic and security requirements, it was decided, during the visit of my Special Representative to Zaire, to establish a Joint Zairian/United Nations working group. The group, composed of representatives of the Government of Zaire, UNAMIR, UNHCR and the United Nations Development Programme (UNDP), has already begun its work. A technical team from UNAMIR has been sent to Zaire to join the working group and will submit a report to my Special Representative as soon as possible.

V. Military aspects

23. Since the 18 July 1994 cease-fire and the formation of the BBGNU a day later, the military situation in Rwanda has been relatively calm. At that time, the armed forces of the new Government, the Rwandese Patriotic Army (RPA), had established control over the entire country, with the exception of a "humanitarian protection zone" in the south-west. That zone was under the control of Operation Turquoise, the multinational operation launched by the French Government in pursuance of Security Council resolution 929 (1994) of 22 June 1994.

24. UNAMIR maintained close cooperation at all levels with Operation Turquoise and developed a detailed plan for taking over from it on 22 August, the date of its scheduled withdrawal. On 10 August, UNAMIR began deploying troops in the zone and on 21 August it assumed responsibility from Operation Turquoise. Arrangements were made with the French Government for the continuation of logistic support until UNAMIR could assume full responsibility. The French Government has submitted to

the Security Council a final report, which has been circulated as document S/1994/1100.

25. UNAMIR troops established a presence throughout the zone, ensuring stability and security and providing support for humanitarian relief operations. The Government of Rwanda also launched a concerted effort to reassure the population. As a result of those efforts, a major exodus of civilians to Zaire was averted.

26. The Government's civilian and military takeover of the south-western zone was fully coordinated with UNAMIR. The civil administration in the zone is being restored as a first priority and RPA troops are gradually being deployed there. The Government installed prefects at Kibuye, Gikongoro and Cyangugu on 6 and 7 September and in cooperation with UNAMIR deployed RPA platoons in each location. Through successive incremental deployments, those elements were increased to company- and battalion-size units. The gradual establishment of the Government's authority in the south-west zone has now been completed without incident.

27. At the same time, former RGF troops in the south-western zone are being encouraged to enlist in the new national army. In addition, a programme was started on 2 September to encourage elements of the local gendarmerie to surrender their arms voluntarily. UNAMIR has collected nearly 600 arms under the programme.

28. The RPA now operates throughout the country, conducting patrols and manning roadblocks and checkpoints to monitor personnel and vehicle movement. Occasionally, it conducts cordon and search operations for weapons or personnel checks. It also protects vital points, such as infrastructure and all major border crossings. Additionally, in the absence of a police force, RPA troops perform policing functions to the extent possible.

29. Relations between UNAMIR and the RPA have been cordial and cooperative. However, movement restrictions have sometimes been imposed on UNAMIR troops. The formal understanding between UNAMIR and the BBGNU, particularly with reference to the United Nations Status-of-Forces Agreement with Rwanda, is that there should be no restrictions on the movement or deployment of UNAMIR personnel and vehicles throughout Rwanda. However, as illustrated by the three-week delay in providing clearance to occupy accommodation and concurrently deploy troops in the north-east and south-east (sectors 1 and 2), as well as periodic, local limitations placed on movements of UNAMIR troops in the south and north-west (sectors 3 and 5), the reality on the ground is sometimes different. In addition, some local RPA commanders have sometimes indicated that they are under instructions to deny UNAMIR access to areas where RPA troops are deployed. When such incidents are

brought to the attention of senior government officials, they are usually quickly resolved.

30. The rapid reinforcement of UNAMIR in early August has contributed significantly to the improvement of the security situation in Rwanda. In accordance with its mandate, UNAMIR has continued to provide security support to all humanitarian operations in Rwanda. It has also provided support in re-establishing basic services and in the provision of relief supplies. None the less, delays in reaching the full authorized force level are hampering UNAMIR's further efforts in that regard. As at 3 October, UNAMIR's troop strength consisted of 4,270 all ranks (out of its total authorized strength of 5,500). On 19 August, the new Force Commander, Major-General Guy Tousignant (Canada), took over from Major-General Romeo Dallaire (Canada).

31. As noted above, the successful deployment of UNAMIR troops in the former humanitarian protection zone (sector 4) has provided the stability necessary to commence the gradual introduction of RPA forces to the south-west of the country. In order to facilitate that introduction, however, it has been necessary for UNAMIR to concentrate its efforts in this potentially volatile area. Accordingly, the requirement to extend UNAMIR presence throughout Rwanda is yet to be fulfilled.

32. As stability in Rwanda improves, emphasis in UNAMIR activities is shifting from purely military security-related tasks to the support of humanitarian operations aimed at assisting the population in need and facilitating the return of refugees and displaced persons to their homes.

33. In the expectation that the remaining troops committed to UNAMIR will be deployed during the coming weeks, the Force Commander plans to deploy the force in six sectors. The current and planned deployment schedules are as follows:

Sector 1 (north-east)

Deployment of the Nigerian independent infantry company group is in progress.

Sector 2 (south-east)

Two platoon groups from Canada and Ghana currently operate in this sector (which presently includes Kigali). Planned deployment in the sector will consist of one infantry battalion (Ghana).

Sector 3 (south)

An independent infantry company from Malawi operates in the sector. Planned deployment will consist of two independent infantry companies, one each from Malawi and Mali.

Sector 4 (south-west)

Current deployment consists of the Ghanaian Battalion, a United Kingdom field ambulance capability, the Ethiopian battalion and the inter-African battalion, composed of troops from Chad, the Congo, Guinea-Bissau, the Niger and Senegal. Planned deployment will consist of three mechanized/motorized infantry battalions (Zambia, Ethiopia and the inter-African contingent).

Sector 5 (north-west)

Although not part of UNAMIR, a Canadian field ambulance capability is currently operating in this sector. Planned deployment will consist of one infantry battalion from Tunisia, which is scheduled to commence deployment in early October.

Sector 6 (Kigali City)

Planned deployment will consist of one composite infantry battalion from India. This battalion is scheduled to be fully deployed by the end of October.

34. The main objective of the UNAMIR deployment schedule is to promote security in all sectors and to create a climate conducive to the safe return of refugees and displaced persons, as well as to support humanitarian operations. The Force Headquarters continues to operate from Kigali along with specialized communications, logistics and medical support units from Canada, the United Kingdom and Australia respectively. The United Kingdom contingent is scheduled to withdraw by 1 December and the Canadian contingent by mid-January.

35. The deployment of UNAMIR has been a difficult process, as many contingents were in need of major equipment items and as the United Nations has neither the resources in stock nor an advance budget which would ensure that the required equipment could be made available in a timely manner. It was for this reason that, in paragraph 24 of my report of 13 May (S/1994/565), I underlined the necessity for Member States to agree to make arrangements on a bilateral basis to provide the troops, equipment and airlift required for UNAMIR. As this did not occur, the Secretariat was required to identify sources of equipment and to arrange for its transport. This was a time-consuming task, which significantly delayed deployment. It also restricted the initial operational capability of UNAMIR, as contingents were in some cases unfamiliar with equipment supplied to them. One way of achieving a more rapid response in such circumstances would be the extension of the standby forces concept to include equipment, whereby a Member State would hold equipment on standby at a high state of readiness for deployment on lease terms.

36. With the induction of new contingents, the UNAMIR force strength is expected to exceed temporarily the authorized level during the period from November 1994 to January 1995. However, as at February 1995, the expected withdrawal of some contingents and normal rotations will bring it back to its authorized level. The fact that UNAMIR will exceed its authorized strength for a short period will have no financial implications for its budget, as the excess expenditure would be offset by the savings resulting from a force strength below the authorized level up to October 1994.

37. The UNAMIR authorized strength of 320 military observers has been met and military observers are deployed in all sectors. They are engaged primarily in supporting humanitarian activities and liaising with the RPA.

VI. Civilian police

38. As indicated in the concept of operations set out in my report of 13 May to the Security Council (S/1994/565, chap. 4), it was initially envisaged that the main task of the civilian police component of the expanded UNAMIR would be to maintain liaison with the local civilian authorities on matters relating to public security, with a total authorized strength of 90 civilian police observers.

39. However, as a result of the civil war and the ensuing collapse of the country's administrative structures, no real police force or gendarmerie remained in place when the new Government was established on 19 July. Police functions were entrusted to an embryonic gendarmerie consisting mainly of RPA soldiers. At the same time, the Government sought the urgent assistance of UNAMIR in establishing a new, integrated, national police force. Given the importance to Rwanda's security and stability of creating a professional national police force, UNAMIR responded positively to that request, within its existing resources. Accordingly, on 16 August, UNAMIR initiated a training programme with 103 students selected by the Government as volunteers from different social and ethnic groups. The aim of the programme is to provide trainees with the basic knowledge of routine and investigative police work, thus enabling them to address the immediate law and order problems at Kigali. I recommend that the Security Council authorize UNAMIR to pursue these efforts.

40. The activities of the UNAMIR civilian police component have thus evolved from liaison with local authorities to assisting the Government in the creation of a new police/gendarmerie. The component is also charged with monitoring the activities of local police and gendarmerie, monitoring the activities of the civil authorities with regard to human rights violations and assisting

UNAMIR military observers and troops in dealing with police matters.

41. The headquarters and training activities of the UNAMIR civilian police component are based at Kigali. A two-phase deployment of police observers is being implemented. Under phase I, which has been completed, police observers have been deployed at the civilian police headquarters, training centre and the prefectures of Kigali, Gikongoro, Cyangugu, Kibuye, Gitarama and Butare. Phase II will be executed once the full strength of police observers is reached. Under this phase, civilian police monitors will be deployed in all prefectures of the country.

42. To date, the component has a total strength of 30 police observers, with 10 each from Ghana, Mali and Nigeria. More observers are scheduled to be deployed shortly, although the Secretariat is having difficulties in obtaining from Member States a sufficient number of French-speaking police personnel.

VII. Humanitarian aspects

43. Current estimates suggest that Rwanda's pre-war population of 7.9 million has fallen to 5 million. Estimates of internally displaced persons range from 800,000 to 2 million. There are more than 2 million refugees in Zaire, the United Republic of Tanzania, Burundi and Uganda. At the same time, it is estimated that more than 200,000 former refugees have returned to Rwanda from Burundi and Uganda. The victims of genocidal slaughter could number as many as 1 million.

44. The humanitarian demands of the Rwandan emergency continue to stretch the capacity of the international community. In addition to the refugee crisis at Goma, the humanitarian community has had to address several crucial issues: the withdrawal of Operation Turquoise from the south-west; assistance to the internally displaced people; the transition from emergency relief to rehabilitation; the humanitarian implications of human rights violations; and the need to examine the Rwanda crisis in a regional context.

45. Prior to the withdrawal of Operation Turquoise, there was extreme concern among the international community that fear of reprisals by the RPA would drive thousands of Hutus across the border into Zaire. With poor road conditions, large distances to the campsites and other logistic difficulties, the scenarios were recognized by the humanitarian community as being cataclysmic, with the potential for refugee movement exceeding even that to Goma.

46. Under the coordination of the United Nations Rwanda Emergency Office, the international community adopted a policy of confidence-building in the south-west to encourage the internally displaced not to flee across

the borders. At the political level, the RPA agreed not to occupy the south-west until conditions had stabilized. The timely and large-scale influx of United Nations and non-governmental organization resources, combined with the deployment of UNAMIR troops into the area, defused the situation. Some 350,000 people did cross the border into camps around Bukavu in Zaire; however, the majority remained within Rwanda.

47. It is agreed that the return of refugees to Rwanda is the only lasting solution and that it is critical to the resumption of normal economic and social life. However, the intimidation of refugees by former militia and army elements in the camps and the fact that those former soldiers and militia have not been disarmed are serious obstacles to the implementation of a repatriation programme. UNHCR does not feel at the present stage that it is in a position to encourage refugees to return home, partially because of deteriorating security for the returnee candidates in the camps and also because of concerns about security conditions in parts of Rwanda. UNHCR is none the less facilitating and assisting the return of spontaneous returnees.

48. As for the internally displaced persons, agreement has been reached among the humanitarian agencies to focus on facilitating their return to their areas of origin. By strengthening community capacity-building, providing rehabilitation support and improving security, the aim is to provide an attractive return option for those in the displaced persons' camps.

49. This policy of voluntary return of the internally displaced is vital. Many camps will become uninhabitable during the rainy season because of contamination of water supplies by sewage, inadequate shelter and poor access for relief convoys. In addition, if people stay in the camps, the fields are untended. Already the harvest has been missed and it is likely that the planting season will also be missed in many areas. This will mean that the international community will have to provide food aid for a second season. The resettlement of the displaced and the resumption of agricultural production are critical to the Government's efforts to rehabilitate the country. The longer people stay in camps, the longer rehabilitation is likely to take. There are now regular convoys carrying those who wish to return from Cyangugu in the south-west to Butare, Gikongoro and Kigali. Between 7 September and 23 September, some 3,337 people were transported home from Cyangugu. Returnees have also been transported from the north-west.

50. As the country strives to return to normalcy, increasing attention must be given to the transition from emergency relief to rehabilitation. The Government faces the huge challenge of rebuilding the country after a devastating war with almost no financial and human

resources. It is vital that the international community provide quick and efficient rehabilitation assistance. In that connection, the Special Representative and the Under-Secretary-General for Humanitarian Affairs have distributed among donor countries, agencies and non-governmental organizations the Rwanda Emergency Normalization Plan, which outlines the initial areas requiring both financial and technical assistance. UNDP has begun initial projects to support the capacity-building of government ministries. Other United Nations organizations are contributing to the process in their respective areas of competence. As a result of those efforts, the infrastructure is improving. Essential services such as electricity and water supply have been restored at Kigali and services are being repaired around the country.

51. One major impediment for rehabilitation is the presence of mines. It is believed that there are 50,000 to 60,000 uncleared land-mines in Rwanda, with an average of two civilian mine casualties a day. United Nations demining experts have visited Rwanda to assess the scope of the problem. As the security situation stabilizes and demining can begin, the United Nations will coordinate with all concerned in providing assistance in that area.

52. Without reconciliation among the various parties to the conflict, it is likely that humanitarian operations will be protracted and difficult and will ultimately require greater commitments from the international community. This is directly linked to the human rights activities discussed in chapter III above.

53. It is apparent that the Rwanda crisis and its spill-over into neighbouring countries has serious political, economic, social and environmental implications for Burundi, the United Republic of Tanzania, Zaire and Uganda. In order to examine the merits of a broader and more comprehensive regional approach to the Rwanda problem, I appointed Mr. Robert Dillon as my Special Humanitarian Envoy for Rwanda and Burundi. The Special Envoy made a visit to the area from 8 to 22 September and has submitted his recommendations to me.

54. The United Nations Consolidated Appeal for Persons Affected by the Crisis in Rwanda was launched on 22 July 1994. It requested a total of \$435 million to enable United Nations organizations to carry out their humanitarian programmes. This figure was revised upwards in the light of increasing needs to \$552 million. As at 1 September, contributions received amounted to \$384 million, covering 70 per cent of the total requirement. Based on information received by the Department of Humanitarian Affairs, bilateral and other direct contributions for the Rwanda crisis, including those in response to the Appeal, bring the total contributions up to \$762 million.

55. The response of the international community to the crisis in Rwanda has been encouraging and has served to avert what could have been a major humanitarian disaster in the south-west. It is essential that this support be maintained as we enter into a delicate period of reconciliation and rehabilitation. For its part, the United Nations will continue its efforts to provide an appropriate framework for coordination of humanitarian assistance and the transition to reconstruction and development.

VIII. Financial aspects

56. By its resolution 48/248 of 5 April 1994, the General Assembly authorized me to enter into commitments for UNAMIR, at a rate not to exceed \$9,082,600 gross (\$8,881,000 net) per month for the period from 5 April to 31 October 1994. This authorization was subject to the decision of the Security Council to extend the mandate of the Assistance Mission beyond 4 April 1994. In its resolution 925 (1994) of 8 June 1994, the Council, *inter alia*, decided to extend the mandate of UNAMIR until 9 December 1994.

57. By its decision 48/479 B of 14 September 1994, the General Assembly authorized me to enter into commitments in the amount of \$37,182,100 gross (\$38,043,200 net) to meet the immediate operational requirements of UNAMIR for the period from 5 April to 30 September 1994, this amount being in addition to the full commitment authority of \$62,367,187 gross (\$60,982,867 net) already provided by resolution 48/248.

58. My report on the financing of UNAMIR to the General Assembly at its forty-ninth session includes the cost estimate for the period from 5 April to 9 December 1994 in the amount of \$179.6 million, after taking into consideration voluntary contributions in kind of \$4.5 million pledged by Member States. My report also estimates costs for the period from 10 December 1994 to 9 December 1995 at \$20 million per month, based on the current authorized strength and mandate of UNAMIR. On the basis of this cost estimate, I have requested the Assembly to provide the necessary resources for the maintenance of UNAMIR, should the Security Council decide to extend its mandate beyond 9 December 1994.

59. As at 27 September 1994, unpaid assessed contributions to the UNAMIR special account since the inception of the Mission amounted to \$30 million. The total unpaid assessed contributions for all peace-keeping operations at that date amounted to \$1.9 billion.

IX. Observations and recommendations

60. There are signs that the situation in Rwanda is stabilizing and slowly returning to more normal conditions. Inevitably, there are serious obstacles to be overcome in the long road to recovery from the war and carnage that have devastated the country, inflicted trauma and hardship on its people and destroyed its institutions. The first priority remains the resolution of the massive humanitarian crisis, including the problems faced by the Rwandese refugees in Zaire and the United Republic of Tanzania. Acts of intimidation and violence within the refugee camps have inhibited the refugee population from choosing to return home. The Government is engaged in efforts to find a solution to these problems, with the support of United Nations agencies and programmes on the ground, coordinated by my Special Representative. Determined efforts will have to be made by the Government to create conditions under which the refugees and displaced persons can return to their homes in safety and dignity. Indeed, without the assurance that their human rights will be respected, it is unlikely that the refugees and displaced persons will return. In this regard, I have conveyed to the Government of Rwanda, through my Special Representative, the need to undertake broader efforts towards national reconciliation. I am encouraged that the Government has taken concrete steps in this direction and I urge the international community to support its efforts and encourage it to ensure that these efforts are both genuine and comprehensive.

61. I endorse the recommendation made by the Commission of Experts in its preliminary report that trials of individuals suspected of serious breaches of international humanitarian law, crimes against humanity and acts of genocide be carried out by an international criminal tribunal. The Commission considers it preferable that the jurisdiction of the International Criminal Tribunal for the Former Yugoslavia be expanded to cover international crimes committed in Rwanda from 6 April rather than to create a separate ad hoc international criminal tribunal. It is now for the Security Council to decide on the course of action to be adopted.

62. Among the many tasks facing the new Government and the Rwandese people is the reconstruction of the social and economic infrastructure of the country. Rwanda will require massive amounts of external technical and financial assistance on an urgent basis in order to create stability and re-establish basic services and a functioning economy. Donor agencies have undertaken

the initial planning required before assistance can be released for reconstruction projects, and some small-scale rehabilitation of basic infrastructure is taking place. I urge donor Governments and international bodies to ensure that their programmes of assistance for Rwanda are implemented urgently. One aspect that is rapidly assuming the dimensions of an emergency is the Government's total lack of funds to re-establish even the most rudimentary administration and pay its employees. It is essential that at least bridging assistance be devised to provide relief bilaterally or by international financial institutions. In that connection, I should like to appeal to bilateral donors to consider ways and means to help the Government resolve the problem of its arrears with the World Bank, so as to secure access to the resources of that institution. I should also like to urge Member States to contribute generously to the Trust Fund which I established on 14 July 1994 in order to finance humanitarian relief and rehabilitation programmes in Rwanda. It would also be helpful if Governments could share with the United Nations information about their bilateral programmes of assistance so that there can be a coordinated response to Rwanda's needs.

63. Long-term peace and stability in Rwanda require genuine reconciliation between all elements of Rwandese society. Refugees and displaced persons must have the opportunity to return to their homes in peace, safety and dignity. The human and civic rights of all Rwandese people must be respected. I urge the new Government to maintain an open dialogue with all other political interest groups in Rwanda, including former government officials, except for individuals who are found, through due process, to have been directly implicated in acts of genocide. This is the only way the country can achieve durable political stability, within the principles of the Arusha Accords.

64. The evolving developments in and around Rwanda strengthen the case for a broader approach to the question of national reconciliation and the other aspects of the crisis. The Council will recall that the Mission it dispatched to Burundi from 13 to 14 August 1994 recommended, *inter alia*, that an international conference be convened to look into the problems of the subregion. I shall continue to consult with all relevant parties with a view to determining how the United Nations could assist in the preparation and convening of such a conference.

Document 94

Statement by the President of the Security Council approving the revised deployment schedule for UNAMIR II

S/PRST/1994/59, 14 October 1994

The Security Council has considered the Secretary-General's progress report on the United Nations Assistance Mission for Rwanda (UNAMIR) (S/1994/1133). The Council stresses the importance it attaches to the role of UNAMIR, whose neutral and independent presence is crucial to creating conditions of security. It welcomes the Secretary-General's revised deployment schedule for UNAMIR which is intended to promote security in all sectors of the country and create conditions conducive to the return of refugees. It also welcomes the assistance being provided by UNAMIR to the Government of Rwanda's efforts to establish a new integrated police force. It encourages UNAMIR to continue that assistance and asks the Secretary-General to provide it with detailed information on this programme.

The Security Council remains extremely concerned at the plight of the millions of refugees and displaced persons in Rwanda and the countries of the region. It reiterates its view that their return to their homes is essential for the normalization of the situation in Rwanda and for the stabilization of the region. It deplores the continuing acts of intimidation and violence within the refugee camps which are designed to prevent the refugee population there from returning home. It welcomes the commitment of the Governments of Zaire, Tanzania and Burundi to help resolve the problems facing the refugees, and calls upon them to do all in their power to ensure the safety both of the refugees and of the international personnel providing humanitarian assistance to the refugees.

The Security Council notes the view expressed in the report that the most effective way of ensuring the safety of the refugees and their freedom to return to Rwanda would be the separation of political leaders, former RGF soldiers and militias from the rest of the refugee population, and looks forward to receiving a further report from the Secretary-General on this issue, as soon as possible, based *inter alia* on the findings of the United Nations team participating in the joint Zairian/United Nations working group. It stresses once again the responsibilities which fall upon the neighbouring countries, including that of ensuring that their territories are not used to destabilize the situation.

The return of refugees is also crucially dependent upon the situation within Rwanda itself, including the existence of a climate of confidence and the establishment of a more secure environment. The Security Council notes

the important role human rights monitors and their speedy deployment will have in this context and notes also the importance of cooperation between them and UNAMIR. The Security Council stresses the importance it attaches to UNAMIR having an effective broadcasting service to provide objective information. It hopes that the Government of Rwanda will assist in enabling the proposed United Nations radio station to come into operation as soon as possible.

The Security Council welcomes the efforts being made by the Rwandan Government to facilitate the return of refugees and to begin the difficult process of national reconciliation and reconstruction in the country. It notes with concern reports that some reprisals may have occurred and affirms the importance it attaches to the avoidance of reprisals against returnees and to the safeguarding of their property rights. It welcomes the speed with which the United Nations and the Government of Rwanda responded to allegations that some RPA soldiers might have been responsible for systematic killings. It underlines the importance it attaches to the thorough and expeditious investigation of these allegations.

The Security Council welcomes the assurance given to Council members by President Bizimungu of his Government's commitment to achieving national reconciliation and promoting respect for the fundamental rights of individuals. The Security Council stresses the importance it attaches to the Government of Rwanda implementing this commitment. In this context it endorses the Secretary-General's call to the Government of Rwanda to maintain an open dialogue with all political interest groups in Rwanda in an effort to achieve genuine reconciliation between all elements of Rwandan society, within the frame of reference of the Arusha Peace Agreement. In particular, the Security Council encourages the Rwandan Government to continue its efforts to invite members of the MRND who were not involved in the massacres to participate in the Government and to absorb members of the former RGF into the new army.

The Security Council reaffirms its view that those responsible for serious breaches of international humanitarian law and acts of genocide must be brought to justice. It stresses that persons involved in such acts cannot achieve immunity from prosecution by fleeing the country and notes that the provisions of the Convention relating to the status of refugees do not apply to such

persons. In this context, the Council is currently considering the recommendations of the Commission of Experts in respect of the establishment of an international tribunal and will act expeditiously in the matter.

The Security Council commends the assistance given by the international community, the United Nations agencies and non-governmental organizations in response to the crisis in Rwanda. It calls on them to maintain their support during the difficult transition period and to begin to redirect their support from relief to rehabilitation and reconstruction. It endorses the Secretary-General's views as to the importance of immediate and coordinated assistance, in particular to the

restoration of civil administration and the reconstruction of the social and economic infrastructure of the country.

The Security Council agrees with the Secretary-General that developments in Rwanda strengthen the case for a broader approach to the question of national reconciliation and other key aspects of the crisis. It encourages him to continue his consultations on how the United Nations can assist in the preparation and convening of an international conference to look into the problems of the subregion.

The Security Council will remain seized of the matter.

Document 95

Report of the Secretary-General to the General Assembly on emergency assistance for the socio-economic rehabilitation of Rwanda

A/49/516, 14 October 1994

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 48/211 of 21 December 1993 on emergency assistance for the socio-economic rehabilitation of Rwanda. In the resolution the Assembly noted with satisfaction the signing, on 4 August 1993 at Arusha, United Republic of Tanzania, of the Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front (A/48/824-S/26915, annex I), which put an end to the armed conflict. Among other things, the Assembly called upon all parties to do their utmost to achieve the full and effective implementation of the Arusha Peace Agreement and national reconciliation goals; urged all States, United Nations organizations and intergovernmental and non-governmental organizations to intensify, in favour of Rwanda, economic, financial, material and technical assistance in order to encourage the process of rehabilitation and sustained development; and invited all States, United Nations organizations and intergovernmental and non-governmental organizations to provide to Rwanda adequate assistance for the settlement of displaced persons and the repatriation of refugees, the demobilization of soldiers and reintegration of demobilized soldiers into civil life, the clearance of mines and the completion of the democratic process. The Assembly also requested the Secretary-General to report at its forty-ninth session on the implementation of the resolution.

2. Unfortunately, the full and effective implementation of the Arusha Peace Agreement was delayed as a

result of internal political disagreements. After the airplane crash of 6 April 1994 in which the Presidents of both Rwanda and Burundi were killed, the country plunged into chaos and massive ethnic violence. Fighting between the Rwanda Government Forces (RGF) and the Rwanda Patriotic Front (RPF) intensified. It is estimated that in the ensuing months, out of a total population of approximately 8 million, more than 500,000 have been killed, 2 million people have been internally displaced and over 2 million have sought refuge in neighbouring countries. In the light of these changed circumstances, this report will focus primarily on the response of the international community to the tragedy which has taken place in Rwanda.

II. Emergency in 1993

3. Rwanda has had a history of internal tensions, with major clashes occurring between its two main ethnic groups. In the recent past, fighting between RGF and RPF broke out in October 1990 and continued for almost two years until a cease-fire was negotiated in July 1992. However, fighting resumed in February 1993, resulting in the displacement of approximately 900,000 civilians. The situation was exacerbated by Rwanda's already precarious economic condition, overpopulation and rapidly declining agricultural production. In response to a request from the President of Rwanda for humanitarian assistance, the United Nations launched on 15 April 1993 an inter-agency appeal amounting to \$78,517,679 to meet the emergency needs of the displaced persons. The

appeal, which covered the period up to the end of December 1993, presented priority emergency relief projects focusing on food, nutrition, health, water and sanitation, shelter and household items and education. The response by the international community to the appeal at the end of December 1993 was US\$ 30,816,105, covering only 39 per cent of requirements.

4. The Arusha talks, which were assisted by the Organization of African Unity (OAU) and facilitated by the Government of the United Republic of Tanzania, concluded successfully with the signing on 4 August 1993 of a peace agreement that called for the establishment of a broad-based transitional government, to be replaced by a democratically elected government 22 months later. With the prospect of peace, approximately 600,000 displaced people returned home. While some 300,000 people who remained displaced continued to rely on emergency assistance in the camps, the focus of assistance began to shift from humanitarian to rehabilitation and reconstruction.

5. To support the implementation of the Arusha Peace Agreement, the two parties requested the deployment of a neutral international force in Rwanda. Following the adoption of Security Council resolution 872 (1993) on 5 October 1993, the United Nations Assistance Mission for Rwanda (UNAMIR) was established and subsequently deployed.

6. On 21 December 1993, the General Assembly adopted resolution 48/211, calling for assistance from the international community for the implementation of the Arusha Peace Agreement. Early in 1994, the Department of Humanitarian Affairs and the United Nations Development Programme (UNDP), with support from other United Nations agencies, began to prepare for a round table on humanitarian assistance and reconstruction to solicit donor support and mobilize funds. A preparatory donors' meeting was held on 24 January 1994 in New York. The delay in the implementation of the Arusha Agreement and, in particular, the formation of the broad-based transitional government impeded progress in the political field and prevented the round table from being held.

III. Humanitarian crisis after April 1994

A. *Summary of events*

7. On 6 April 1994, the airplane carrying President Juvénal Habyarimana of Rwanda and President Cyprien Ntaryamira of Burundi crashed near the Kigali airport, resulting in the death of both Presidents. This incident was immediately followed by a horrific bloodbath that began in Kigali and quickly spread throughout the country. In the ensuing weeks, the genocidal killing, mainly of

Tutsis and moderate Hutus, claimed over 500,000 lives. Also, it triggered a full-scale armed conflict between RGF and RPF.

8. In view of the humanitarian crisis unfolding in Rwanda, the Security Council adopted resolution 918 (1994) on 17 May 1994 authorizing the expansion of the UNAMIR force level up to 5,500 troops in order to enable it to carry out an expanded mandate which included the protection of displaced persons, refugees and civilians at risk, and the provision of security to humanitarian relief operations. In view of the difficulties in bringing UNAMIR up to its authorized strength, on 22 June 1994 the Security Council adopted resolution 929 (1994), in which it authorized the establishment of a temporary operation under national command and control to contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda. Operating under Chapter VII of the Charter of the United Nations, the Government of France announced on 2 July 1994 the establishment of a "humanitarian protected zone"—Operation Turquoise—in the Cyangugu-Kibuye-Gikongoro triangle in south-west Rwanda to provide security to the population living in the area. Operation Turquoise concluded on 21 August 1994.

9. On 1 July 1994, having noted that massacres and killings had continued in a systematic manner throughout Rwanda and that only a proper investigation could establish the facts in order to enable the determination of responsibility, the Security Council adopted resolution 935 (1994). It requested the Secretary-General to establish immediately a Commission of Experts which would, after examining and analysing information submitted pursuant to the resolution, together with such further information as the Commission of Experts might obtain through its own investigations or the efforts of other persons or bodies, draw conclusions on the evidence of grave violations of international humanitarian law committed in the territory of Rwanda, including possible acts of genocide. The Secretary-General appointed Mr. Atsu-Koffi Amega (Togo) to serve as Chairman, and Mrs. Habi Dieng (Guinea) and Mr. Salifou Fomba (Mali) as members, of the Commission and requested their conclusions to be submitted to the Security Council by 30 November 1994.

10. The advance of the RPF forces led to the flight of a large number of civilians from the areas of combat. At the same time, the relentless inflammatory radio campaigns by the RGF "interim Government" instilled fear among the displaced persons and refugees and further encouraged the flight of civilians. At the end of April, such fear caused mainly Hutus living in the south-east to flee to the United Republic of Tanzania. Soon, the camps in

Tanzania were giving refuge to more than 400,000 Rwandese. Large numbers of corpses were observed floating in the Kagera River, attesting to the grim nature of the killings taking place in Rwanda.

11. In mid-July, another refugee crisis occurred in the western part of Rwanda as more than one million refugees crossed the border into the Kivu region of Zaire. The challenge presented by this sudden and massive influx of refugees was enormous. It required the urgent organization of logistic arrangements to supply and to distribute daily 30 million litres of clean water and 1,000 tons of food. With the unsanitary and overcrowded conditions in the refugee camps, a cholera epidemic broke out which was followed by the outbreak of dysentery. It is estimated that 50,000 people may have died from these diseases. Massive international efforts were marshalled to respond to this situation. In addition to the activities of United Nations organizations and non-governmental organizations, there were important bilateral initiatives.

12. As the 21 August completion date for Operation Turquoise approached, it was feared that there would be another exodus of the population in the protected zone to the neighbouring countries. As part of a strategy to prevent this, humanitarian agencies increased their presence and the delivery of assistance in the zone in an attempt to persuade the population to remain in place. In addition, alternate transit camps were identified within Rwanda and arrangements made to supply them. Following the withdrawal of the Operation Turquoise troops on 21 August 1994, tens of thousands of refugees did cross from Cyangugu to Bukavu, Zaire; however, preventive measures taken helped to keep the situation under control and a potential refugee tragedy was averted.

13. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), as of 19 September 1994, the estimated figures for Rwandan refugees by country of asylum were as follows:

| | |
|---------------------------------|-------------------------|
| Burundi | 277 000 |
| United Republic of Tanzania | 510 000 |
| Uganda | 10 000 |
| Zaire (Bukavu/South Kivu/Uvira) | 482 200 |
| Zaire (North Kivu) | <u>850 000</u> |
| Total | <u><u>2 129 200</u></u> |

14. Although recent reports indicate that the outflow of refugees has decreased significantly and that some 360,000 refugees have returned to Rwanda, the situation still remains volatile. Security in the refugee camps has been deteriorating as former government officials, soldiers and *interahamwe* militia continue their intimidation tactics to dissuade refugees from repatriating, frequently

resorting to violence to prevent them from returning to Rwanda. The Secretary-General sent his Special Representative for Rwanda, Mr. Shaharyar M. Khan, to consult with the Zairian authorities on the issue of security in the refugee camps and to search jointly for ways to resolve this issue. In addition, UNHCR has sought the assistance of other regional Governments and OAU. In cooperation with Reporters sans frontières, radio programmes are being broadcast in Goma and Bukavu, providing refugees with factual and unbiased information on services available in the camps.

B. *Impact of the crisis and the needs of the population*

15. The war and massacres have wreaked havoc on every aspect of life in Rwanda. The whole structure of government collapsed and in the post-6 April turmoil, government offices were completely looted and personnel displaced. The health system, already strained by high infant mortality, high fertility rates and acquired immunodeficiency syndrome (AIDS) epidemic, has been completely destroyed. Access to safe drinking water has decreased and sanitation levels have fallen well below pre-war standards of 65 per cent and 48 per cent, respectively, as traditional spring-water sources were damaged and contaminated and pipe distribution systems were seriously damaged. The entire system of education has been paralysed, with schools standing empty or destroyed.

16. Agricultural and pastoral activities have been severely disrupted. Crops planted in February, already negatively affected by poor rainfall and a shortage of inputs, should have been harvested in July. Reports showed that most fields were abandoned. There is also a noticeable absence of livestock in the countryside. The number of animals observed in the displaced camps is insignificant compared with farmers' holdings prior to the outbreak of the war. It is likely that animals were slaughtered or stolen in the wake of food shortages. This will exacerbate the food situation in the months ahead.

17. A World Food Programme and Food and Agriculture Organization of the United Nations (WFP/FAO) survey has estimated that only 5 million people are still living in Rwanda as compared to a pre-war population of 7.9 million and that 2.5 million people, half of the current population of Rwanda, will require food assistance over the next several months.

18. Damage to agricultural production and infrastructure represents the most visible consequence of the crisis along with thousands of wounded Rwandese and countless amputees. It has inflicted incalculable mental and emotional suffering. It has been estimated that in large parts of the country, every individual had lost a

family member and/or had home and possessions destroyed. The psychological trauma of these events will leave debilitating scars for years to come.

19. With relative calm gradually returning to the country, the presence of land-mines has become a major obstacle for people trying to resume their daily lives. Although mine-clearance assistance plans were in place in conjunction with the mandate of UNAMIR prior to April 1994, the resumption of hostilities halted all planning and preparation for the provision of United Nations demining assistance. It is believed that there are 50,000 to 60,000 uncleared land-mines, and two people die daily from related accidents. United Nations demining experts have visited Rwanda to reassess the scope of the land-mine problem. The United Nations will coordinate with all concerned to provide assistance to enable Rwanda to rid itself of land-mines.

20. The United Nations Environment Programme (UNEP) has begun to investigate the problems of environmental impacts of the crisis. With large numbers of displaced persons and refugees, there are likely to be enormous problems of soil erosion and destruction of limited fuelwood resources. Contamination of water supplies and destruction of rare habitat are also among potential problems.

IV. Humanitarian responses provided by Governments, organizations of the United Nations system, and intergovernmental and non-governmental organizations

21. In the early stage of the crisis, intense fighting prevented substantial delivery of humanitarian assistance to victims of the crisis. As relatively safe areas were identified, humanitarian agencies brought in relief supplies, often through Burundi and Uganda to reach the needy population in the adjoining areas in Rwanda. As the war effectively ended on 18 July when, after having taken Gisenyi on 17 July, RPF unilaterally declared a cease-fire, relief efforts were increased to reach more people in need.

22. UNAMIR has played a key role in providing protection to displaced persons and civilians at risk since the outbreak of the war. During the early stage when the conditions were most dangerous, resulting in the evacuation of all humanitarian agencies except the International Committee of the Red Cross (ICRC), which continued to perform Herculean tasks with the support of the Médecins sans frontières (MSF), UNAMIR, though severely handicapped by its limited capacity, saved countless lives, treated injured persons, protected targeted civilians and provided relief supplies.

23. On 23 April 1994, the United Nations Under-Secretary-General for Humanitarian Affairs led a humanitarian team composed of representatives of WFP,

the United Nations Children's Fund (UNICEF), UNHCR, the World Health Organization (WHO), UNDP and the Department of Humanitarian Affairs into Kigali to assess the situation and the most immediate needs. Part of this team stayed on in Kigali and assumed, to the extent possible, responsibilities for coordinating distribution of relief supplies and for carrying out liaison with UNAMIR. The United Nations Rwanda Emergency Office (UNREO), headed by a Humanitarian Coordinator, was established to ensure a coordinated response to the crisis. The Office was first located in Nairobi and then moved to Kigali in mid-July, when the situation in Rwanda began to stabilize.

24. On 25 April, a United Nations Inter-Agency "Flash Appeal" calling for US\$ 16 million was launched covering projected emergency needs up to 31 May 1994. In addition, UNHCR made a request for \$56 million to cover the needs of refugees for its Burundi and Rwanda emergency operations from January to 15 July. WFP issued a request in April for \$3.6 million to meet the needs related to its Regional Emergency Operation for refugees and displaced persons in Burundi, Rwanda, the United Republic of Tanzania and Zaire.

25. Over the next months, the presence of the United Nations in the region was strengthened and international non-governmental organizations returned to carry out humanitarian activities.

26. The Secretary-General launched the United Nations Consolidated Inter-Agency Appeal for Persons Affected by the Crisis in Rwanda on 22 July 1994. He had drawn the attention of the international community in May to the genocide occurring in Rwanda and now stated that it was the "genocide" of hunger, thirst and disease which had to be addressed. The appeal called for \$434,861,649 to cover humanitarian requirements for the period between July and December 1994.

27. From 24 to 28 July, the Under-Secretary-General for Humanitarian Affairs led a second mission to Rwanda, with senior representatives of all principal United Nations humanitarian organizations and other organizations, to assess the situation and to ensure that the necessary field coordination arrangements were in place. These arrangements included a clear division of responsibilities among the organizations of the United Nations system and an overall strategy to meet the extraordinary humanitarian challenge.

28. Together with the Special Representative of the Secretary-General for Rwanda, the Under-Secretary-General for Humanitarian Affairs discussed with the new Government in Kigali how humanitarian aid could be delivered to all parts of the country and the urgent steps required to re-establish a climate conducive to the safe return of the refugees and displaced persons. The new

Government indicated its commitment to encourage Rwandese refugees to return to their country, to ensure their safety and to permit full access to all those in need throughout the country.

29. On 2 August 1994, the Under-Secretary-General for Humanitarian Affairs chaired the Rwanda pledging conference in Geneva. It resulted in contributions amounting to US\$ 137 million against the US\$ 434.8 million July appeal. As of 1 September the overall requirements have risen to \$552,055,246 with contributions against the appeal amounting to \$384,061,506 covering 70 per cent of the revised requirements.

30. On 26 August, the Special Representative of the Secretary-General presented the Rwanda Emergency Normalization Plan aimed at facilitating the transition from emergency to rehabilitation. The Plan highlights priority rehabilitation requirements in the area of water, sanitation, electricity generation, communications and so forth, essential for a return to quasi-normalcy in Rwanda.

31. In view of the significant spill-over of the crisis engulfing Rwanda on its neighbouring countries, the Secretary-General decided to explore a regional approach to the problems in Rwanda and its consequences for Burundi, the United Republic of Tanzania, Uganda and Zaire. He appointed Mr. Robert Dillon as Special Humanitarian Envoy for Rwanda and Burundi to carry out the task. With the participation of the Departments of Humanitarian Affairs, Peace-keeping Operations and Political Affairs, Mr. Dillon undertook a preliminary mission to the region in early September. Following his visit, Mr. Dillon has made a number of suggestions on enhancing the ability of the United Nations to address the needs of the region in a comprehensive and complementary manner.

A. Governments

32. Witnessing a massive refugee emergency in Zaire in late July 1994 and heeding the call of the Secretary-General when he launched the United Nations Consolidated Appeal on 22 July 1994, the international community reacted quickly and in solidarity to contribute cash and relief supplies, and to make available teams of doctors, nurses and emergency and logistics experts. Some countries have made available military assets to carry out humanitarian activities. The Government of the United States of America carried out Operation "Support Hope", which involved 1,900 United States personnel with 1,600 deployed in the region to perform humanitarian functions.

33. In order to present these contributions concisely, the Department of Humanitarian Affairs has prepared updated financial tables for the crisis in Rwanda, which appear in annex I of the present document and

show contributions made by States and intergovernmental and other organizations in response to the United Nations Consolidated Inter-Agency Appeal for Persons Affected by the Crisis in Rwanda. As of 1 September, the requirements increased to \$552,055,246, from the \$434,861,649 announced at the time of the launching of the appeal on 22 July, and contributions to the appeal were \$384,061,506. Overall relief contributions received, as communicated to the Secretariat, amounted to \$762,350,204. [Editor's note: Tables are partially reproduced here.]

B. Food and Agriculture Organization of the United Nations (FAO)

34. FAO's Global Information and Early Warning System (GIEWS) intensified its monitoring of the food situation in Rwanda at the beginning of 1994 when there were clear indications of crop and supply shortfalls. An FAO/WFP Crop and Food Supply Assessment Mission to Rwanda was mounted in February and August 1994 to review the estimates of the 1994 first season crop, examine prospects for the second season crop and estimate 1994 food import requirements, including food aid. After an assessment of agricultural conditions made in June 1994, FAO reported to the international community in early July that heavy losses of an otherwise excellent crop could occur if harvesting continued to be impeded by the absence of the overwhelming majority of farmers. Project proposals for immediate intervention were formulated to assist in the rehabilitation of the agricultural sector.

35. During the second week of August, another joint FAO/WFP Assessment Mission was launched, mounted with FAO Technical Cooperation Programme support. The findings of the Mission would provide the basis for determining the immediate essential requirements of the farming sector for the September 1994 plantings of the first season crops.

36. The assessments of every mission were reported to the international community by GIEWS Special Alert, immediately on conclusion of the missions or receipt of FAO reports. It should also be noted that FAO and WFP also carried out joint missions to Burundi in February and again in July of 1994.

37. Through its Technical Cooperation Programme, FAO provided \$400,000 to the "crop food supply and agricultural rehabilitation needs" project (TCP/RWA/4451E). The objective of the project was to provide to the Government, donors and the international community an updated assessment of the crop, food supply and agricultural rehabilitation needs for the forthcoming year. The results of the assessment will serve as a basis for the formulation of appropriate interventions.

38. Furthermore, a project, prepared to be funded by the Technical Cooperation Programme for a sum of US\$ 400,000, is currently under consideration: "Technical assistance to the humanitarian operations related to agricultural rehabilitation". The objective of the project is to help the Government in its effort to assist populations affected by the war and support the increase of food crop production.

C. *United Nations Educational, Scientific and Cultural Organization (UNESCO)*

39. On 25 July 1994, the Director-General of UNESCO contributed \$500,000 to help Rwandan refugees. He also invited UNESCO's national commissions to open a Rwanda emergency account world wide to help alleviate the human suffering. In addition, UNESCO stands ready to send 200 teachers to Rwanda to contribute to the restoration of the educational system and the resumption of instruction.

D. *World Bank*

40. In response to the United Nations Consolidated Appeal for Persons Affected by the Crisis in Rwanda, the World Bank has made a grant of \$20 million to United Nations agencies for their emergency programmes for Rwanda. It has sent a mission to Rwanda for discussions with Rwandan authorities and is working closely with the donor community on plans for assisting Rwanda in its economic and social recovery efforts.

E. *World Health Organization (WHO)*

41. During the initial stages of the war, the concern over the spreading of diseases because of the decomposition of dead bodies, population movements and the destruction of health facilities was at its highest. WHO supported other agencies and non-governmental organizations (NGOs) in carrying out the burial of corpses. WHO also assisted the Ministry of Health in Uganda in assuring water and food safety, as there was a widespread perception that they were being affected by the dead bodies thrown into the rivers in Rwanda.

42. The Rwanda Task Force team in WHO headquarters for communicable diseases identified major diseases which have been of concern in the densely concentrated refugee camps. These are: cholera, dysentery, louse-borne fevers, acute respiratory infections, tuberculosis, malaria and AIDS. WHO protocols for prevention, treatment and diagnosis of these diseases adapted to the Rwandan crisis have been distributed to health sectors and agencies concerned.

43. Cases of shigellosis and meningitis were also recorded, and the distribution of treatment protocols as well as vaccinations started. In general, cholera seemed

to be under control and meningitis has also been fading. Dysentery is constant (and might increase with rainfall). Shigellosis remains a major public health problem. A worrying factor has been that all these diseases might break out inside Rwanda with the arrival of large numbers of returnees or in other refugee camps around Rwanda. WHO's Goma experience in this field will be utilized for prevention of outbreak and for treatment.

44. In regard to water and sanitation, a WHO engineer has assessed the situation in Kigali, as well as in the camps in Goma, Bukavu and Cyangugu. Immediate measures were taken on the spot in Bukavu for the prevention of dysentery epidemics, including teaching and supervising individual chlorination of water for drinking.

45. Some of the other WHO experts include an AIDS expert who has been coordinating the information and the distribution of condoms (2.5 million of them have been stocked in Kigali); an essential drugs consultant who gives support to the Central Pharmacy in Kigali as well as to NGOs; a vaccination coverage expert in Goma advising and supporting NGOs on the implementation of emergency vaccinations; a malaria specialist evaluating the best means to control the anopheles mosquito in the camps; and a consultant on strengthening health services.

F. *International Committee of the Red Cross (ICRC)*

46. ICRC has had a permanent presence in Rwanda since 1990, providing protection and assistance for victims of the conflict between the Government of Rwanda and RPF. After the April accident, ICRC, with the support of Médecins sans frontières, was for a number of weeks the only humanitarian organization left continuing to treat the wounded and providing emergency assistance. Parallel to the major medical operation, it organized, in consultation with WFP, a large-scale food relief programme in the north, east and south-east of the country, then through Bukavu and Goma in the west. When the refugee emergency began in Goma, it distributed food until other relevant organizations became operational. In addition, ICRC is working to register the children in conjunction with NGOs and others in order to locate their parents. Regarding the protection of detainees, ICRC has already visited 217 detainees held by the new Broad-based Government of National Unity.

G. *International Organization for Migration (IOM)*

47. IOM provides road transport assistance to the returning Rwandese refugees and to internally displaced persons. Concurrently, it contributes transport and logistics management support for the distribution of relief supplies within Rwanda in coordination with UNREO, WFP and others. In refugee camps in Goma, Zaire, IOM

also provides transportation assistance to refugees and is involved in camp management activities. As of 7 September, IOM has assisted 71,483 persons, both refugees and internally displaced.

H. *United Nations Environment Programme (UNEP)/ United Nations Centre for Human Settlements (Habitat)*

48. To help the rehabilitation and reconstruction of Rwanda—beginning with Kigali—a reconstruction programming mission led by the United Nations Centre for Human Settlements (Habitat) was in Kigali from 7 to 14 September. Experts from Habitat and UNEP drew up plans of action in five interrelated areas: urban infrastructure and housing; employment and the local economy; urban environment; environmental interaction between city and countryside; and urban management. The experts aimed at cooperating with the United Nations Development Fund for Women (UNIFEM) “Women in Crisis” project, taking into account the role of women in the process of rehabilitation and reconstruction.

I. *Office of the United Nations High Commissioner for Refugees (UNHCR)*

49. At the start of the crisis, UNHCR responded immediately with the deployment of staff and relief materials to provide emergency assistance and assess the possibility of rapid voluntary repatriation.

50. During the past five months, UNHCR has emphasized the need for all possible measures to be taken to prevent further flight and to permit the early return of refugees to their communities in conditions of safety and dignity. The UNHCR Special Envoy of the High Commissioner for the Rwanda/Burundi Operation is based in Kigali. With the nomination of a new Government, contacts were rapidly initiated to enable the resumption of UNHCR operations in Rwanda. Since then, the Government of Rwanda has extended assurances of its commitment to assist in creating conditions necessary for the return of all refugees.

51. Kigali airport, which was reopened by UNAMIR, has been supported by the UNHCR Geneva Air Operations Cell, which schedules humanitarian flights, assigns United Nations call signs and coordinates aircraft landing slots with the Kigali airport air traffic control personnel.

52. UNHCR staff have been monitoring the return of refugees to ensure that repatriation takes place in conditions of safety and dignity. The guarantees given by the Government must be applied and respected. UNHCR and UNAMIR joint activities are being coordinated on the ground: mainly on security issues, as well as on demining, convoy escorts and communications. Working relations are also being established with human rights

observers and monitors, who are expected to play a key role in the normalization of life in Rwanda. Links with ICRC, NGOs and others are also essential for the protection of vulnerable groups, in particular unaccompanied minors and orphans, as well as for tracing relatives.

53. Logistics capacity was developed, with over 58 trucks and buses to be on the ground. An agreement was prepared with the International Organization for Migration (IOM) for the transport of returnees requiring such assistance.

54. A repatriation package is being distributed to returnee families, consisting of blankets, jerrycans, sleeping mats and soap. Over the next few days, a package of seeds and tools will also be distributed to enable returnee families to progress towards self-sufficiency.

55. In response to the urgent needs of the internally displaced persons moving from the humanitarian protected zone into Cyangugu, UNHCR has been providing assistance to the most needy at the request and under the coordination of the United Nations Rwanda Emergency Office (UNREO).

56. UNHCR’s mandatory responsibility with regard to refugees from Burundi in Rwanda remains to be addressed. Recent research has shown that the vast majority of the 250,000 Burundians who had found asylum in Rwanda have since either repatriated or moved on to neighbouring countries. Some may have moved to the south-west zone, but if so, such movement did not take place in groups large enough to be identifiable. UNHCR is systematically monitoring the situation in the different areas where Burundi refugees were previously resident to gain further information on this case-load.

57. The majority of the refugees from Uganda and Burundi are returning to Rwanda following an absence of many years. Specific assistance is being considered for this case-load, as their lack of ownership of agricultural land may prove a major obstacle to their resettlement and rehabilitation.

58. Although voluntary repatriation to Rwanda is, and will remain, a complex and lengthy process, preparations for a large-scale return have been going on. The assistance, goodwill and guarantees of safety of the countries of asylum, as well as the country of origin, are vital to the voluntary return of refugees to Rwanda.

J. *United Nations High Commissioner for Human Rights*

59. The United Nations High Commissioner for Human Rights undertook a mission to Rwanda on 11 and 12 May 1994 to assess human rights violations in the country. At its third special session, the Commission on Human Rights adopted resolution S-3/1 of 25 May 1994, by which it requested its Chairman to appoint a special

rapporteur to investigate the human rights situation in Rwanda. Upon completion of his mission, the Special Rapporteur recommended, *inter alia*, an increase in the team of human rights observers in the country to ease the return of refugees and prevent any re-emergence of ethnic violence. The Special Rapporteur submitted reports to the Commission on 28 June (E/CN.4/1995/7) and 12 August (E/CN.4/1995/12). The High Commissioner for Human Rights decided that he would need a total of 147 monitors, forensic experts and legal investigators in Rwanda and, on 15 September, appealed to the international community for \$10.5 million to support these human rights experts so that they could complete the tasks as quickly as possible.

K. United Nations Development Programme (UNDP)

60. UNDP supported the United Nations Rwanda Emergency Office (UNREO) by making available officers to it. Parallel to these UNREO activities, UNDP is preparing plans for rehabilitation and reconstruction as well as institutional support to the new Government.

61. In addition to assisting UNREO by providing staff, offices and logistical and communication support in the aftermath of the war, UNDP reopened its office in Kigali on 5 August 1994 and resumed its rehabilitation and development activities.

62. In addition to old projects, UNDP approved with the Government two new projects designed specifically to provide the new authorities with emergency assistance. The first project (\$1 million) aims at enabling seven key ministries to begin their operations by providing them with essential office equipment and logistical support as well as temporary technical assistance. The second project (\$1 million) was designed to assist the local administration (from prefecture to commune levels) in resuming their services to the local communities and to set up coordination structures at the local level for the purpose of harmonizing international assistance.

63. At the request of the Government of Rwanda, UNDP will assist in organizing a round-table conference before the end of 1994. The conference will provide the Government with an opportunity to present its rehabilitation and reconstruction programme and mobilize support for that programme. The preparatory process, begun since the end of September, includes the establishment of a continuous dialogue between the Government and its partners on a variety of issues considered important by both sides.

L. United Nations Children's Fund (UNICEF)

64. In the overall coordination of responsibilities outside of Rwanda, UNICEF was given the support role in water, health and other relief activities and was desig-

nated the focal point for unaccompanied children's activities. Inside Rwanda, UNICEF has the sectoral responsibility in the areas of unaccompanied children and psycho-social care, water, sanitation, health, education, and non-food relief. UNICEF has been working closely with several NGOs in all sectors to maximize the use of human and material resources.

65. UNICEF has increasingly strengthened its operations in providing assistance to unaccompanied children, especially among the refugee population in Goma. It has helped to collect these children and move them to secure shelters to cover their immediate survival and protection needs. Specialized staff have been hired to assist in addressing the particular problems of unaccompanied children and train local caretakers. UNICEF has constructed washing and sanitary facilities and supplied shelter for children. A major vaccination campaign and vitamin A programme was undertaken in all reception centres. A UNICEF anti-cholera team helped to combat the disease in Goma and is continuously supporting local health centres to provide essential health care, furnishing them with medical supplies and water equipment. Cholera awareness was improved through social mobilization activities. An immunization campaign which targets all children and all women of child-bearing age is being extended to all camp-sites. Access to water has been improved through cooperation agreements with local water departments in Goma and Bukavu in addition to UNICEF-supplied water tankers, storage tanks and purification equipment.

66. In the area of household food security, UNICEF has deployed trucks to collect produce from farmers in exchange for relief and survival items. This operation intends to encourage farmers to resume farming activities. The harvest gathered will be distributed to farmers for seed.

67. More recently, the focus of UNICEF assistance for the Rwanda emergency has been moving towards rehabilitation of badly affected social service sectors inside Rwanda to assist returnees and displaced people in restarting their lives.

68. In the health sector, UNICEF, jointly with WHO, has assessed the central pharmacy with the Ministry of Health. The facility will be prepared, drugs supplied and the central cold chain capacity re-established. Through assessment visits to all districts of Rwanda, a rehabilitation plan for health centres and hospitals was being established and supply and service needs defined.

69. In the water and sanitation sector, the immediate plan was to rehabilitate 12 semi-urban water treatment systems, to improve the water delivery system in Kigali, to provide basic water supply and sanitation services to all hospitals and health centres and to restore

piped water supply systems in nine major towns. Basic water supply and sanitation facilities will be provided along the main routes of returning refugees and at semi-permanent encampments of displaced people within Rwanda.

70. A joint educational programme has been prepared by UNICEF and UNESCO to respond to emergency needs in the education sector. Teacher Emergency Packages in local languages have been supplied and training of local teachers in their use has started. Psycho-social trauma therapy training will help teachers to assist traumatized children in classrooms. A non-emergency curriculum for longer-term purposes was being established for primary education purposes. Schools will be provided with material for a country-wide cholera campaign. A mine-awareness campaign will be specifically targeted for schoolchildren.

M. *United Nations Volunteers (UNV)*

71. UNV is providing logistics experts, food aid monitors, medical personnel and management specialists to the United Nations agencies in the region.

N. *World Food Programme (WFP)*

72. During the period of intense fighting, WFP provided food assistance to Rwanda through cross-border operations from Uganda and Burundi under a joint agreement with ICRC. After the cessation of the war, WFP has made Kigali the hub of its operations and worked with a planning figure of 700,000 beneficiaries. A Transportation Coordination Unit was established in its Kigali office, and WFP has assumed responsibility for the coordination of all overland transportation in the country.

73. WFP operated in Rwanda under the following overall strategies:

(a) To supply existing feeding operations and formulate contingency plans to ensure the provision of assistance to those areas where influx is witnessed;

(b) To encourage the return home, both of refugees in countries of asylum, and of internally displaced within Rwanda;

(c) To encourage populations within Rwanda to remain in the country;

(d) To use food aid to help rebuild Rwanda through rehabilitation and recovery activities.

74. Amid fears of an exodus from the humanitarian protected zone around the time of withdrawal of French troops on 21 August 1994, WFP worked to ensure the availability of substantial food stocks in its designated area of North Gikongoro. The Programme also carried out distributions at selected sites in Cyangugu and Kibuye. In order to encourage the return of refugees from

Zaire, WFP has been providing food to returnees' way stations along the Gisenyi-Kigali road and planned to enter into an agreement with CARE for food distribution at way stations on the Gisenyi-Ruhengeri road.

75. Putting priority on provision of agricultural inputs during the planting season which ends in early October, WFP has been taking part in a working group, formed by a number of agencies, to ensure the distribution of seeds and tools by early September. The Programme also planned to transport seeds purchased in Uganda by FAO. The coordination of the provision of agricultural inputs with relief food distributions has been a vital factor in this operation.

76. The WFP Rapid Response Team was operational in Goma by 14 July, one day after the refugees crossed into Zaire. Within hours of the crisis emerging, WFP had accessed stockpiles of commodities in Entebbe and Nairobi for diversion to Goma. Aircraft were leased and the first flights arrived in Goma on 14 July. WFP has taken the lead in the overall food coordination in Goma, where assistance is still being provided to 800,000 refugees. Since the crisis emerged, WFP has consistently provided food to refugees in the Goma, Bukavu and Ngara areas.

77. In the education sector a project is currently under way with the Ministry of Primary and Secondary Education. Following discussions with UNICEF and the Ministry of Education, a nationwide Food for Work/Incentives programme was started for teachers and administrative staff of primary schools. This programme may be expanded to include secondary teachers, and even pupils.

78. In cooperation with the Ministry of Finance Department of Customs, WFP has begun a Food for Work project to streamline the customs procedures for all humanitarian cargo entering Rwanda. This project is expected to reduce considerably the delivery time for food and non-food items. By allowing humanitarian cargo to clear customs at border entry points rather than having to travel to Kigali or Butare, it is expected that up to two days may be saved.

79. Other projects undertaken with the Government of Rwanda through the Ministry of Labour and Social Affairs include contributing to the reopening of the airport and assistance in the restoration of commercial air traffic as well as assistance to Electrogaz and Rwandatel for the re-establishment of power, electricity and telephone communications. These projects are designed as an interim measure until such time as the Government will be able to resume regular salary payments.

O. *Non-governmental organizations*

80. It should be noted that NGOs have been making vital contributions. In addition to their own programmes, in many instances they are the implementing partners of the United Nations agency programmes. As of 14 September, there were 93 NGOs operating to assist the victims of the crisis, including 10 local organizations. In view of their significant role, the United Nations Consolidated Appeal of 22 July contains a summary of major NGO activities and their financial requirements.

81. The International Federation of Red Cross and Red Crescent Societies responded quickly to the massive influx of refugees which began to cross Rwanda's borders at the end of April by working closely with national societies in Burundi, the United Republic of Tanzania, Uganda and Zaire. Since then, the Federation and national societies have been concentrating their activities on refugee-camp management, including provision of water, sanitation and health services, plus the purchase and distribution of basic food and non-food items. The Federation has received some Sw F 40 million in response to its appeal of 22 July. Since operations are expected to increase in Zaire and Burundi, the Federation will need to revise its appeal for funds to cover new responsibilities.

V. *Observations*

82. When the General Assembly adopted resolution 48/211 in December 1993, there was a glimmer of hope that the armed conflict had come to an end and that Rwanda was ready to embark on a process of political reconciliation and economic and social development. These hopes were unfortunately not realized as the country once again plunged into a civil war which took the lives of as many as 500,000 Rwandans. This new outbreak of violence further aggravated the already fragile socio-economic conditions in the country and led to massive displacement of population, requiring large-scale emergency humanitarian assistance.

83. Since the outbreak of the current crisis in Rwanda, the Secretary-General has submitted a number of reports to the Security Council (S/1994/470 of 20 April 1994, S/1994/565 of 13 May 1994, S/1994/640 of

31 May 1994, S/1994/924 of 3 August 1994 and S/1994/1133 of 6 October 1994) which touch upon all aspects of the situation in Rwanda and the response of the international community including, in particular, its humanitarian dimension.

84. Rwanda, once again, is at a crossroads. While the most urgent needs arising from the humanitarian emergency are being addressed by the international community, a long-term effort will be required to rebuild the infrastructure and the social fabric of the country. The new Government is called upon to re-establish its authority and capacity while responding to the continuing emergency. Equally, it will have to formulate confidence-building measures to foster reconciliation as well as more long-term development strategies. As the new Government tries to gain stability and to meet its obligations, it will continue to depend upon the international community for assistance. This is a long-term process, but immediate support is required now to permit the Government even to get started in carrying out its responsibilities.

85. A relatively stable environment together with Government assurances of security and respect for human rights are prerequisites for the safe and voluntary return of more than 2 million refugees now living in the neighbouring countries. The early return of refugees is essential to relieving the burden imposed on host countries and to restoring normal economic activity in Rwanda. The rehabilitation and resettlement of an equal number of internally displaced Rwandese will also be central to the stability of the country.

86. The international community has responded generously in providing humanitarian assistance to Rwanda. It is encouraging that nations in all parts of the world, individuals near and far and from all walks of life, and small and large NGOs have contributed to this effort. However, the major task of rehabilitation of over 4 million Rwandese will require the continuing support of the international community. It is important that this support not falter at this crucial juncture. [Editor's note: Table B of Annex I and map of Rwanda, Annex II, are not reproduced here.]

ANNEX I

A. UN Consolidated Inter-Agency Appeal for Persons Affected by the Crisis in Rwanda
Updated Financial Summary - By UN Organizations
(As of 1 September 1994)

Compiled by DHA on the basis of information provided by the respective appealing agencies.

| <i>UN Organizations</i> | <i>Requirements for the Rwanda Crisis (July-December 94)</i> | <i>Contributions/ Pledges (US \$)</i> | <i>Shortfall (US \$)</i> | <i>% of Needs Covered (%)</i> |
|--|--|---------------------------------------|--------------------------|-------------------------------|
| FAO | 8,990,000 | 1,011,351 | 7,978,649 | 11.2% |
| UNICEF | 37,000,000 | 27,982,146 | 9,017,854 | 75.6% |
| UNHCR | 258,199,637 | 189,262,764 | 68,936,873 | 73.3% |
| WHO | 3,000,000 | 900,000 | 2,100,000 | 30.0% |
| UNESCO | 350,000 | 0 | 350,000 | 0.0% |
| UNIFEM | 885,000 | 131,234 | 753,766 | 14.8% |
| UNCHR | 2,100,000 | 1,595,039 | 504,961 | 76.0% |
| UNV | 894,026 | 480,782 | 413,244 | 53.8% |
| IOM | 7,658,726 | 1,355,634 | 6,303,092 | 17.7% |
| UNREO/DHA | 2,223,000 | 1,577,348 | 645,652 | 71.0% |
| Rwanda Conflict | | | | |
| Victims (700,000) | | | | |
| WFP (Non-Food) | 5,711,870 | 10,711,713 | (4,999,843) | 187.5% |
| WFP (Food) | 37,147,466 | 28,071,612 | 9,075,854 | 75.6% |
| MTs | 70,842 | 54,142 | 16,700 | 76.4% |
| Burundi Conflict | | | | |
| Victims (923,000) | | | | |
| WFP (Non-Food) | 3,021,905 | 3,144,685 | (122,780) | 104.1% |
| WFP (Food) | 50,637,655 | 49,500,970 | 1,136,685 | 97.8% |
| MTs | 94,631 | 95,961 | (1,330) | 101.4% |
| Tanzania, Refugees in (500,000) | | | | |
| WFP (Non-Food) | 7,391,400 | 1,371,312 | 6,020,088 | 18.6% |
| WFP (Food) | 31,910,483 | 19,112,473 | 12,798,010 | 59.9% |
| MTs | 52,797 | 30,492 | 22,305 | 57.8% |
| Zaire, Refugees in (1,350,000) | | | | |
| WFP (Non-Food) | 11,650,742 | 777,293 | 10,873,449 | 6.7% |
| WFP (Food) | 78,385,558 | 40,681,190 | 37,704,368 | 51.9% |
| MTs | 130,223 | 62,980 | 67,243 | 48.4% |
| Uganda | | | | |
| WFP (Non-Food) | 3,992,778 | 0 | 3,992,778 | 0.0% |
| Nairobi/FACIC/TICF | | | | |
| WFP (non-Food) | 905,000 | 0 | 905,000 | 0.0% |
| Regional Funds | | | | |
| WFP (Non-Food) | | 6,393,960 | (6,393,960) | |
| WFP - Total Non-Food | 32,673,695 | 22,398,963 | 10,274,732 | 68.6% |
| WFP - Total Food | 198,081,162 | 137,366,245 | 60,714,917 | 69.3% |
| WFP - Total MTs | 348,493 | 243,575 | 104,918 | 69.9% |
| Grand Total | \$552,055,246 | \$384,061,506 | \$167,993,740 | 69.6% |

- N.B.:
- UNHCR:

UNHCR is appealing for resources to fund activities on a regional level to meet the needs of Rwandan/Burundi refugees/returnees for Jan - Dec '94. Funds requested represent UNHCR's total budget (US\$ 143,034,637) for its Regional Operations, other than Zaire. Also incl. is UNHCR's Flash Appeal (US\$ 115,165,000) for funds to cover the immediate, initial needs for 3 months (15 Jul - 15 Oct '94) of some 1,700,000 Rwandese refugees in Zaire. UNHCR's budget for Repatriation to Rwanda (Aug - Dec '94), though not yet incorporated in this appeal, is estimated at US\$ 40-50 million. Requirements do not include the cost of the service-oriented packages.
- WFP:
 - Caseload: Even though the total caseload in the region has not changed, as Kigali returns to being the focal point for the Rwanda operation, thereby reducing the need to under-take cross-border operations from neighbouring Uganda and Burundi, the current planning figures, by country, have been changed to reflect only the caseload within the boundary of the country (i.e. Burundi's caseload covers IDPs and Rwandese refugees within Burundi only).
 - Food: To provide more clarity, all figures are now based on estimated needs through the end of 1994 (previously the emergency operation time-frame for Zaire was due to terminate in mid-October). Therefore, the total current food requirements have increased from 280,810 MTs (US\$ 162,498,122) to 348,493 MTs (US\$ 198,081,162).
 - Cash: Airlift requirements (non-food) for Zaire have been revised due to WFP's increased road capacity. Also, note that the balance of excess funds (i.e. Rwanda and Burundi) shall be allocated on a priority basis in the forthcoming months, for those locations showing shortfalls depending on additional resources received. Contributions under Regional will also be allocated to priority requirements.
- DHA:

With the stabilization of the situation in Rwanda the number of relief partners active inside the country has increased dramatically. The UN Rwanda Emerg. Office has responded to this development by establishing a Coordination Centre in Kigali providing NGOs and UN org. with a focal point for information on relief activities. Resources beyond those presented in the Appeal are required in order to adequately staff and equip the coordination centre and the 5 UNREO field offices, positioned in key locations throughout the country.

Document 96

Letter dated 15 November 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Zaire to the United Nations addressed to the Secretary-General, transmitting the Tripartite agreement of 24 October 1994 between Rwanda, Zaire and UNHCR on the repatriation of Rwandan refugees and the joint communiqué of 24 October 1994 by the Prime Ministers of Zaire and Rwanda

S/1994/1305, 17 November 1994

On instructions from my Government, I have the honour to transmit to you a copy of the tripartite agreement on the repatriation of Rwandese refugees from Zaire, signed at Kinshasa on 24 October 1994 by Prime Minister Faustin Twagiramungu, for the Government of the Rwandese Republic; Prime

Minister Léon Kengo wa Dondo, for the Government of the Republic of Zaire; and Mr. John McCallin, for the Office of the United Nations High Commissioner for Refugees.

Also attached to this tripartite agreement is the joint communiqué issued at the conclu-

sion of the working visit which the Rwandese Prime Minister made to Zaire from 22 to 24 October 1994.

The Government of Zaire would be grateful if you would have this letter and its annexes circulated as documents of the Security Council.

(Signed) Lukabu KHABOUJI N'ZAJI
Minister Plenipotentiary
Deputy Permanent Representative
Chargé d'affaires a.i.

Annex I

Tripartite agreement on the repatriation of Rwandese refugees from Zaire

Preamble

The Government of the Rwandese Republic, the Government of the Republic of Zaire and the Office of the United Nations High Commissioner for Refugees (UNHCR), hereinafter referred to as the Contracting Parties,

(a) Recognizing that the rights of all citizens to leave and to return to their country are fundamental human rights enshrined in, *inter alia*, article 13, paragraph 2, of the Universal Declaration of Human Rights of 1948 and article 12 of the International Covenant on Civil and Political Rights of 1966;

(b) Considering the Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa of 10 September 1969 and, more specifically, article V dealing with voluntary repatriation;

(c) Recalling that United Nations General Assembly resolution 428 (V) of 14 December 1950 establishing the Statute of UNHCR assigns to the High Commissioner the function of providing international protection to refugees and of seeking permanent solutions for refugee problems, *inter alia*, by promoting and facilitating their voluntary repatriation;

(d) Believing that voluntary repatriation, where feasible, constitutes the most appropriate durable solution for refugee problems and that conclusions 18 (XXXI) and 40 (XXXVI) of the Executive Committee of the Programme of UNHCR establish the internationally recognized principles and norms governing the voluntary repatriation of refugees;

(e) Stressing the importance of the principles contained in the Protocol of Agreement on the Repatriation of Refugees and the Resettlement of Displaced Persons, signed at Arusha on 9 June 1993 by the Government of

the Rwandese Republic and the Rwandese Patriotic Front;

(f) Considering the communiqué dated 26 July 1994, issued at the conclusion of the meeting between the President of the Rwandese Republic and the President of the Republic of Zaire, and the joint communiqué issued following the deliberations of the Zairian-Rwandese ministerial meeting held at Goma on 1 September 1994;

(g) Recognizing the need to define the specific procedures and modalities for the voluntary repatriation and final reintegration in Rwanda of Rwandese refugees in Zaire with the assistance of the international community through UNHCR which may, where appropriate, receive support from other United Nations bodies and from intergovernmental and non-governmental organizations;

Have agreed as follows:

Right to return

Article 1

All Rwandese refugees who wish to return to their country shall have the right to do so without preconditions.

Voluntary character of the repatriation

Article 2

The Contracting Parties hereby reaffirm that the repatriation of Rwandese refugees in Zaire shall take place only on the basis of their voluntarily expressed wish.

Responsibilities of the country of asylum: the Republic of Zaire

Article 3

The Government of the Republic of Zaire undertakes to guarantee the voluntary character of the repatriation of Rwandese refugees by taking, in consultation with UNHCR, all the steps needed to ensure the implementation of this basic principle inherent in international protection. To this end, it shall adopt all appropriate measures to ensure that the refugees are not unduly influenced. It undertakes to respect the relevant clauses of the Geneva Convention of 1951 and the OAU Convention of 1969 relating to refugees.

Article 4

The Government of the Republic of Zaire shall guarantee unimpeded access by UNHCR to its territory and to the refugees for the purpose of carrying out the repatriation operation.

Article 5

The Government of the Republic of Zaire shall facilitate the departure of Rwandese refugees and shall simplify the border formalities for the export of their property and household goods.

**Responsibilities of the country of origin:
the Rwandese Republic**

Article 6

The Government of the Rwandese Republic undertakes to strengthen or, indeed, to establish administrative, police and judicial structures and to make every effort to ensure the return of the refugees under conditions of safety and dignity. To this end, it shall seek support from the international community.

Article 7

The Government of the Rwandese Republic shall take all the measures required to create conditions for the reintegration of the refugees.

Article 8

The Government of the Rwandese Republic shall take all the steps required to inform, create awareness among and prepare the population living in the areas to which the refugees will return, so as to teach both groups to live in harmony without further considerations.

Article 9

The Government of the Rwandese Republic shall simplify the formalities for the return of the refugees, and shall facilitate the import of their property and household goods, which shall be exempt from customs duties in accordance with the regulations in force. Border check-point operations shall be limited to the minimum required and shall be carried out with full respect for the basic rights of the returnees.

Article 10

The Government of the Rwandese Republic shall facilitate the efforts of UNHCR during the repatriation operation, including the escort of the refugees and access by UNHCR officials to their places of residence.

Article 11

With a view to ensuring durable social peace and genuine national reconciliation, the Government of the Rwandese Republic shall take all appropriate measures to enable the returnees to resettle in their localities of origin or choice and to ensure the protection of their movable and immovable property. It shall also settle,

with all due diligence, disputes relating to the ownership and possession of such property.

Article 12

The Government of the Rwandese Republic, in close cooperation with the Office of the United Nations High Commissioner for Refugees, shall take the necessary measures to ensure the reintegration of all returnees including those who have remained for long periods outside Rwanda.

Article 13

The Government of the Rwandese Republic shall ensure the reintegration of Rwandese refugees into economic and social life and, as far as possible, into the various sectors of the national civil service. It shall guarantee equal enjoyment by such persons of all the economic and social, civil and political rights provided for in domestic law and international law.

Article 14

The Government of the Rwandese Republic shall guarantee unimpeded access by the Office of the United Nations High Commissioner for Refugees to its territory and to returnees for the purpose of implementing the repatriation operation.

**Responsibilities of the Office of the United Nations
High Commissioner for Refugees**

Article 15

The Office of the United Nations High Commissioner for Refugees shall verify through unrestricted access to refugees the voluntary character of their decision to return home.

Article 16

The Office of the United Nations High Commissioner shall establish a presence in the main areas where returnees are resettled in order to facilitate their return in safety and with dignity and to encourage the implementation of measures for their reintegration. Where necessary, it shall request the cooperation of other United Nations agencies and of other organizations in order to respond to the needs of the refugees.

Article 17

The Office of the United Nations High Commissioner shall ensure that unaccompanied women and minor children who are refugees receive protection and special attention in order to guarantee their fundamental rights and the unity of their families.

Article 18

The Office of the High Commissioner shall also ensure that Rwandese refugees who choose not to return home continue to benefit from asylum in the territory of Zaire until such time as they can return to their country of origin in safety and with dignity.

Article 19

The Office of the High Commissioner shall ensure the coordination and mobilization of the financial and logistical resources necessary for the implementation of the operation.

The Subcommittee responsible for repatriation issues

Article 20

A Subcommittee responsible for repatriation issues has been established following the Zairian-Rwandese ministerial meeting held on 1 September 1994 at Goma.

Article 21

The Subcommittee shall consist of 16 members. The Government of the Republic of Zaire and the Government of the Rwandese Republic shall each appoint seven members from the following ministries:

- Cabinet of the Prime Minister;
- Ministry of the Interior;
- Ministry of Justice;
- Ministry of Defence;
- Ministry of Foreign Affairs;
- Ministry of Social Affairs;
- Ministry of Rehabilitation, Social Integration and International Cooperation.

The Office of the United Nations High Commissioner for Refugees shall be represented on the Subcommittee by two members, one of whom shall be appointed from its delegation in Rwanda and the other from its delegation in Zaire. The Subcommittee shall be chaired alternately by a representative of the Republic of Zaire and by a representative of the Rwandese Republic. The Chairman of the Subcommittee shall appoint a rapporteur for the meeting and shall determine the date and venue of the following meeting.

Article 22

The Subcommittee shall hold its first meeting no later than during the month following the date of appointment of its members and shall adopt its rules of procedure. It shall meet at least once every two months. Extraordinary meetings may be convened at the express request of either of the parties to this agreement. Meetings of the Subcommittee shall be held in the territory of

Zaire or Rwanda or, where necessary, in that of a third country. Where the Subcommittee deems appropriate, it may invite or authorize any person or organization concerned with the repatriation operation to participate in its deliberations as an observer. The deliberations of the Subcommittee shall be recorded in reports which shall be transmitted to the contracting parties.

Article 23

The Subcommittee shall be responsible for monitoring the implementation of measures to facilitate the voluntary return of Rwandese refugees and the integration of the returnees into their communities of origin. It shall ensure compliance with the terms of this agreement, particularly those relating to the safety of returnees and assistance to them.

The Subcommittee shall inform the contracting parties of the progress made and the difficulties encountered. It shall recommend to them, in consequence, all measures which may be taken to overcome those difficulties.

Article 24

The Subcommittee shall undertake missions to Zaire and Rwanda after informing the contracting parties of its programme. The contracting parties shall facilitate these missions of the Subcommittee, and in particular, shall provide unimpeded access to Rwandese refugees and returnees. The Subcommittee shall visit the sites where returnees have been resettled in order to verify that the measures necessary for their repatriation in conditions of safety and dignity have been taken, and shall ensure that the necessary measures have been taken to facilitate the reception of returnees. It shall propose appropriate solutions to any problems observed.

Article 25

The Subcommittee shall organize campaigns aimed at disseminating among Rwandese refugees in Zaire relevant information concerning repatriation so that the refugees in question will have all the necessary information to enable them to decide whether to return home. Where necessary, it shall facilitate visits to Rwanda by representatives of the refugees to enable them to assess for themselves the prevailing situation and to report back later to their people.

Article 26

The Subcommittee shall establish methods for the registration of refugees wishing to return to Rwanda.

Article 27

The Subcommission shall agree on the border posts to be used for organized movements of refugees returning home of their own free will.

Article 28

In order to facilitate the task of the Subcommission, the contracting parties shall provide, at the request of the Subcommission, all information and logistics necessary for the implementation of this agreement.

Final clauses

Article 29

This agreement shall enter into force upon its signature by the contracting parties.

Article 30

Any dispute which arises from the interpretation or application of this agreement, or which has not been expressly provided for in the text of the agreement, shall be amicably resolved through consultations between the contracting parties.

Article 31

This agreement may be amended by mutual agreement between the signatories.

Article 32

This agreement shall remain in force unless it is denounced by mutual agreement between the signatories or by written notice of unilateral denunciation by one signatory to the other signatories. Such denunciation shall take effect 90 days from the date on which the notice is given.

In witness whereof, this agreement has been signed below by the duly authorized representatives of the contracting parties.

Done at Kinshasa on 24 October 1994.

*For the Government of
the Rwandese Republic:*

(Signed)
Faustin TWAGIRAMUNGU
Prime Minister

*For the Government of
the Republic of Zaire:*

(Signed) Léon KENGO
wa DONDO
Prime Minister

*For the Office of the United Nations
High Commissioner for Refugees:*

(Signed) John McCALLIN
Deputy Special Envoy of the High Commissioner
for the Rwanda Crisis

Annex II

Joint communiqué dated 24 October 1994 by the Prime Minister of Zaire and the Prime Minister of Rwanda

1. At the invitation of H.E. Mr. Léon Kengo wa Dondo, Prime Minister of the Republic of Zaire, H.E. Mr. Faustin Twagiramungu, Prime Minister of the Rwandese Republic, paid a working visit to the Republic of Zaire from 22 to 24 October 1994.

2. The Rwandese delegation was led by H.E. Mr. Faustin Twagiramungu, Prime Minister of the Rwandese Republic, assisted by Mr. Charles Ntakirutinka, Minister of Public Works and Energy; the delegation of Zaire was led by H.E. Mr. Léon Kengo wa Dondo, Prime Minister, assisted by Mr. Gustave Malumba Mbangula, Deputy Prime Minister and Minister of the Interior, Senior Admiral Mavua Mudima, Deputy Prime Minister and Minister of Defence, Gérard Kamanda wa Kamanda, Deputy Prime Minister and Minister of Justice, Garde des Sceaux and Minister of Institutional Reforms, Ms. Soki Fuan Eyenga, Minister of Social Affairs, and Mr. Mukulumanya wa Ngate Zenda, Deputy Minister for Foreign Affairs.

3. During their talks, the two heads of Government reviewed the state of relations between Zaire and Rwanda.

4. The two delegations gave special consideration to the question of Rwandese refugees in Zaire. In this connection, the two heads of Government and UNHCR proceeded to sign the tripartite agreement on the repatriation of Rwandese refugees from Zaire.

5. In addition to the question of the repatriation of Rwandese refugees in Zaire, the two heads of Government discussed the issue of the alleged perpetrators of various crimes committed in Rwanda who have taken refuge in Zaire.

6. The Government of Zaire undertakes to respect the provisions of the Declaration on Territorial Asylum and reaffirms its desire to pursue cooperation with the United Nations within the framework of the proceedings to be instituted against the perpetrators of the massacres and genocide in Rwanda.

7. In the area of mutual security, the two heads of Government undertake not to allow the territory of one to be used as a base for destabilizing the other.

8. Moreover, the two heads of Government have agreed to bring into operation, during the first two weeks of November 1994, the subcommissions established following the Goma ministerial meeting, which had been given responsibility for considering, by mutual agreement, problems relating to:

- (a) The repatriation of Rwandese refugees;
- (b) Mutual security; and

(c) Property, for the purposes of restitution of Rwandese property and reparation for the damage suffered by Zaire.

9. The meeting between the two heads of Government enabled the Republic of Zaire to renew its appeal to the international community to assist it in ensuring the removal from proximity to the common borders of Rwandese former soldiers and dignitaries in Northern Kivu and Southern Kivu until such time as another host country is found for them.

10. The two heads of Government appeal urgently to the international community to assist the Rwandese Republic in creating conditions for the reintegration of Rwandese refugees, in particular by setting up intake centres in Rwandese territory. These centres shall be freely accessible to UNHCR officials and those of other

agencies of the United Nations system in the context of the performance of their respective mandates.

11. The two heads of Government have expressed the wish for the activities of the Economic Community of the Great Lakes Countries to commence as soon as possible.

12. The talks between the two heads of Government have taken place in an atmosphere of candour and mutual understanding.

Done at Kinshasa on 24 October 1994.

| | |
|-----------------------------------|-----------------------------------|
| <i>For the Republic of Zaire:</i> | <i>For the Rwandese Republic:</i> |
| (Signed) | (Signed) Faustin |
| Léon KENGO WA DONDO | TWAGIRAMUNGU |
| Prime Minister | Prime Minister |

Document 97

Security Council resolution establishing an International Tribunal to prosecute those responsible for genocide and other serious violations of international humanitarian law committed in Rwanda between 1 January 1994 and 31 December 1994

S/RES/955 (1994), 8 November 1994

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda,

Having considered the report of the Secretary-General submitted pursuant to paragraph 3 of resolution 935 (1994) of 1 July 1994, 1/ and his letter dated 29 July 1994, 2/ and having taken note of the reports of the Special Rapporteur for Rwanda of the Commission on Human Rights, 3/

Expressing its appreciation for the work of the Commission of Experts established pursuant to resolution 935 (1994), in particular its preliminary report on violations of international humanitarian law in Rwanda transmitted by the letter from the Secretary-General dated 1 October 1994, 4/

Expressing once again its grave concern at the reports indicating that genocide and other systematic, widespread and flagrant violations of international humanitarian law have been committed in Rwanda,

Determining that this situation continues to constitute a threat to international peace and security,

Determined to put an end to such crimes and to take effective measures to bring to justice the persons who are responsible for them,

Convinced that in the particular circumstances of Rwanda, the prosecution of persons responsible for serious violations of international humanitarian law would enable this aim to be achieved and would contribute to the process of national reconciliation and to the restoration and maintenance of peace,

Believing that the establishment of an international tribunal for the prosecution of persons responsible for genocide and the other above-mentioned violations of international humanitarian law will contribute to ensuring that such violations are halted and effectively repressed,

Stressing the need for international cooperation to strengthen the courts and judicial system of Rwanda, having regard in particular to the necessity for those courts to deal with large numbers of suspects,

Considering that the Commission of Experts established pursuant to resolution 935 (1994) should continue on an urgent basis the collection of information relating

1/ *Official Records of the Security Council, Forty-ninth Year, Supplement for July, August and September 1994*, document S/1994/924.
2/ S/1994/906.

3/ *Official Records of the Security Council, Forty-ninth Year, Supplement for October, November and December 1994*, document S/1994/1157, annexes I and II.

4/ *Ibid.*, document S/1994/1125.

to evidence of grave violations of international humanitarian law committed in the territory of Rwanda and should submit its final report to the Secretary-General by 30 November 1994,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* hereby, having received the request of the Government of Rwanda, 5/ to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994, and to this end to adopt the statute of the International Tribunal for Rwanda annexed hereto;

2. *Decides* that all States shall cooperate fully with the International Tribunal for Rwanda and its organs in accordance with the present resolution and the statute of the Tribunal and that consequently all States shall take any measures necessary under their domestic law to implement the provisions of the present resolution and the statute, including the obligation of States to comply with requests for assistance or orders issued by a Trial Chamber under article 28 of the statute, and requests States to keep the Secretary-General informed of such measures;

3. *Considers* that the Government of Rwanda should be notified prior to the taking of decisions under articles 26 and 27 of the statute;

4. *Urges* States and intergovernmental and non-governmental organizations to contribute funds, equipment and services to the International Tribunal for Rwanda, including the offer of expert personnel;

5. *Requests* the Secretary-General to implement the present resolution urgently and in particular to make practical arrangements for the effective functioning of the International Tribunal for Rwanda, including recommendations to the Council as to possible locations for the seat of the Tribunal at the earliest time, and to report periodically to the Council;

6. *Decides* that the seat of the International Tribunal for Rwanda shall be determined by the Council, having regard to considerations of justice and fairness as well as administrative efficiency, including access to witnesses, and economy and subject to the conclusion of appropriate arrangements between the United Nations and the State of the seat, acceptable to the Council, having regard to the fact that the Tribunal may meet away from its seat when it considers it necessary for the efficient exercise of its functions, and decides that an office will be established and proceedings will be conducted in

Rwanda, where feasible and appropriate, subject to the conclusion of similar appropriate arrangements;

7. *Decides* to consider increasing the number of judges and Trial Chambers of the International Tribunal for Rwanda if it becomes necessary;

8. *Decides* to remain actively seized of the matter.

Annex

Statute of the International Tribunal for Rwanda

Having been established by the Security Council acting under Chapter VII of the Charter of the United Nations, the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994 (hereinafter referred to as "the International Tribunal for Rwanda"), shall function in accordance with the provisions of the present statute.

Article 1

Competence of the International Tribunal for Rwanda

The International Tribunal for Rwanda shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994, in accordance with the provisions of the present statute.

Article 2

Genocide

1. The International Tribunal for Rwanda shall have the power to prosecute persons committing genocide as defined in paragraph 2 of this article or of committing any of the other acts enumerated in paragraph 3 of this article.

2. Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

5/ *Ibid.*, Supplement for July, August and September 1994, document S/1994/1115.

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

3. The following acts shall be punishable:

(a) Genocide;

(b) Conspiracy to commit genocide;

(c) Direct and public incitement to commit genocide;

(d) Attempt to commit genocide;

(e) Complicity in genocide.

Article 3

Crimes against humanity

The International Tribunal for Rwanda shall have the power to prosecute persons responsible for the following crimes when committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial or religious grounds:

(a) Murder;

(b) Extermination;

(c) Enslavement;

(d) Deportation;

(e) Imprisonment;

(f) Torture;

(g) Rape;

(h) Persecutions on political, racial and religious grounds;

(i) Other inhumane acts.

Article 4

Violations of article 3 common to the Geneva Conventions and of Additional Protocol II

The International Tribunal for Rwanda shall have the power to prosecute persons committing or ordering to be committed serious violations of article 3 common to the Geneva Conventions of 12 August 1949 for the protection of victims of war, 6/ and of Additional Protocol II thereto of 8 June 1977. 7/ These violations shall include, but shall not be limited to:

(a) Violence to life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;

(b) Collective punishments;

(c) Taking of hostages;

(d) Acts of terrorism;

(e) Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;

(f) Pillage;

(g) The passing of sentences and the carrying out of executions without previous judgement pronounced

by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples;

(h) Threats to commit any of the foregoing acts.

Article 5

Personal jurisdiction

The International Tribunal for Rwanda shall have jurisdiction over natural persons pursuant to the provisions of the present statute.

Article 6

Individual criminal responsibility

1. A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 4 of the present statute, shall be individually responsible for the crime.

2. The official position of any accused person, whether as head of State or Government or as a responsible Government official, shall not relieve such person of criminal responsibility nor mitigate punishment.

3. The fact that any of the acts referred to in articles 2 to 4 of the present statute were committed by a subordinate does not relieve his or her superior of criminal responsibility if he or she knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

4. The fact that an accused person acted pursuant to an order of a Government or of a superior shall not relieve him or her of criminal responsibility, but may be considered in mitigation of punishment if the International Tribunal for Rwanda determines that justice so requires.

Article 7

Territorial and temporal jurisdiction

The territorial jurisdiction of the International Tribunal for Rwanda shall extend to the territory of Rwanda, including its land surface and airspace, as well as to the territory of neighbouring States in respect of serious violations of international humanitarian law committed by Rwandan citizens. The temporal jurisdiction of the International Tribunal for Rwanda shall extend to a period beginning on 1 January 1994 and ending on 31 December 1994.

6/ United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

7/ *Ibid.*, vol. 1125, No. 17513.

Article 8
Concurrent jurisdiction

1. The International Tribunal for Rwanda and national courts shall have concurrent jurisdiction to prosecute persons for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994.

2. The International Tribunal for Rwanda shall have primacy over the national courts of all States. At any stage of the procedure, the International Tribunal for Rwanda may formally request national courts to defer to its competence in accordance with the present statute and the rules of procedure and evidence of the International Tribunal for Rwanda.

Article 9
Non bis in idem

1. No person shall be tried before a national court for acts constituting serious violations of international humanitarian law under the present statute, for which he or she has already been tried by the International Tribunal for Rwanda.

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

(a) The act for which he or she was tried was characterized as an ordinary crime; or

(b) The national court proceedings were not impartial or independent, were designed to shield the accused from international criminal responsibility, or the case was not diligently prosecuted.

3. In considering the penalty to be imposed on a person convicted of a crime under the present statute, the International Tribunal for Rwanda shall take into account the extent to which any penalty imposed by a national court on the same person for the same act has already been served.

Article 10
*Organization of the International Tribunal
for Rwanda*

The International Tribunal for Rwanda shall consist of the following organs:

(a) The Chambers, comprising two Trial Chambers and an Appeals Chamber;

(b) The Prosecutor;

(c) A Registry.

Article 11
Composition of the Chambers

The Chambers shall be composed of eleven independent judges, no two of whom may be nationals of the same State, who shall serve as follows:

(a) Three judges shall serve in each of the Trial Chambers;

(b) Five judges shall serve in the Appeals Chamber.

Article 12
Qualification and election of judges

1. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law, and human rights law.

2. The members of the Appeals Chamber of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (hereinafter referred to as "the International Tribunal for the Former Yugoslavia") shall also serve as the members of the Appeals Chamber of the International Tribunal for Rwanda.

3. The judges of the Trial Chambers of the International Tribunal for Rwanda shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for judges of the Trial Chambers from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(b) Within thirty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in paragraph 1 above, no two of whom shall be of the same nationality and neither of whom shall be of the same nationality as any judge on the Appeals Chamber;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received, the Security Council shall establish a list of not less than twelve and not more than eighteen candidates, taking due account of adequate representation on the International Tribunal for Rwanda of the principal legal systems of the world;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list, the General Assembly shall elect the six judges of the Trial Chambers. The

candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-Member States maintaining permanent observer missions at United Nations Headquarters shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

4. In the event of a vacancy in the Trial Chambers, after consultation with the Presidents of the Security Council and the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of paragraph 1 above for the remainder of the term of office concerned.

5. The judges of the Trial Chambers shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Tribunal for the Former Yugoslavia. They shall be eligible for re-election.

Article 13

Officers and members of the Chambers

1. The judges of the International Tribunal for Rwanda shall elect a President.

2. After consultation with the judges of the International Tribunal for Rwanda, the President shall assign the judges to the Trial Chambers. A judge shall serve only in the Chamber to which he or she was assigned.

3. The judges of each Trial Chamber shall elect a Presiding Judge, who shall conduct all of the proceedings of that Trial Chamber as a whole.

Article 14

Rules of procedure and evidence

The judges of the International Tribunal for Rwanda shall adopt, for the purpose of proceedings before the International Tribunal for Rwanda, the rules of procedure and evidence for the conduct of the pre-trial phase of the proceedings, trials and appeals, the admission of evidence, the protection of victims and witnesses and other appropriate matters of the International Tribunal for the Former Yugoslavia with such changes as they deem necessary.

Article 15

The Prosecutor

1. The Prosecutor shall be responsible for the investigation and prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994.

2. The Prosecutor shall act independently as a separate organ of the International Tribunal for Rwanda. He or she shall not seek or receive instructions from any Government or from any other source.

3. The Prosecutor of the International Tribunal for the Former Yugoslavia shall also serve as the Prosecutor of the International Tribunal for Rwanda. He or she shall have additional staff, including an additional Deputy Prosecutor, to assist with prosecutions before the International Tribunal for Rwanda. Such staff shall be appointed by the Secretary-General on the recommendation of the Prosecutor.

Article 16

The Registry

1. The Registry shall be responsible for the administration and servicing of the International Tribunal for Rwanda.

2. The Registry shall consist of a Registrar and such other staff as may be required.

3. The Registrar shall be appointed by the Secretary-General after consultation with the President of the International Tribunal for Rwanda. He or she shall serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the Registrar shall be those of an assistant secretary-general of the United Nations.

4. The staff of the Registry shall be appointed by the Secretary-General on the recommendation of the Registrar.

Article 17

Investigation and preparation of indictment

1. The Prosecutor shall initiate investigations ex officio or on the basis of information obtained from any source, particularly from Governments, United Nations organs, intergovernmental and non-governmental organizations. The Prosecutor shall assess the information received or obtained and decide whether there is sufficient basis to proceed.

2. The Prosecutor shall have the power to question suspects, victims and witnesses, to collect evidence and to conduct on-site investigations. In carrying out these tasks, the Prosecutor may, as appropriate, seek the assistance of the State authorities concerned.

3. If questioned, the suspect shall be entitled to be assisted by counsel of his or her own choice, including the right to have legal assistance assigned to the suspect without payment by him or her in any such case if he or she does not have sufficient means to pay for it, as well as to necessary translation into and from a language he or she speaks and understands.

4. Upon a determination that a prima facie case exists, the Prosecutor shall prepare an indictment containing a concise statement of the facts and the crime or

crimes with which the accused is charged under the present statute. The indictment shall be transmitted to a judge of the Trial Chamber.

Article 18
Review of the indictment

1. The judge of the Trial Chamber to whom the indictment has been transmitted shall review it. If satisfied that a prima facie case has been established by the Prosecutor, he or she shall confirm the indictment. If he or she is not so satisfied, the indictment shall be dismissed.

2. Upon confirmation of an indictment, the judge may, at the request of the Prosecutor, issue such orders and warrants for the arrest, detention, surrender or transfer of persons, and any other orders as may be required for the conduct of the trial.

Article 19
Commencement and conduct of trial proceedings

1. The Trial Chambers shall ensure that a trial is fair and expeditious and that proceedings are conducted in accordance with the rules of procedure and evidence, with full respect for the rights of the accused and due regard for the protection of victims and witnesses.

2. A person against whom an indictment has been confirmed shall, pursuant to an order or an arrest warrant of the International Tribunal for Rwanda, be taken into custody, immediately informed of the charges against him or her and transferred to the International Tribunal for Rwanda.

3. The Trial Chamber shall read the indictment, satisfy itself that the rights of the accused are respected, confirm that the accused understands the indictment, and instruct the accused to enter a plea. The Trial Chamber shall then set the date for trial.

4. The hearings shall be public unless the Trial Chamber decides to close the proceedings in accordance with its rules of procedure and evidence.

Article 20
Rights of the accused

1. All persons shall be equal before the International Tribunal for Rwanda.

2. In the determination of charges against him or her, the accused shall be entitled to a fair and public hearing, subject to article 21 of the present statute.

3. The accused shall be presumed innocent until proved guilty according to the provisions of the present statute.

4. In the determination of any charge against the accused pursuant to the present statute, the accused shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her;

(b) To have adequate time and facilities for the preparation of his or her defence and to communicate with counsel of his or her own choosing;

(c) To be tried without undue delay;

(d) To be tried in his or her presence and to defend himself or herself in person or through legal assistance of his or her own choosing; to be informed, if he or she does not have legal assistance, of this right; and to have legal assistance assigned to him or her, in any case where the interests of justice so require, and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her;

(f) To have the free assistance of an interpreter if he or she cannot understand or speak the language used in the International Tribunal for Rwanda;

(g) Not to be compelled to testify against himself or herself or to confess guilt.

Article 21
Protection of victims and witnesses

The International Tribunal for Rwanda shall provide in its rules of procedure and evidence for the protection of victims and witnesses. Such protection measures shall include, but shall not be limited to, the conduct of proceedings in camera and the protection of the victim's identity.

Article 22
Judgement

1. The Trial Chambers shall pronounce judgements and impose sentences and penalties on persons convicted of serious violations of international humanitarian law.

2. The judgement shall be rendered by a majority of the judges of the Trial Chamber, and shall be delivered by the Trial Chamber in public. It shall be accompanied by a reasoned opinion in writing, to which separate or dissenting opinions may be appended.

Article 23
Penalties

1. The penalty imposed by the Trial Chamber shall be limited to imprisonment. In determining the terms of imprisonment, the Trial Chambers shall have recourse to the general practice regarding prison sentences in the courts of Rwanda.

2. In imposing the sentences, the Trial Chambers should take into account such factors as the gravity of the offence and the individual circumstances of the convicted person.

3. In addition to imprisonment, the Trial Chambers may order the return of any property and proceeds acquired by criminal conduct, including by means of duress, to their rightful owners.

Article 24
Appellate proceedings

1. The Appeals Chamber shall hear appeals from persons convicted by the Trial Chambers or from the Prosecutor on the following grounds:

(a) An error on a question of law invalidating the decision; or

(b) An error of fact which has occasioned a miscarriage of justice.

2. The Appeals Chamber may affirm, reverse or revise the decisions taken by the Trial Chambers.

Article 25
Review proceedings

Where a new fact has been discovered which was not known at the time of the proceedings before the Trial Chambers or the Appeals Chamber and which could have been a decisive factor in reaching the decision, the convicted person or the Prosecutor may submit to the International Tribunal for Rwanda an application for review of the judgement.

Article 26
Enforcement of sentences

Imprisonment shall be served in Rwanda or any of the States on a list of States which have indicated to the Security Council their willingness to accept convicted persons, as designated by the International Tribunal for Rwanda. Such imprisonment shall be in accordance with the applicable law of the State concerned, subject to the supervision of the International Tribunal for Rwanda.

Article 27
Pardon or commutation of sentences

If, pursuant to the applicable law of the State in which the convicted person is imprisoned, he or she is eligible for pardon or commutation of sentence, the State concerned shall notify the International Tribunal for Rwanda accordingly. There shall be pardon or commutation of sentence only if the President of the International Tribunal for Rwanda, in consultation with the judges, so decides on the basis of the interests of justice and the general principles of law.

Article 28
Cooperation and judicial assistance

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

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

(a) The identification and location of persons;

(b) The taking of testimony and the production of evidence;

(c) The service of documents;

(d) The arrest or detention of persons;

(e) The surrender or the transfer of the accused to the International Tribunal for Rwanda.

Article 29
The status, privileges and immunities of the International Tribunal for Rwanda

1. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946^{8/} shall apply to the International Tribunal for Rwanda, the judges, the Prosecutor and his or her staff, and the Registrar and his or her staff.

2. The judges, the Prosecutor and the Registrar shall enjoy the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

3. The staff of the Prosecutor and of the Registrar shall enjoy the privileges and immunities accorded to officials of the United Nations under articles V and VII of the Convention referred to in paragraph 1 of this article.

4. Other persons, including the accused, required at the seat or meeting-place of the International Tribunal for Rwanda shall be accorded such treatment as is necessary for the proper functioning of the International Tribunal for Rwanda.

Article 30
Expenses of the International Tribunal for Rwanda

The expenses of the International Tribunal for Rwanda shall be expenses of the Organization in accordance with Article 17 of the Charter of the United Nations.

^{8/} General Assembly resolution 22 A (I).

The working languages of the International Tribunal shall be English and French.

The President of the International Tribunal for Rwanda shall submit an annual report of the International Tribunal for Rwanda to the Security Council and to the General Assembly.

Document 98

Letter dated 14 November 1994 from the Minister for Foreign Affairs of Canada to the Secretary-General concerning the worsening security situation in camps for Rwandan refugees

Not issued as a United Nations document; translated from French

As you are aware, Canada has made the return of the Rwandese refugees a cornerstone of the strategy for its involvement in Central Africa. In this context, we are greatly concerned at the deterioration in security conditions both within Rwanda and in the neighbouring countries. We are also concerned by the sanitary and security conditions and the extent of the administrative problems in the camps run by UNHCR, as well as in the areas with a high density of displaced persons, particularly the former "Turquoise" zone. We appreciate all the efforts you have made, as well as those of the specialized agencies of the United Nations, to find a solution to these problems, and we continue to support you as we have done in UNAMIR and elsewhere.

According to our information, there is every indication that the former government army and the militias are regrouping and reprovioning themselves for a resumption of warfare. This situation is disturbing, in that a new civil war would rapidly lead to destabilization in Zaire, Burundi and Tanzania, and very probably Uganda, that would be difficult to control. In this context, we are going to step up our diplomatic efforts directed towards the countries of the Great Lakes region, OAU and all its Member States in an attempt to find a solution. We feel that it is also important to intensify the same political negotiations with the countries historically involved in the region, such as France, Belgium, the United States of America, Switzerland, Germany, the Scandinavian countries and Japan. Lastly, we believe that the United Nations, under your leadership, must rapidly identify how the international community, in concert with UNHCR, can respond

to the current constraints. I am sure that the international community will wish to support this approach.

In our view, it is important to emphasize to the region's leaders the need to support the peacemaking efforts of the United Nations in Rwanda, while at the same time publicly disavowing the rearmament and regrouping by the former Rwandese army, to devise ways and means of ensuring the security of the camps, to draw up a policy designed to promote the return of the refugees and to develop a United Nations strategy for the establishment of transit camps and reception camps in Rwanda in order to permit the orderly return of refugees to Rwanda. Lastly, we believe it to be essential to concentrate our efforts on setting up, by a predetermined time, an international tribunal, and to enable the Commissioner for Human Rights to accelerate the deployment of the impartial investigators, with the necessary logistic support. At the same time, we hope that our initiatives in international financing institutions will enable the existing Government to obtain the financial support and cash needed to enable it to run the country.

Lastly, I reiterate to you my thanks for everything you have done.

Accept, Sir, the assurances of my highest consideration.

(Signed) André OUELLET
Minister of Foreign Affairs
Canada

Document 99

Report of the Secretary-General outlining three options for a possible peace-keeping operation to enhance security in camps for Rwandan refugees

S/1994/1308, 18 November 1994

I. Introduction

1. The present report is submitted in pursuance of the statement of the President of the Security Council dated 14 October 1994 (PRST/1994/59), which noted the Council's concern at the plight of the millions of Rwandese refugees and displaced persons, reiterated the view that their return to their homes was essential for the normalization of the situation in Rwanda and deplored the continuing acts of intimidation and violence within the refugee camps, which were designed to prevent the refugee population there from returning home.

2. In my report on the situation in Rwanda dated 6 October (S/1994/1133), I indicated that, as a result of his visit to Zaire from 12 to 14 September, my Special Representative for Rwanda, Mr. Shaharyar Khan, concluded that the most effective way of ensuring the safety of the refugees and their freedom to return to Rwanda would be the separation of political leaders, former Rwandese government forces and militia from the rest of the refugee population. I also noted, however, that that would be a difficult and complex undertaking, especially as those to be separated would be likely to resist, and incite others to resist, any attempt to relocate them. In order to address more fully the problems associated with separating the former Rwandese government forces' political leaders, military and militia from the refugees, and to evaluate the logistic and other requirements involved, a joint Zairian/United Nations working group was established, composed of officials of the Government of Zaire, the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Development Programme (UNDP). A technical team from the United Nations Assistance Mission for Rwanda (UNAMIR) was sent to Zaire to join the working group. In my report of 6 October, I also indicated that my Special Representative had recommended that attention be focused, as a matter of priority, on the camps in Zaire, where the problems were significantly more acute than in those established in the United Republic of Tanzania. Accordingly, the present report addresses mainly the issue of security in the camps located in Zaire.

3. In his statement of 14 October, the President of the Security Council noted that the Council looked forward to receiving a further report from me on this issue, based, *inter alia*, on the findings of the UNAMIR techni-

cal team participating in the joint Zairian/United Nations working group. The joint working group was established at Kinshasa on 26 September and concluded its site visits on 11 October. The UNAMIR technical team returned to Kigali on 14 October and subsequently submitted its report to my Special Representative.

4. Following consultations between the Secretariat and UNHCR on possible options for addressing the security situation in the camps, I convened a high-level meeting at Geneva on 8 November, which focused on various aspects of the crisis in Rwanda and most importantly on the situation in the refugee camps. The meeting was attended by the United Nations High Commissioner for Refugees and the United Nations High Commissioner for Human Rights, the Executive Director of the World Food Programme, the Under-Secretaries-General for Political Affairs and for Humanitarian Affairs, the Legal Counsel, one of my special advisers, my Special Representatives for Rwanda and Burundi, my Special Humanitarian Envoy for Rwanda and Burundi, the Military Adviser in the Department of Peace-keeping Operations and a representative of the United Nations Children's Fund (UNICEF).

5. The meeting concluded that the most urgent problems were the security in the camps and the Government's need for support to enable it to carry out its functions. It was agreed that those problems must be addressed under an overall strategy leading to the repatriation and reintegration of refugees and internally displaced persons. The meeting also concluded that longer-term efforts, including efforts on a regional basis, towards national reconciliation, rehabilitation and reconstruction of the country should contribute to the resolution of the more urgent problems related to the safe return of refugees and internally displaced persons.

II. Present situation in the Rwandese refugee camps in Zaire

A. *Conditions in the camps*

6. An estimated 1.2 million people fled Rwanda over a four-day period in mid-July to the Kivu region of Zaire, in one of the largest and most sudden movements of refugees in modern history. UNHCR estimates that there are 850,000 refugees in north Kivu, in the Goma

areas of Mugunga, Kibumba and Katale, and about 370,000 in south Kivu, in the Bukavu and Uvira areas. The camps, which sprawl over miles, are overcrowded, chaotic and increasingly insecure. The refugees live in makeshift huts and are completely dependent on United Nations and relief agencies for basic needs assistance.

7. The former Rwandese political leaders, Rwandese government forces soldiers and militia control the camps, though the degree of control varies from area to area. They are determined to ensure by force, if necessary, that the refugees do not repatriate to Rwanda. They also make it difficult for relief agencies to carry out their work in safety, because they attempt to control the agencies' activities in the camps and prevent relief supplies from reaching those in need. It is believed that these elements may be preparing for an armed invasion of Rwanda and that they may be stockpiling and selling food distributed by relief agencies in preparation for such an invasion. There have already been some cross-border incursions. Security is further undermined by general lawlessness, extortion, banditry and gang warfare between groups fighting for control of the camps. As a result of these threats to security, non-governmental organizations responsible for the distribution of relief supplies in the camps have begun to withdraw.

8. There are approximately 230 Rwandese political leaders in Zaire, including former ministers, senior civilian and military officials, members of parliament and other political personalities, many of whom live in good conditions in hotels and houses outside the refugee camps. With their dependants, they amount to about 1,200 persons. These leaders exert a hold on the refugees through intimidation and the support of military personnel and militia members in the camps.

9. Estimates of the number of former Rwandese government forces personnel in Zaire differ but they probably amount to about 50,000 persons, including dependants. In south Kivu, they are located in two separate military camps. In north Kivu, on the other hand, they are living among the refugees and are often indistinguishable from them, since many no longer wear uniform. It seems to be their intention to regain power in Rwanda and there are reports of continuing military activity by them along the Zairian/Rwandese border in Kanganiro and Kamanyola. However, they have not so far been as significant a factor for insecurity in the camps as have the militia.

10. The militia have a significant presence in the camps in the Goma area, where they control access into and out of the camps and resort openly to intimidation and force to stop refugees who are inclined to return to Rwanda. Like the Rwandese government forces personnel, they possess firearms, as the Zairian authorities were

unable to disarm all the Rwandese government forces and militia personnel when they sought refuge in Zaire in July 1994. They also possess vehicles and communication equipment. It is difficult to determine their exact number as they neither wear uniform nor carry any insignia that would distinguish them from the rest of the refugee population. However, an estimate of their number can be made by reference to the militia's pre-war organization. Each of the 147 communes in Rwanda had between 100 and 150 organized militia, which would represent a total of between 14,700 and 22,050 personnel. Allowing for war attrition, this number may have fallen as low as 10,000 when the refugee camps were established but, in view of the political activity in the camps, it could have risen since that time.

11. There is little information available on the former Presidential Guard, which is estimated to consist of 800 men located in both Goma and Bukavu. There are reports that it may be housed in clandestine camps.

B. *Factors impeding repatriation*

12. In August and early September, an estimated 200,000 refugees returned to Rwanda. This movement, however, was interrupted by the activity of militia and political leaders opposed to voluntary repatriation. Since September, the number of refugees returning home has fallen drastically, although small numbers of refugees continue to trickle back to Rwanda in spite of threats by the militia and dissuasion by political leaders. During the same period, some 400,000 refugees of mainly Tutsi origin, many of whom had been in exile in Uganda and Burundi for decades, have returned to Rwanda and, in many cases, settled on land belonging to those who have fled most recently, thus creating another problem relating to property rights. The Government has set up a land commission to resolve that problem but it is unable to provide alternative solutions for those refugees, because of a lack of funds.

13. The refugees' fear of reprisals by the Government for atrocities committed against Tutsis and moderate Hutus seems to be another main reason for their hesitancy about returning to Rwanda. While this fear has been exacerbated by efforts on the part of political leaders, Rwandese government forces elements and militia to dissuade the refugees from returning home, it also appears to be rooted in the history of the relationship between Hutus and Tutsis in Rwanda. In expressing their distrust of the Government, refugees have also indicated a desire for their security to be guaranteed by a neutral body or for their own leaders to participate in the new Government.

14. In the light of the above, the UNAMIR technical team sought the views of the political and military

leaders in the camps on conditions that would enable them to allow refugees the freedom of choice to return to Rwanda. These conditions included negotiations with the new Government; involvement of the exiled leadership in all negotiation processes; involvement of the United Nations in facilitating negotiations between the Government and the leadership in exile; revival of acceptable elements of the Arusha Accord; power-sharing; setting up of an international tribunal that would address not only the atrocities and acts of genocide committed after the events of 6 April 1994, but also alleged massacres committed by forces of the Rwandese Patriotic Front (RPF) since 1990; organization of early elections; security guarantees, especially for the safe return of all refugees; and guarantees for the repossession by the refugees of their property.

III. Measures for the establishment of secure conditions in the camps

A. Initial measures

15. In response to a request from the Government of Zaire, consideration has been given, in consultation with UNHCR, to measures aimed at providing immediate, but temporary, assistance to the Zairian security forces in protecting humanitarian operations in the camps. These measures would promote bilateral arrangements between the Government of Zaire and other Governments for the deployment of security experts to train and monitor the local security forces. An assessment mission would formulate recommendations on the number of security experts required and their organization, management and *modus operandi*. The mission would also estimate the financial support to be provided to the local security forces.

16. In this connection, it is relevant that UNHCR is already assisting the Government of the United Republic of Tanzania to strengthen its local capacity to provide security in the camps through the provision of incentives and logistic support. An assessment of the additional support that the Government of the United Republic of Tanzania may require in this regard will be made as soon as possible. Such measures would not, by themselves, be sufficient to address the more difficult problems in the camps in Zaire. If adopted in Zaire, they would need to be taken in conjunction with and in support of one of the options described below.

17. Efforts to improve security in the camps should also be supported by a public information campaign that would provide factual information on the situation both in the camps and in Rwanda. To this end, as indicated in my report of 6 October, UNAMIR is building a broadcasting capacity that can reach the camps. However, the Government of Rwanda has yet to grant the necessary authorizations for UNAMIR to begin broadcasting and

for a frequency allocation. It is important that these authorizations should be forthcoming soon.

B. Deployment of a United Nations peace-keeping operation

18. In order to improve security, one option would be to deploy a United Nations peace-keeping force to the camps in Zaire, with the consent of the Government of Zaire, as is the established practice for such operations. The task of such a force would be to provide security for international relief workers, protection for the storage and delivery of humanitarian assistance and safe passage to the Rwandese border for those refugees who wish to return. From the border, UNAMIR troops would then provide assistance in returning the refugees to their home communities. Such a force would have a mandate separate from that of UNAMIR but would be under the operational control of, and supported logistically by, UNAMIR.

1. First phase

19. In the first phase, two well-trained and well-equipped mechanized battalions would spearhead the operation in the camps north of Lake Kivu. Each battalion would establish secure areas within large camp sites, providing safe conditions for the refugees in those areas. The force would establish screening procedures to keep weapons out of the secure areas. Humanitarian assistance operations would be intensified within these secure areas. The aim during this first phase would be to create conditions conducive to the voluntary repatriation to Rwanda of as many refugees as possible from each secure area. This, of course, would depend on the establishment within Rwanda of conditions under which the refugees could return to their homes in safety and dignity.

20. Within each secure area, local security units would be formed and trained to take over the security functions being performed by the peace-keeping force when reasonably secure conditions were deemed to have been created. At that time, the United Nations contingents would move forward to create similar secure areas in other locations. In planning such movement, consideration would be given to the likely impact of ongoing operations on conditions and attitudes in the camps that were to be secured in subsequent operations.

21. The local security units would include guards from either the Zairian security forces or former Rwandese gendarmerie present in the camps (who were proved not to have been involved in the atrocities), depending upon the situation in the particular area. Security experts, as envisaged in paragraph 15 above, would be made available (either as United Nations civilian police or through a private security firm) to train and monitor the

local units in carrying out their security duties. The requisite equipment and financial assistance would also be provided for the local security units. The intention would be to ensure that the local security unit in each area would be capable of providing reasonable security, under the supervision of a minimal number of United Nations personnel, until the remaining refugees could be repatriated during the second phase of the operation, after which the area would be closed.

2. *Second phase*

22. In the second phase, lightly equipped motorized units would be deployed in the areas rendered secure during the first phase. Their main task would be to escort refugees to the Rwandese border and, in the meantime, to ensure that these areas continued to enjoy secure conditions. In this phase, self-contained company groups would be deployed to each secure area, cumulatively reaching battalion level. As the areas were closed upon completion of repatriation, each company group would be rotated to another secure area which was ready to move into the second phase.

23. Under this option, it is estimated that a force of 3,000 all ranks would be required. A parallel operation, launched simultaneously in the area south of Lake Kivu, where conditions are marginally better, could have a stabilizing effect on Burundi, where the situation is still very fragile. To conduct such an operation, an additional 2,000 troops would be required.

24. After progressively establishing security in the camps both north and south of Lake Kivu, the mechanized battalions would be withdrawn from the force. The second phase units would also be gradually withdrawn as secure areas were closed down. This operation would be fully coordinated with the measures for strengthening security conditions in the camps mentioned in paragraph 15 above.

25. The incremental approach to establishing security proposed under this option is unavoidable as the dimensions of the problem are such as to make it impossible to address all refugee camps at the same time. Depending on the situation in the camps and the rate of repatriation, it is estimated that, given a force strength of 3,000 all ranks, it would take 24 to 30 months to complete the operation. However, with the additional 2,000 troops mentioned in paragraph 23, it is estimated that the duration of the operation could be reduced by about 10 months.

C. *Action under Chapter VII of the Charter*

26. The option outlined above does not provide for the separation of the political leaders, former Rwandese government forces troops and militia from the rest of the

camp population, which, as indicated in my report of 6 October, is considered to be the most effective way of ensuring the safety of refugees and their freedom to exercise their right to return to Rwanda. That report also noted that the Government of Zaire had expressed its commitment to addressing the refugee crisis and to improving security in the camps. To this end, it has indicated that the military and militia elements could be moved to new camps at a distance from the present refugee camps. It has also indicated that it would prefer the political leadership of the former Government of Rwanda to be located in third countries, although they could stay in Kinshasa while awaiting relocation.

27. The political leaders, the military hierarchy of the Rwandese government forces and the militia have made evident their opposition to either their removal from Goma and Bukavu or their separation from the refugee population prior to an overall settlement of the conflict. It is difficult to determine how far these groups would resist attempts to relocate them. Given their expressed opposition, however, and their proven propensity for violence, it can be assumed that they would not move voluntarily and would be likely to use force to resist being moved.

28. Should it be decided to undertake the separation of former political leaders, military and militia, the operation would also be undertaken in phases. In the first phase, while the new camps were being prepared, a strong, well-trained and well-equipped force would be deployed inside the existing refugee camps with the initial mandate of ensuring the security of international relief workers and the delivery of humanitarian assistance. During the second phase, once the new camps were established, the former political leaders, Rwandese government forces personnel and militia would be moved to the new sites, on a voluntary basis if possible, with force being used only where voluntary separation was resisted.

29. The UNAMIR technical team visited several sites recommended by the Government of Zaire, most of them in remote locations. The team analysed in detail the logistic difficulties that would have to be overcome in order to move the political leaders, Rwandese government forces personnel and militia to these new camps. The team concluded that the camps would require considerable infrastructure repair (airfields, roads, buildings, etc.), which would take at least six months to complete from the date of commissioning.

30. Taking all these factors into consideration, especially the likelihood that forcible action would be required, it is evident that this would be a risky, complex and very expensive endeavour. Given the need to provide security in both the existing camps and in the new sites to which the Rwandese government forces personnel and

militia would be moved, it is estimated that a force level of two brigade groups (10,000-12,000 men), operating under a Chapter VII mandate, would be required. A United Nations force could conceivably be established for this purpose, either linked to UNAMIR or, preferably, as a separate operation. However, it will be recalled how difficult it was for the United Nations to obtain the necessary troops for the expansion of UNAMIR. It is, thus, clear that the United Nations could not be assured of obtaining expeditiously the personnel required to establish a force capable of undertaking this operation. Should the Security Council favour the establishment of such an operation, it may therefore wish to authorize a Member State, or a group of Member States, to take the lead in organizing it, using all necessary means to achieve the aims outlined above.

IV. Concluding observations

31. The preceding section of this report has identified three major military options for tackling the problem of security in the camps, namely:

(a) A United Nations peace-keeping operation, set up in accordance with normal procedures, to establish security progressively in the camps, area by area, over a period of time;

(b) A United Nations force, set up under Chapter VII of the Charter, to separate the former political leaders, military personnel and militia from the ordinary refugee population of the camps, thereby ensuring their security;

(c) A multinational force, authorized by the Security Council under Chapter VII of the Charter but not under United Nations command, to carry out the functions set out in subparagraph (b) above.

Other measures which could be associated with any of the above options would be the provision of foreign security experts to train and monitor the local security forces and appropriate public information campaigns.

32. In considering the above options, it is important to bear in mind that any operation conducted without parallel efforts towards national reconciliation in Rwanda will be futile. Indeed, it might merely have the effect of intensifying extremist activities in the refugee camps in Zaire and also those in other countries bordering Rwanda. It is evident that national reconciliation will require both a political understanding between the former leadership of the country and the present Government and the establishment of conditions in the camps, and in Rwanda itself, conducive to the return of the refugees. Neither is imminent. Any operation that encouraged the repatriation of refugees who were then not able to return to their home communities would merely add to the 1.5 to 2 million persons who are already

internally displaced persons inside Rwanda and should therefore be avoided.

33. I am convinced that the first step must be a determined effort by the international community to improve security in the Rwandese refugee camps, especially those in Zaire. On the basis of the information provided by my Special Representative and of the preparatory work undertaken by the Secretariat, I feel that the peace-keeping operation envisaged above (paragraph 31 (a)) may be, under the present circumstances, the most realistic way of achieving a progressive improvement of security in the camps. This will be a difficult, complex and, to some extent, unprecedented enterprise. Should the Security Council favour such an approach, it would be essential that Member States be prepared to provide, in a timely manner, the full human, financial and logistic resources which would be required to carry it out effectively.

34. In determining the measures that need to be taken, the Security Council may wish to keep in mind that establishing security in the refugee camps must be seen as only the first step in an overall strategy to establish long-term security and durable peace in Rwanda. A two-pronged approach must be adopted of addressing security issues in the camps and, at the same time, helping the Government to create conditions in Rwanda under which large-scale repatriation and reintegration of refugees and internally displaced people can take place. This twin approach is the only means of achieving the environment necessary for national reconciliation and sustainable peace.

35. The Government must assume its responsibilities for establishing the conditions necessary for the return of refugees to Rwanda in safety and dignity. However, in the wake of the cataclysm that has overtaken Rwanda, it finds itself without even the minimal resources to run an administration, much less reconstruct a shattered country and nation. The Government has indicated its commitment to creating conditions for the safe repatriation of refugees and has requested assistance from the international community for this purpose. This will require the rehabilitation of the basic economic and social infrastructure. Measures to be taken inside Rwanda must include the establishment of a fair and effective judicial system and the issue of property rights. As mentioned above, large numbers of longer-term refugees are returning to Rwanda and, in some cases, are occupying the land of those who have recently fled. The Government needs immediate and major financial and technical assistance from the international community to reintegrate the earlier refugees who are now returning and to ensure that those who recently left the country are able to reclaim their properties upon their return.

36. The Government and the international community must be equally committed to cooperating with one another in ensuring that special measures are taken in regard to security, the maintenance of law and order, the administration of justice, economic and social rehabilitation and national reconciliation for the benefit of all Rwandese, especially in those communities to which refugees and displaced people will return. In this regard, about 60 human rights monitors have been deployed in the country to monitor the conditions of returning refugees and internally displaced people. Furthermore, UNAMIR is planning to deploy political affairs officers to its five sectors of operation, specifically to assist the Government, through the local administrations, in promoting national reconciliation and re-establishing civil administration and to facilitate coordination between the activities of UNAMIR and those of other United Nations agencies and programmes.

37. As noted in my report of 6 October, it is fully recognized how difficult it is for the Government to undertake nation-building activities when it suffers from a severe lack of basic resources, including cash reserves. While the international community is calling on it to undertake such activities, the Government is becoming increasingly frustrated with the international community's slow pace in providing the resources necessary for it to do so. Furthermore, there are signs that the security situation in the country is becoming unstable as the Government is not in a position to strengthen local civil administrations or even to pay the salaries of its army. As a result, there is increasing tension between the Rwandese military and UNAMIR and incidents obstructing UNAMIR's ability to carry out its mandate are becoming more frequent. It is therefore essential for the international community to provide immediate assistance to the Government so that it can, for its part, take the measures necessary to help improve the situation in the country and create the conditions necessary to encourage refugees to return.

38. My Special Representative has formulated and presented to potential donors a Rwanda emergency normalization plan, outlining areas in which such assistance is urgently required. At the request of the Government of Rwanda, UNDP has begun consultations with the donor community leading to a round-table meeting designed to establish a policy framework and to formulate recon-

struction and rehabilitation requirements, a process that should also assist the international community to identify areas requiring immediate response. Finally, the Department of Humanitarian Affairs is preparing a new consolidated inter-agency appeal which will cover both continuing emergency requirements and short-term rehabilitation needs. The international community is urged to respond in an adequate and timely manner to these initiatives as part of a comprehensive approach to the problem of Rwanda. In this connection, I would like to recall that, pursuant to Security Council resolution 925 (1994), a trust fund has been established to finance humanitarian relief and rehabilitation programmes in Rwanda. The Trust Fund could serve as a useful conduit for contributions to meet the immediate needs of the Government of Rwanda.

39. Given the crucial importance of establishing secure conditions in the Rwandese refugee camps in Zaire, as well as the pressing need for financial and technical assistance to reach the Government of Rwanda, it is my intention to concentrate all the efforts of the United Nations system on these immediate priorities. Once progress has been made on these two fronts, I shall work with the Organization of African Unity (OAU) to address the wider problems of the subregion.

40. The first step in that direction will be the convening of the regional conference on assistance to refugees, returnees and displaced persons in the Great Lakes region, which was decided upon by the Assembly of Heads of State and Government of OAU at its thirtieth ordinary session, held at Tunis in June 1994. This conference was recently endorsed by the General Assembly (resolution 49/7) and is to be jointly organized by OAU and UNHCR at Bujumbura in the near future.

41. I believe that, at a later stage, a broader conference should be convened jointly by the United Nations and OAU to address a range of political and other issues, including national reconciliation and land-related questions, in order to identify long-term solutions which will ensure peace, security and development in the subregion. Work has begun in the Secretariat to define the scope and modalities of such a conference and I have asked my Special Humanitarian Envoy, Mr. Robert Dillon, who is currently visiting the region, to explore the matter with the countries concerned.

Document 100

Progress report of the Secretary-General on UNAMIR for the period from 7 October to 25 November 1994, recommending the extension of UNAMIR's mandate to 9 June 1995

S/1994/1344, 25 November 1994

I. Introduction

1. The present report is submitted in pursuance of paragraph 3 of Security Council resolution 925 (1994) of 8 June 1994, in which the Council decided to extend the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) from 29 July 1994 until 9 December 1994. Since that time, I have reported to the Council on the situation in Rwanda on 3 August (S/1994/924) and 6 October (S/1994/1133), and on security in the Rwandese refugee camps on 18 November (S/1994/1308). I have also provided the Council with oral briefings on developments in Rwanda and on the situation concerning the Rwandese refugees. The present report provides an update on the situation as at 21 November, as well as recommendations for the continuing role of the United Nations in Rwanda.

II. Political aspects

2. During the reporting period, the situation in Rwanda has witnessed both positive and negative developments. The Broad-Based Government of National Unity continues to place emphasis on creating conditions that would allow the more than 2 million Rwandese refugees and the 1.5 to 2 million displaced persons within the country to return to their homes and to rebuild their lives in a safe environment. In that regard, it is concentrating its efforts on ensuring public security, restoring the civil administration and reconstructing the country's social and economic infrastructure. However, in the aftermath of the civil war, with the near total destruction of Rwanda's infrastructure, few trained people available and limited financial and material resources, the Government is facing severe obstacles in achieving those objectives.

3. While unstable and insecure conditions still prevail in many parts of the country, there are some initial signs of progress. Private sector activities are being revived, with shops, markets and service industries reopening and agricultural activity increasing. Schools are also starting to reopen.

4. The Government has also publicly advocated the fair treatment of returning refugees and displaced persons, as well as reconciliation between all political groups. The President, Vice-President and Prime Minister

continue to address mass rallies in major towns advocating reconciliation, peace and justice. These commitments were reiterated in President Bizimungu's address to the General Assembly on 6 October 1994 (see A/49/PV.21) and during his informal meeting with members of the Security Council on the same day.

5. A further measure towards national reconciliation has been the incorporation of over 2,000 soldiers of the former Rwandese Government Forces (RGF) into the Rwandese Patriotic Army (RPA). In the provinces, all the prefects except one have been drawn from the civilian sector. In the south-west, two prefects of the former administration have been reappointed. As noted in my report of 18 November (S/1994/1308), my Special Representative is deploying UNAMIR political information officers to the provinces to assist government and community leaders in promoting national reconciliation and in restoring civil administration.

6. As yet, however, in contrast to the growing vitality of the private sector, the reactivation of public sector activities remains constrained by a severe lack of resources. While a cabinet exists, government ministries do not function adequately, as the civil war resulted in the massive departure of government administration, police and judicial cadres. While efforts have been made to assist the Government in terms of basic resources, government activities continue to be impeded by a lack of supplies such as telephones, computers, means of transport, office equipment and fuel. Cash reserves continue to be inadequate to pay salaries or to meet other essential payments. These problems have been a major factor in the Government's inability to translate public pronouncements concerning nation-building into concrete programmes and actions.

7. The return to normal conditions in Rwanda has also been inhibited by the lack of resources to restore power, water, telecommunications and municipal services or to start dealing with the nearly 1 million mines that are estimated to have been planted in the countryside.

8. Owing to the lack of adequate finances to restore the public sector, the army continues to staff some civilian sectors of governance. It performs almost all police and gendarmerie functions, as well as prison services, in addition to manning some administrative posts in the provinces. The Government's inability to meet ade-

quately the salaries of public servants or to establish effective security over all parts of the country has also led to incidents of frustration and banditry, which undermine the climate of security and stability it is trying to establish. In that connection, there have been reports that over 60 members of the RPA have been disciplined for acts of misconduct, some involving summary reprisals.

9. While the lack of financial resources has been a major factor in impeding activities towards national reconciliation, there are some reasons to believe that the Government could do more, even within its meagre resources, to ensure that all Rwandese are part of the political process. The President of Rwanda has assured my Special Representative that efforts are continuing to make the Government more inclusive by inviting into it some members of the Mouvement républicain national pour le développement (MRND), which is the only major political party not presently represented in it. However, the Rwandese Parliament is scheduled to meet on 25 November with representation only from those political parties mentioned in the Arusha Agreement which are presently participating in the Government, as well as the army and the gendarmerie, and the seats originally allocated to the MRND will be filled by other parties.

10. The extensive displacement of the Rwandese population has created a growing problem of land tenure and rival claims to property rights. Almost 400,000 long-standing refugees have returned home since mid-July and are claiming property they once held. Some refugees who fled more recently are returning home to find their property now held by others. On 7 November, the Rwandese Minister of Information outlined the Government's official position with regard to repatriation and national reconciliation and, in that connection, stressed the Government's firm resolve to protect the homes and property of each citizen and to distribute land to new returnees so as to facilitate and help ensure their proper and orderly resettlement. He emphasized that the wrongful occupation of another person's home or property was not only unacceptable but unlawful. The Rwandese President and Cabinet have reaffirmed that policy at numerous rallies.

11. There are signs, however, that despite public pronouncements the Government is finding it increasingly difficult to implement this policy. Some recently returning refugees who have tried to reclaim their property rights have reportedly been either denounced as criminals and arrested or simply frightened away. Such reports have filtered back to the refugee camps and have been a factor in the slow pace of repatriation to Rwanda.

12. In my report of 18 November (S/1994/1308), I recounted, in detail, the security concerns in the Rwandese refugee camps, especially those in Zaire, and I

provided the Security Council with a number of options it might wish to consider in addressing the issue. The security situation in the camps continues to worsen. As a result, some non-governmental organizations have recently withdrawn their operations from the camps and others are considering withdrawal, as the militia's increasing control over the distribution of relief supplies makes the safe delivery of such supplies to needy refugees virtually impossible. Furthermore, there are growing indications that the former Government and militia are stockpiling relief supplies for their own purposes.

13. There is also evidence that the former RGF is actively recruiting and training new troops, mainly from refugee camps in Zaire, but also from the camps in the United Republic of Tanzania. In addition, the former RGF and the militia, also operating from refugee camps, appear to be intensifying their propaganda campaign against the new Government and, in particular, the RPA. Such activities create concern that they are preparing for resumed confrontation.

14. In my report of 6 October (S/1994/1133), I stressed the importance of providing factual and objective information on the situation both in the refugee camps and in Rwanda, as well as on United Nations activities in the country. To that end, UNAMIR is in the process of establishing a broadcasting facility. At present, it has two 100-watt transmitters, one to cover the city of Kigali and the other to cover the western part of the country. Full-scale test transmissions, lasting several hours a day, commenced on 12 November, using the transmitter currently installed at the UNAMIR compound in Kigali. While this low-power facility can cover only a 20-kilometre radius around Kigali, more powerful transmitters capable of covering the entire country, as well as the refugee camps, are expected to be installed by the end of the year. The financial requirements, including the necessary staffing, will be included in the next budget proposal to the General Assembly. It should be noted, however, that despite repeated efforts, the Government has still not approved UNAMIR's request for formal authorization to broadcast and for a frequency allocation. I hope the Government will respond positively to those requests in the near future.

III. Human rights aspects

15. The various United Nations human rights mechanisms engaged in the Rwandese situation continued to be active during the period under review. The Special Rapporteur, Mr. René Dégni-Ségui, visited Rwanda from 15 to 22 October and also travelled to the United Republic of Tanzania and Zaire. The Commission of Experts visited Rwanda from 29 October to 10 November. The human rights field operation in Rwanda

launched by the United Nations High Commissioner for Human Rights has now been able to establish seven regional offices and, by mid-November, about 60 human rights officers and special investigators, out of a planned total of 147, had arrived in Rwanda. Another 40 human rights observers and teams of forensic experts are expected by the end of December.

16. The Special Rapporteur and the Commission of Experts have been pursuing their tasks as defined by their respective mandates. Following his latest visit to Rwanda, the Special Rapporteur submitted his third report (A/49/508-S/1994/1157). In accordance with Security Council resolution 935 (1994) of 1 July 1994, the Commission is expected to submit its final report to me by 30 November 1994. I also expect to receive the findings of the Special Rapporteur and of the Commission of Experts on their investigations of alleged reprisal killings by RPA forces. It will be recalled, in that connection, that in my report of 6 October (S/1994/1133) I stated that, in the course of a mission to assess conditions for the safe return of refugees, the Office of the United Nations High Commissioner for Refugees (UNHCR) had obtained information that appeared to indicate that soldiers of the RPA might have been engaged in systematic killings of members of the majority community in Rwanda. I also stated that the Special Rapporteur and the Commission of Experts would undertake a thorough investigation of those allegations.

17. It is increasingly recognized that the mere presence and visibility of United Nations human rights personnel are having a positive effect in the communities where they are deployed, especially as a deterrent against human rights violations. I share the Security Council's view, reflected in its presidential statement of 14 October (S/PRST/1994/59), that human rights monitors and their speedy deployment would help foster a climate of confidence and contribute to creating a more secure environment, which, in turn, could encourage refugees to return to their homes in Rwanda. Voluntary contributions have enabled the United Nations to deploy over a third of its target of 147 monitors. However, sustained and increased assistance is necessary to permit the full deployment of the operation and the effective discharge of its important mission. I appeal to the international community to provide the financial assistance required.

18. By its resolution 955 (1994) of 8 November 1994, the Security Council decided to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and of neighbouring States, between 1 January and 31 December 1994.

19. It is vital for the international community, as well as for Rwanda, which originally requested the establishment of an international tribunal (see S/1994/1115), that justice be administered effectively and as expeditiously as possible in order to deter further violations and to contribute to the processes of national reconciliation and restoration and maintenance of peace. As requested by the Council, I am actively pursuing the completion of practical arrangements for the effective functioning of the International Tribunal, and in particular its investigations/prosecutorial unit in Kigali, the appointment of a Deputy Prosecutor unit and support and administrative staff, and the election of judges. In that regard, the High Commissioner for Human Rights has placed the services of the special investigations unit, established within the framework of the human rights field operation, at the disposal of the Prosecutor of the International Tribunal, with a view to pursuing the investigative work initiated under the mandate of the Special Rapporteur and the Commission of Experts. As the operation evolves and more information becomes available, I will submit recommendations regarding possible locations for the seat of the Tribunal. I am confident that Member States and intergovernmental and non-governmental organizations will respond to the Security Council's appeal for contributions of the funds, equipment, staff and the other services required to ensure the smooth establishment and functioning of the Tribunal.

IV. Military aspects

20. During the reporting period, UNAMIR reached its full authorized strength of 5,500 all ranks. Present deployment of the force is as follows:

(a) *Sector 1 (north-east)*: The deployment of the 331-strong Nigerian company is now complete. Forty military observers are also deployed throughout the sector;

(b) *Sector 2 (south-east)*: Two platoon groups (Ghana and Nigeria) continue to operate in the sector, which is to be reinforced by the end of November by a company from Ghana. Depending on the security situation in Sector 4 and the consequent need for troops in that sector, it is expected that deployment in Sector 2 will eventually be brought to battalion strength. Forty-three military observers operate in the sector;

(c) *Sector 3 (south)*: The independent infantry company from Malawi operating in Sector 3 (165 all ranks) has recently been reinforced by a second 200-strong independent company (Mali). Forty-three military observers continue to patrol the sector;

(d) *Sector 4 (south-west)*: Sector 4 has been subdivided as a result of insecurity in the area. The Ghanaian battalion continues to operate in subsector 4A (Gikongoro) and the Zambian battalion (currently 324 all ranks) is

expected to be fully deployed to that subsector by the end of November. The inter-African contingent (487 all ranks from Chad, the Congo, Guinea-Bissau, the Niger and Senegal) and the Ethiopian battalion (810 all ranks) continue to conduct operations in subsectors 4B (Kibuye) and 4C (Cyangugu) respectively. Approximately 80 military observers are deployed in Sector 4;

(e) *Sector 5 (north-west)*: Deployment of the Tunisian battalion (826 all ranks) to Sector 5 is now complete. Forty-three military observers are deployed in the sector;

(f) *Sector 6 (Kigali City)*: An advance party of 319 all ranks of the Indian contingent was deployed on 10 November 1994. Deployment of the battalion is expected to be completed in December 1994. The UNAMIR Force Headquarters and the Military Observer Group Headquarters are located in the sector. Specialized elements from Canada (communications, logistics and medical); the United Kingdom of Great Britain and Northern Ireland (logistics, engineering and medical); and Australia (field hospital) also operate in Sector 6.

[Editor's note: Map of UNAMIR Sectors of Operation is not reproduced here.]

21. As indicated in my report of 6 October (S/1994/1133), the deployment of the UNAMIR force has been uneven, with rather slow deployment from May through mid-July and a steady build-up beginning in late July and continuing through the reporting period. This has affected the Mission's ability to provide adequate logistic support to troops deployed during the period of more rapid build-up, as well as its overall ability to carry out its mandate effectively. While the United Nations and the troop-contributing countries, with the support of several Member States, have overcome many logistic constraints, there were unforeseen delays in transport arrangements and in the provision of equipment needed to supply and support the contingents.

22. In order to ensure that all contingents have the equipment and logistic support necessary to carry out their functions effectively, a commercial service contract has provided some logistic support for UNAMIR since August 1994. Although it is expected that an increased level of support will be provided by the contractor with the scheduled withdrawal of the British and Canadian contingents (by 1 December 1994 and the end of January 1995, respectively), total dependence on commercial arrangements for logistic support is not advisable in the current security situation in Rwanda. For that reason, efforts are being made to secure the retention of a small military logistics element of about 150 personnel. I hope that Member States will be prepared to extend the necessary support to those efforts.

23. In my report of 6 October, I noted that, with the induction of new contingents, I expected the

UNAMIR force strength to exceed the authorized level temporarily. As at mid-November, the force strength stood at 5,606 all ranks. With the withdrawal of the British contingent and the full deployment of the Indian and Zambian contingents, it is expected that the force strength will reach approximately 5,860 all ranks by the end of 1994. However, given expected withdrawals and rotations, it will gradually be reduced to its authorized level during the first months of 1995. The number of military observers remains at the authorized strength of 320.

24. During the period under review, UNAMIR continued to assist with the transport of refugees and internally displaced persons returning voluntarily to their homes, while maintaining protection for populations at risk in various areas and at displaced persons camps in Rwanda. UNAMIR is currently working with the humanitarian agencies and the Government of Rwanda to develop and implement a strategy to close the displaced persons camps in Rwanda gradually by ensuring the voluntary return of the occupants to their homes. Against the background of escalating security incidents, UNAMIR troops and observers have also intensified their monitoring, observation and patrol duties.

25. The problem of restrictions imposed on the movement of UNAMIR personnel, which I described in my report of 6 October, has improved somewhat during the reporting period. However, the insistence of local RPA commanders that UNAMIR must obtain formal written authority through the Minister of Defence for all deployments has frequently delayed and sometimes prevented UNAMIR from effectively fulfilling its mandate. Furthermore, UNAMIR patrols are occasionally denied access to specific areas without satisfactory reason or explanation. In order to resolve this issue, UNAMIR is working with the authorities in Kigali to finalize arrangements for regular meetings between the chiefs of staff and operations officers of UNAMIR and the RPA, respectively, with a view to enhancing coordination between them.

V. Civilian police

26. As at 15 November, 80 of the 90 police observers authorized for UNAMIR were deployed to the mission area. As indicated above, since no real police force or gendarmerie remained in place when the Government was established on 19 July, police functions were entrusted to an embryonic gendarmerie consisting mainly of RPA soldiers. At the request of the Government, UNAMIR initiated a training programme in basic routine and investigative police work. In his statement of 14 October, the President of the Security Council welcomed, *inter alia*, the assistance being provided by UNAMIR to

the Government of Rwanda's efforts to establish a new integrated police force and encouraged UNAMIR to continue that assistance.

27. The civilian police component of UNAMIR is presently training candidates nominated by the Government to serve in the two services that make up Rwanda's police structure, namely, the *Gendarmerie nationale* and the *Police communale*. UNAMIR has already helped train 102 gendarmes (99 cadets and 3 instructors), who graduated on 5 November and are now deployed around the country. During a 16-week intensive programme, which began on 21 November, UNAMIR envisages the training of 300 more cadets. In addition, 100 cadets chosen from those already trained are scheduled to undergo a further 12-week intensive course to qualify as future instructors.

28. The civilian police component is also involved in efforts to restore and reform the penal system within the framework of the implementation of the Rwanda Emergency Normalization Plan, which outlines the priority areas requiring both technical and financial assistance. Following a request from the judicial authorities concerned, UNAMIR civilian police visited Kigali prison in early November. They found that the facility, which was originally built for 2,000 prisoners, currently holds over 5,000 people, including 111 women and 95 children, with a mortality rate of 5 persons per day. It is reported that similar conditions prevail in prisons in the cities of Butare and Gitarama. The main requirements to restore Rwanda's prisons are in the areas of accommodation, health, sanitation, bedding, clothing and security.

29. In order to meet its expanding responsibilities, UNAMIR's civilian police component requires more French-speaking observers. The Secretariat is continuing intensive efforts to obtain additional police observers with the necessary language qualifications to enable the UNAMIR civilian police component to reach its authorized strength.

VI. Humanitarian aspects

30. The present humanitarian situation within Rwanda presents the international community with a pressing and unusually complex crisis. In the conventional sense, the emergency within Rwanda has abated, though at least 1.5 to 2 million displaced persons remain dependent upon assistance from aid agencies. However, the country at large faces a clear emergency as government institutions find themselves unable to sustain the nation's basic infrastructure and provide for the welfare of its people. Society in its broadest sense is under threat.

31. Surrounding the State of Rwanda are over 2 million Rwandese refugees in camps along the borders in Zaire, Burundi and the United Republic of Tanzania.

The voluntary return of those refugees is critical to the normalization of the situation in Rwanda. Yet, as noted above, violent harassment and misinformation in the refugee camps, especially in Zaire, prevent many of the bona fide refugees from returning home.

32. The situation of the internally displaced persons in Rwanda parallels that of the refugees on the country's borders. The urgent need to bring internally displaced persons back to their home communities is thwarted by intimidation within the camps and fear of reprisals. The humane settlement of the internally displaced persons, as I stated in my report of 6 October (S/1994/1133), is not only an issue of humanitarian concern, but also one of immediate practical consequence. There is a perception in areas hosting camps of internally displaced persons that those within the camps have better lives than those outside. This is generating increased tension between local and camp populations. At the same time, the camp sites occupy much-needed farmland and are increasingly an ecological hazard. Furthermore, if many within the camps do not soon return to their home areas, they will miss the planting season and the country will consequently become even more dependent on food aid. Finally, an effective programme to resettle internally displaced persons would contribute to an atmosphere conducive to the repatriation of refugees.

33. My Special Representative in Rwanda has made every effort to work with government authorities, United Nations agencies, non-governmental and other concerned organizations to develop an immediate strategy for addressing the issue of the internally displaced persons. In close collaboration with the Government, and through the United Nations Emergency Relief Coordinator, he is in the process of finalizing an integrated humanitarian response to address the crisis. This response is designed to draw upon the assets and capacities of all participating organizations, including UNAMIR, in order to initiate settlement programmes for internally displaced persons before the beginning of the rainy season. Such settlement programmes, which will be developed jointly by relevant government authorities and the international humanitarian community in Rwanda, will be monitored by the human rights observers deployed by the High Commissioner for Human Rights.

34. In several critical areas throughout the country, both returnee programmes and recovery activities continue to be hampered by the presence of land-mines. Efforts are now under way to identify those areas and to intensify mine-awareness campaigns. Nevertheless, it is clear that more must be done as regards mine awareness and demining. The cruel mutilation and loss of life caused by mines, particularly amongst children, is intolerable.

35. International and other concerned organizations continue to provide much-needed assistance to the displaced and other vulnerable sectors of society. Specific efforts are being made to address the plight of unaccompanied children and to pursue family-tracing programmes, as well as to develop psychological support for the severely traumatized. At the same time, more traditional assistance continues to be provided. Renewed efforts to launch AIDS-awareness and prevention programmes are under way. Seeds and tools are being provided, through the Ministry of Agriculture, to assist some 3.5 million people in Rwanda. Food assistance is being maintained and water projects, in rural as well as urban areas, are rapidly being implemented. Education programmes are under way to fill gaps until a normal education system can be restored.

36. It is important to underline the efforts of many humanitarian organizations immediately to strengthen the capacity of the Government. Efforts are being made to restore some semblance of institutional structure through the provision of vehicles and basic office equipment, quick disbursement of funds to re-establish the generation of electricity and similar activities. For example, the Government's central pharmacy is now functioning and the Ministry of Health is increasing its capacity, with the installation of a cold-chain store, to take charge of vaccine distributions.

37. All these efforts must be seen in the context of the enormous challenges that face any effective normalization programme. As indicated earlier, the need to stabilize the very society of Rwanda underlies the humanitarian crisis faced by the Government of Rwanda and the international humanitarian community. To do this, the international community will have to provide the support needed to ensure that the army does not become a disruptive social force. At the same time, if the human rights of the internally displaced and returnees from outside Rwanda are to be protected on a lasting basis, rapid assistance must be provided to restore the country's police force and judicial system. The Government's capacity to generate revenue must be enhanced. In parallel, government authorities concerned with the welfare of the Rwandese people must be restored.

38. There will be several opportunities for the international community to respond to this humanitarian challenge. My Special Representative has formulated and presented to potential donors a Rwanda Emergency Normalization Plan outlining areas in which such assistance is urgently needed. At the request of the Government, the United Nations Development Programme (UNDP) is assisting in the organization of a round-table meeting to be held on 14 and 15 December at Geneva. The meeting will give the Government and the international donor com-

munity an opportunity to reach agreement on an overall policy framework, as well as to consider basic rehabilitation requirements. Within that dialogue, the views of Government with regard to humanitarian activities throughout 1995 will be an essential feature. The round table will precede the issuance of a United Nations consolidated inter-agency appeal scheduled to be launched in the second week of January 1995. The appeal, which will be the product of the joint efforts of the Government, United Nations agencies and other concerned organizations, will focus principally upon specific emergency requirements as well as short-term recovery needs. It is intended to link the appeal with the medium- and longer-term needs for rehabilitation of those responsible for development.

39. In that connection, it should be recalled that, in pursuance of Security Council resolution 925 (1994), of 8 June 1994, a trust fund has been established to finance humanitarian relief and rehabilitation programmes in Rwanda. The trust fund is a useful channel for contributions to meet the immediate needs of the Government of Rwanda. Unfortunately, only one major donor has made a substantial contribution to the fund. I urge others to do the same.

VII. Financial aspects

40. In my report to the General Assembly at its forty-ninth session (A/49/375 and Corr.1 and Add.1), I requested the Assembly to provide the necessary resources for the maintenance of UNAMIR, should the Security Council decide to extend the mandate of the Mission beyond 9 December 1994. The Assembly is currently seized of the matter.

41. As at 17 November 1994, unpaid assessed contributions to the UNAMIR special account since the inception of the Mission amounted to \$17.6 million. The total unpaid assessed contributions for all peace-keeping operations at that date amounted to \$1.5 billion. This shows clearly the financial difficulties with which the United Nations is faced.

VIII. Observations and recommendations

42. Clearly, the situation in Rwanda remains critical and the country continues to face daunting problems. While I am encouraged by the Government's efforts, in cooperation with the international community, to stabilize the situation, new threats and challenges continue to emerge that may complicate further an already difficult situation and jeopardize the limited progress made thus far. In particular, the creeping militarization of the refugee camps has created a painful dilemma for the international community. While the humanitarian crisis

represented by the plight of the refugees, as well as the internally displaced persons, remains a matter of the utmost concern, it is unacceptable that humanitarian assistance provided for bona fide refugees is being used to threaten not only the security of the refugee camps but the stability of Rwanda. In my report of 18 November (S/1994/1308), I set out ideas on action that could be taken to address the problem of insecurity in the camps and ensure that the humanitarian efforts to protect the refugees and bring about their eventual safe and voluntary repatriation would not be fatally undermined.

43. The Government of Rwanda has reassured me of its resolve and determination to promote conditions conducive to safe and voluntary repatriation and national reconciliation. I call on the Government to ensure that that resolve is translated into concrete action and programmes, notwithstanding its present lack of adequate financial resources. In my report of 18 November, I outlined a two-pronged approach to achieve the environment necessary for national reconciliation and sustainable peace. That approach included options to address security in the refugee camps and, at the same time, measures to help the Government create conditions in Rwanda under which large-scale repatriation and reintegration of refugees and internally displaced persons could take place.

44. The Rwanda Emergency Normalization Plan, as well as the forthcoming UNDP-sponsored round-table meeting and the consolidated inter-agency appeal, give the international community ample opportunity to respond to the Government's need for assistance for the rehabilitation and reconstruction of Rwanda. Such efforts towards normalizing and stabilizing the situation inside Rwanda could help attract refugees and displaced persons back home, thus contributing to the process of national reconciliation and consolidating the newly achieved peace. I firmly believe, however, that if the current unsettled situation is not addressed promptly by both the Government and the international community, the residual problems and emerging threats may not only endanger what has been achieved thus far, but could push Rwanda backward and revive the spectre of renewed conflict.

45. I would also like to underline the importance of the efforts of the Governments in the region and the Organization of African Unity (OAU), both among themselves and in cooperation with the United Nations, to find

durable solutions to the problems of Rwanda. It will be recalled, in this context, that the General Assembly, in its resolution 49/7 of 25 October 1994, endorsed the convening of a regional conference on assistance to refugees, returnees and displaced persons, which will be organized jointly by OAU and UNHCR. In addition, the Security Council's recent decision, in its resolution 955 (1994), to establish an international tribunal to prosecute perpetrators of genocide and other violations of international humanitarian law during the recent conflict in the country may help to deter future violations of human rights and promote peace and national reconciliation. I welcome the Government of Rwanda's assurance of its readiness to cooperate with the tribunal despite its negative vote in the Security Council.

46. In his statement of 14 October (S/PRST/1994/59), the President of the Security Council stressed the importance the Council attaches to the role of UNAMIR, whose neutral and independent presence is crucial to creating conditions of security in Rwanda. UNAMIR is firmly in place, as a focal point of the international community's effort in Rwanda, to provide the coordinated leadership necessary to move forward the overall process of peace and reconciliation.

47. Ultimately, however, it is the people of Rwanda themselves who must solve the problems of their country. The international community can only assist. I call on the Government to ensure that all Rwandese play a part in the reconciliation and nation-building process through open dialogue between all groups. Close cooperation and coordination with the international community is also an essential factor in achieving stability.

48. Given the progress that has been made and the challenges that remain ahead, I recommend that the mandate of UNAMIR be extended for a further six months, that is, until 9 June 1995. During that period, UNAMIR would continue its present functions and strengthen its good offices role in order to facilitate more expeditious movement towards peace and national reconciliation. It would also continue to support current efforts towards a regional approach to the problems created by the crisis in Rwanda. As I recommended in my report of 18 November, such a regional approach should include the convening of an international conference to identify long-term solutions that will ensure peace, security and development in the subregion.

Document 101

Letter dated 30 November 1994 from the Secretary-General to the Minister for Foreign Affairs of Canada concerning efforts to improve security in the camps for Rwandan refugees and to promote rehabilitation and reconstruction in Rwanda

Not issued as a United Nations document; translated from French

Thank you for your letter of 14 November, which reached me just as I was preparing to submit to the Security Council a report on the security problems in the Rwandese refugee camps [Document 99].

I attach for your information a copy of that report, in which I propose that the efforts of the United Nations should be focused on two priority objectives: the restoration of order and security in the camps and the immediate release of funds which would make it possible for the Rwandese administration to operate and for the country's economic and social infrastructure to be rehabilitated. I invite donor countries, in particular, to channel their assistance to the Rwandese Government through the United Nations Trust Fund for Rwanda.

It is now for the Security Council to decide what the contribution of the international community to establishing the conditions necessary for the return of the refugees and displaced persons will be. This contribution will of course be meaningful only if the Rwandese Government, for its part, makes the necessary efforts to promote national reconciliation and the resettlement of the refugees. I wish also, in this context, to recall the vulnerability of Burundi and the threats a possible resumption of the conflict in Rwanda would pose to that country.

On the regional level, President Mobutu, in his capacity as current President of the Economic Community of the Great Lakes Countries, received Presidents Bizimungu and Ntibantunganya at Gbadolite to discuss the common security of Zaire, Rwanda and Burundi. The three Presidents agreed to strengthen their cooperation in this area and to organize a meeting of their ministers of defence in Bujumbura during the first half of December. They also decided to establish, in Rwandese territory, security zones to receive refugees desiring to return to their country. These zones would be placed under United Nations supervision.

Lastly, on the initiative of the United States, a support group met recently in Washington to enable the countries friendly to Rwanda to exchange views and coordinate their diplomatic efforts.

As you can see, increasing efforts are being made in the world and in the region to try to find a solution to the problem of the Rwandese refugees.

Where the international tribunal is concerned, I share your wish that its work should begin as rapidly as possible so that the cycle of impunity which has been perpetuated over the years can at last be broken. For his part, Mr. Ayala Lasso, the High Commissioner for Human Rights, is counting on the financial support of the international community to deploy a sufficient number of human rights observers throughout the territory.

The assistance of the countries friendly to Rwanda is today more crucial than ever. I know that Rwanda can count on the support of Canada, which plays a leading role in the Great Lakes region. When the time has come, I shall not fail to request your advice and your support with a view to the organization of a political conference which will bring together to discuss Rwanda and Burundi not only the neighbouring countries, but also the donors and specialized agencies of the United Nations system active in the region.

In the meantime, I hope that Canada will make its voice heard both at the round table which is to take place in Geneva in January 1995, under the auspices of the United Nations Development Programme, and at the conference the Organization of African Unity and the Office of the United Nations High Commissioner for Refugees will be organizing in Addis Ababa, also at the beginning of next year, on the question of refugees and displaced persons in the Great Lakes region.

Please accept, Mr. Minister, the assurances of my highest consideration.

(Signed) Boutros BOUTROS-GHALI

Document 102

Statement by the President of the Security Council on the situation of Rwandan refugees

S/PRST/1994/75, 30 November 1994

The Security Council has considered carefully the report of the Secretary-General dated 18 November 1994 on the security in the Rwandese refugee camps (S/1994/1308), particularly those located in Zaire. It is gravely concerned at the situation described in the Secretary-General's report.

The Security Council condemns the actions being taken by the former Rwandan leaders, and by former government forces and militias, to prevent, in some cases by force, the repatriation of the refugees in the camps. It also condemns the ongoing interference by these groups and individuals in the provision of humanitarian relief, and is deeply concerned that this interference has already led to the withdrawal of some non-governmental agencies responsible for the distribution of relief supplies within the camps.

The Security Council is alarmed at the indications that these same groups and individuals may be preparing for an armed invasion of Rwanda. It deplores the fact that food distributed by relief agencies for those in the camps is apparently being misappropriated for this purpose. The Council condemns all such actions. It warns these persons, many of whom may have been implicated in the genocide and other serious violations of international humanitarian law which were unleashed on Rwanda in April 1994, that their actions will only reinforce the determination of the international community to ensure that such persons are brought to justice. The Council also stresses once again the responsibilities of neighbouring countries for ensuring that their territories are not used to destabilize the situation inside Rwanda.

The Security Council notes the statement in the Secretary-General's report of 18 November 1994 that the first step towards promoting the repatriation of refugees must be a determined effort by the international community to reduce intimidation of prospective returnees and to improve security in the Rwandese refugee camps, especially those in Zaire. The Security Council attaches equal importance to the Secretary-General's observation that any operation to achieve this would be futile without parallel efforts to promote national reconciliation and reconstruction in Rwanda. The Council stresses the imperative of reinvigorating the political process to provide a framework for any action taken to address security in the camps and the repatriation of Rwandese refugees to Rwanda. The framework should

include a mechanism for sustaining a dialogue between the Government of Rwanda, refugee representatives and the United Nations.

The Security Council considers that the options described in the Secretary-General's report raise complex issues which require further elucidation. The Council requests the Secretary-General to consult potential troop contributors to assess their willingness to participate in a possible peace-keeping operation modelled along the lines described in paragraphs 18 to 25 of the Secretary-General's report, namely to create secure areas within large camp sites, providing safe conditions for the refugees in those areas. The Council requests the Secretary-General to provide a detailed description of the objectives, rules of engagement and costs of such an operation as soon as possible. The Council further requests the Secretary-General to continue to explore as appropriate all possible means of addressing the problems in the camps. The Council will be giving further urgent consideration of this question in the light of the additional information it receives from the Secretary-General.

The Security Council encourages the Secretary-General to assess the taking, on an interim basis, of initial measures aimed at providing immediate assistance to the Zairian security forces in protecting humanitarian operations in the camps, including the possibility of deploying security experts, from member Governments or through contract arrangements, to train and monitor the local security forces. The Council also requests the Secretary-General to consider what steps need to be taken to address the question of security in the refugee camps in Tanzania and Burundi. However, the Council is concerned that the use of local security forces without international involvement may not prove to be an effective approach to the security problems in the camps.

The Security Council recognizes that, in the wake of the events that have overtaken Rwanda, the Government needs immediate and major financial assistance, particularly in the establishment of security conditions inside the country, the maintenance of law and order, the administration of justice, economic and social rehabilitation and national reconciliation for all Rwandese.

The Security Council notes the deployment of 60 human rights officers in the country and the steps taken by UNAMIR to promote the re-establishment of civil

administration throughout the country and looks forward to full deployment. The Council also welcomes the fact that procedures are being instituted, with the cooperation of the Government of Rwanda, to make operational the International Tribunal for Rwanda established in resolution 955 (1994).

The Security Council reminds States that, in accordance with resolution 925 (1994), the Secretary-General has established a trust fund which could serve as a useful conduit for contributions to meet the immediate needs of the Government of Rwanda. It calls upon the international community to provide the resources needed for the Rwanda Emergency Normalization Plan, the forthcoming UNDP-sponsored round-table meeting and the consolidated inter-agency appeal.

The Security Council welcomes the Secretary-General's intention to work with the Organization of African Unity (OAU) to address the wider problems of the subregion.

The Security Council notes that preparations are under way for the convening in Bujumbura in the near future of a regional conference on assistance to refugees, returnees and displaced persons in the Great Lakes region, sponsored by the OAU and endorsed by the General Assembly in resolution 49/7. It also notes the Secretary-General's view that the United Nations and OAU should jointly convene at a later stage a broader conference to address a range of political and other issues, including national reconciliation, in order to identify long-term solutions to ensure peace, security and development in the subregion. Given the urgent need to take forward the political process as part of an overall strategy, including action on security in the camps and conditions inside Rwanda, the Council requests the Secretary-General to consider how preparations for this conference can be accelerated.

The Security Council will remain seized of the matter.

Document 103

Security Council resolution extending UNAMIR's mandate until 9 June 1995 and expanding the mandate to include contributing to the security in Rwanda of International Tribunal and human rights personnel and assisting in establishing a new national police force

S/RES/965 (1994), 30 November 1994

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda, and its resolutions 912 (1994) of 21 April 1994, 918 (1994) of 17 May 1994 and 925 (1994) of 8 June 1994, which set out the mandate of the Mission,

Having considered the progress report of the Secretary-General of 25 November 1994 on the Mission, 1/

Noting the report of the Secretary-General of 18 November 1994 on security in the Rwandan refugee camps, 2/

Recalling its resolution 955 (1994) of 8 November 1994 establishing the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994,

Stressing the importance of achieving genuine reconciliation between all elements of Rwandan society within the frame of reference of the Arusha Peace Agreement, 3/

Noting the deployment of human rights officers to Rwanda by the United Nations High Commissioner for Human Rights in order to monitor the ongoing human rights situation, to help redress existing problems and prevent possible human rights violations from occurring, to help foster a climate of confidence and the establishment of a more secure environment and thus facilitate the return of refugees and displaced persons, and to implement programmes of technical cooperation in the field of human rights, particularly in the area of administration of justice,

1/ *Official Records of the Security Council, Forty-ninth Year, Supplement for October, November and December 1994*, document S/1994/1344.

2/ *Official Records of the Security Council, Forty-ninth Year, Supplement for October, November and December 1994*, document S/1994/1308.

3/ Peace Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, signed at Arusha, United Republic of Tanzania, on 4 August 1993; see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26915.

Noting also that the widespread dispersal of landmines is causing hardship to the civilian population and is hampering the return of refugees and displaced persons and other humanitarian relief efforts,

Welcoming the establishment by the Secretary-General of a trust fund, pursuant to resolution 925 (1994) of 8 June 1994,

1. *Decides* to extend the mandate of the United Nations Assistance Mission for Rwanda until 9 June 1995;

2. *Reaffirms* that the Mission will:

(a) 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;

(b) Provide security and support for the distribution of relief supplies and humanitarian relief operations;

(c) Exercise its good offices to help achieve national reconciliation within the frame of reference of the Arusha Peace Agreement;

3. *Decides* to expand the mandate of the Mission to include the following additional responsibilities within the limits of the resources available to it:

(a) Contribute to the security in Rwanda of personnel of the International Tribunal for Rwanda and human rights officers, including full-time protection for the Prosecutor's Office, as well as security details for missions outside Kigali;

(b) Assist in the establishment and training of a new, integrated, national police force;

4. *Strongly urges* the Government of Rwanda to continue its cooperation with the Mission in the implementation of its mandate and in particular in ensuring unimpeded access to all areas of Rwanda by Mission forces, personnel of the International Tribunal for Rwanda and human rights officers;

5. *Welcomes* the efforts of the Mission to increase its radio broadcasting capabilities so as to reach the refugee camps in neighbouring countries, and expresses the hope that it will soon be possible for the Government of Rwanda to conclude appropriate arrangements with the Mission in this regard, including the allocation of a radio frequency;

6. *Commends* the efforts of States, United Nations agencies and non-governmental organizations which have provided humanitarian and other assistance, and encourages them to continue and increase such assistance, particularly in Rwanda;

7. *Requests* the Secretary-General to make recommendations on possible steps that could be taken by the United Nations to promote the establishment of an effective mine-clearance programme in Rwanda;

8. *Calls upon* the international community to provide resources needed to meet the immediate needs of the Government of Rwanda directly or through the trust fund established pursuant to resolution 925 (1994);

9. *Requests* the Secretary-General, following the usual consultations, to inform the Council should he consider that the additional tasks set out in paragraph 3 above require consideration of an adjustment in the logistic and personnel requirements of the Mission;

10. *Decides* to keep under review the situation in Rwanda and the role played by the Mission and, to that end, requests the Secretary-General to report to the Council by 9 February 1995 and 9 April 1995 on the discharge by the Mission of its mandate, the safety of populations at risk, the humanitarian situation and progress towards repatriation of refugees;

11. *Commends* the efforts of the Secretary-General, his Special Representative and his Special Humanitarian Envoy to coordinate the United Nations response to the various aspects of the crisis in Rwanda;

12. *Decides* to remain actively seized of the matter.

Document 104

General Assembly resolution on emergency international assistance for a solution to the problem of refugees, the restoration of total peace, reconstruction and socio-economic development in war-stricken Rwanda

A/RES/49/23, 2 December 1994

The General Assembly,

Recalling Security Council resolution 872 (1993) of 5 October 1993, in which the Council urged Member States, United Nations specialized agencies and non-

governmental organizations to provide and intensify their economic, financial and humanitarian assistance in favour of the Rwandese population and of the democratization process in Rwanda,

Recalling also its resolution 48/211 of 21 December 1993, entitled "Emergency assistance for the socio-economic rehabilitation of Rwanda",

Taking note of the report of the Secretary-General of 3 August 1994 on Rwanda 1/ and of the statement by the President of the Security Council of 10 August 1994 2/ in connection with the Council's consideration of the item entitled "The situation concerning Rwanda",

Having considered the report of the Secretary-General of 14 October 1994 on emergency assistance for the socio-economic rehabilitation of Rwanda, 3/

Taking into consideration the serious consequences of genocide and of the destruction of the economic, social, educational and administrative infrastructure,

Expressing its grave concern over the disastrous humanitarian situation of the Rwandese population, including 2 million refugees and displaced persons who must be reintegrated into society and employment,

Recognizing that, as a result of successive episodes in the conflict, several categories of refugees are involved,

Considering the diversity of the victims of the conflict, namely, the refugees, the many orphans, the widowers and widows, the disabled, the young people in need of schooling and other casualties of the situation,

Emphasizing the need to consider the crisis in Rwanda in a regional context, in view of its implications for the countries of the region, in implementing the plan of action recommended by the Government of Rwanda, the Office of the United Nations High Commissioner for Refugees and the Organization for African Unity within the framework of the Peace Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, 4/ signed at Arusha, United Republic of Tanzania, on 4 August 1993,

Taking into account the fact that, because of the total collapse of the national economy, the lack of human and technical resources and the financial disaster in Rwanda, emergency assistance, rehabilitation and reconstruction are essential for the economic recovery and development of the country,

Recognizing that the Arusha Peace Agreement provides an appropriate framework for national reconciliation,

Expressing its gratitude to those States and intergovernmental and non-governmental organizations which have responded positively and continue to respond positively to the humanitarian needs of Rwanda, and to the Secretary-General, who has mobilized and coordinated the distribution of humanitarian assistance,

1. Encourages the Government of Rwanda to pursue its efforts with a view to creating conditions which would be conducive to the return of the refugees to their country and their resettlement and to the recovery by

displaced persons of their property in peace, security and dignity;

2. Congratulates the Secretary-General on the efforts he has made to draw the attention of the international community to the humanitarian crisis which Rwanda is undergoing;

3. Urges all States, United Nations organizations, specialized agencies and other intergovernmental and non-governmental organizations and the international financial and development institutions to provide all possible financial, technical and material assistance with a view to facilitating the restoration of basic services, rehabilitating the economy and ensuring the reconstruction of the social and economic infrastructure of Rwanda and the return and resettlement of refugees and internally displaced persons in Rwanda;

4. Invites all States, United Nations organizations and intergovernmental and non-governmental organizations to provide emergency assistance to facilitate the reintegration of refugees and displaced persons into society and the completion of the democratic process with a view to the restoration of a lasting peace in Rwanda;

5. Urges all States, in particular the donor countries, to contribute generously to the trust fund established by the Secretary-General on 14 July 1994 to finance humanitarian relief and rehabilitation programmes to be implemented in Rwanda;

6. Invites all States and the international financial institutions to respond to the financial needs of Rwanda in order to permit it to ensure the restoration and normal functioning of State institutions;

7. Requests the Government of Rwanda and the other partners concerned (the Organization of African Unity and the Office of the United Nations High Commissioner for Refugees), including the States of the subregion, to meet without delay to consider the problems relating to Rwandese refugees at a subregional conference within the framework of the plan of action adopted under the Arusha Peace Agreement;

8. Requests the Secretary-General to provide all possible assistance to support the strengthening of total peace in Rwanda and to submit to the General Assembly at its fiftieth session a report on the implementation of the present resolution;

1/ S/1994/924; see *Official Records of the Security Council, Forty-ninth Year, Supplement for July, August and September 1994*.

2/ S/PRST/1994/42; see *Official Records of the Security Council, Forty-ninth Year, Resolutions and Decisions of the Security Council 1994*.

3/ A/49/516.

4/ A/48/824-S/26915, annexes I-VII; see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26915.

9. *Decides* to consider at its fiftieth session the item entitled "Emergency international assistance for a solution to the problem of refugees, the restoration of total

peace, reconstruction and socio-economic development in war-stricken Rwanda".

Document 105

General Assembly resolution on special assistance to countries receiving refugees from Rwanda

A/RES/49/24, 2 December 1994

The General Assembly,

Having considered the item entitled "Special assistance to countries receiving refugees from Rwanda",

Bearing in mind the serious crisis which has shaken Rwanda to its very foundations,

Deeply concerned about the massive presence of refugees from Rwanda in the territories of neighbouring countries, namely, Burundi, Uganda, the United Republic of Tanzania and Zaire,

Concerned about the evident impact of these massive flows of refugees on the basic infrastructure and on the life and property of local populations in the States which are neighbours of Rwanda,

Also bearing in mind the large-scale material destruction, the deterioration of the economic, social and health infrastructure and the ecological devastation in the areas receiving refugees from Rwanda,

Gravely concerned by the effects which epidemics in those areas are having on the health of the populations of the countries receiving refugees from Rwanda,

Observing that the humanitarian aid dispatched to those areas should as far as possible take into consideration the scale of the needs of the local populations,

Recognizing that the countries receiving refugees from Rwanda, all of them least developed countries, continue to experience an extremely critical economic situation,

Expressing its appreciation to the Governments of the countries receiving refugees from Rwanda for the sacrifices which they are making in granting refuge and hospitality to them,

Concerned about the paucity of the aid granted to the local populations of the countries receiving refugees from Rwanda, and stressing the need to continue providing and to step up special assistance to those countries,

1. *Expresses its deep concern* at the grave social, economic, health and ecological impact of the massive and unexpected presence of refugees in countries which are neighbours of Rwanda;

2. *Commends* the Governments of Burundi, Uganda, the United Republic of Tanzania and Zaire for the sacrifices which they have made and for their continuing commitment to do their utmost to assist the refugees from Rwanda, notwithstanding the constraints which their limited resources place upon them;

3. *Urges* all States and intergovernmental and non-governmental organizations, and calls upon the international financial and development institutions, to provide all financial, technical and material assistance possible with a view to facilitating the restoration of the basic services destroyed in the countries receiving refugees from Rwanda;

4. *Requests* the Secretary-General to submit to the General Assembly at its fiftieth session a report on the follow-up to the present resolution.

Document 106

Letter dated 8 December 1994 from the President of Ireland, Mary Robinson, to the Secretary-General concerning the President's visit to the Great Lakes region (12-13 October 1994)

Not issued as a United Nations document

I was sorry that you were away when I visited New York in October but I very much appreciated the opportunity

provided to brief Mr. Gharekan and other U.N. officials on the visit which I and the Minister of State at the

Department of Foreign Affairs, Mr. Tom Kitt, T.D., made recently to Rwanda and to the refugee camps in Goma and Ngara.

Since then I have written to the Heads of State of the U.N. Security Council, the European Union, the Council of Europe and other countries with whom Ireland has diplomatic relation, as well as to the President of Burundi, about the consequences of the terrible disaster that has befallen Rwanda.

I am enclosing, for your information, a copy of the letter in question as well as a list of the States to which it has been sent. [Editor's note: The list of addressees is not reproduced here.]

Yours sincerely,

(Signed) Mary ROBINSON
President of Ireland

Outline of Visit of President of Ireland to Rwanda and Goma (12-13 October, 1994)

The President of Ireland, Mary Robinson, accompanied by Mr. Robinson, the Minister of State for Development Cooperation Mr. Tom Kitt T.D. and officials, visited Kigali on 12th October and Goma on 13th October. The President met with President Bizimungu, Vice-President Paul Kagame, the UN Special Envoy Ambassador Khan, the UNAMIR Force Commander General Tousignant, the NGOs and international aid agencies.

As well as her meetings in Rwanda, the President had a number of discussions in the course of State Visits which she paid over the past month to Zambia, Zimbabwe and Tanzania where Rwanda was touched on. She met President Museveni of Uganda on 14 October and also met the Prime Minister and Defence Minister of Burundi on 15 October. The President also paid a visit to the refugee camps at Ngara in Tanzania.

The purpose of the President's visits to Rwanda and Goma was twofold: to pay tribute to and show solidarity with the humanitarian efforts being undertaken by Irish and international personnel; and to be briefed as fully as possible on all aspects of the Rwandan problem as seen by those directly involved and indirectly affected.

The range of meetings made it possible to get a good overview of the Rwandan problem and to draw some tentative conclusions. These might be summarised as follows:

- Although a semblance of normality is returning to Kigali the situation remains precarious. The Government contrasts the conditions being placed by the international community on assistance to them with slowness to act to bring those responsible for the genocide to

justice. The ousted forces could regroup and attack them;

- Government representatives stressed that they have a pressing need for direct cash assistance. The army are not being paid and the potential is there for trouble. The impact of the killings runs very deep; whole cadres of professional people in Rwandan society have been killed or have fled leaving enormous gaps;
- The refugee problem is complicated by the circumstances in which many people fled. The ousted army and military have a grip on the camps and are manipulating the refugees for their own ends. There is the additional problem of the old as well as the new refugees. Accurate figures are hard to come by but it is clear that some refugees are still leaving and —while some are returning—many as yet lack sufficient confidence in the RPF Government to return;
- As many as 2 million people are displaced internally and this is putting a very severe strain on the Government's meagre resources;
- It may be necessary to separate ordinary refugees in the camps from the army and militia leaders. This will be a delicate, difficult task;
- The international community has responded well to appeals for humanitarian assistance for the refugees and there is a good supply line in place. Nevertheless, conditions in the camps are awful and cannot be sustained for long. The danger of a recurrence of cholera must be great;
- It would seem to be essential to get the International Tribunal in place without delay. There is a real danger that those responsible for the massacres earlier this year will go unpunished if immediate action is not taken on this. It is not only important that those culpable be brought to justice but that the cycle of carrying out killings with impunity, which has been a feature of the Rwandan scene over the years, be broken. This would also form a vital part of the Rwandan people coming to terms with the scale of the massacres;
- The deployment of human rights monitors should be speeded up so as to give refugees confidence to return;
- It would seem essential to involve regional powers in the future of Rwanda in the spirit of the Arusha Accords. Tanzania would seem to have an important role to play as an honest broker.

Ireland has informed its partners in the European Union about the visit and is arguing that the scale of what has happened in Rwanda is so great that it should be an urgent priority for the international community to seek ways of avoiding further bloodshed and finding a long term solution to the country's problems. Ireland is urging its EU partners to assist in restoring the institutions of civil administration. Ireland is allocating \$400,000 for this purpose and is considering further assistance in the field of training.

Letter issued to Heads of State
December, 1994

Accompanied by the Minister of State at the Department of Foreign Affairs, Mr. Tom Kitt, T.D., I had the opportunity recently to visit Kigali in Rwanda and refugee camps near Goma in Zaire and Ngara in Tanzania. Additionally I was able to receive at first hand the views of the authorities in Rwanda, Burundi, Uganda, Tanzania, Zambia and Zimbabwe in relation to the terrible atrocities committed earlier this year in Rwanda and their consequences.

Those consequences have placed an unprecedented burden upon the resources of the international community. The continuing refugee problem alone gives rise to many difficulties and the physical circumstances of the refugees are worsening despite the huge humanitarian response that the crisis has evoked.

Minister Kitt and I have since met the U.N. Under-Secretary-General, Mr. Chinmaya R. Gharekan, and apprised him of what we have learned and experienced. At the same time an *aide-mémoire* from the Government of Ireland was presented to Mr. Gharekan by the Permanent Representative of Ireland to the United Nations, Ambassador Mahon Hayes, and I am enclosing a copy for your information.

The scale and multi-faceted nature of the crisis have created very serious difficulties which the United Nations agencies concerned are seeking to resolve but I am particularly concerned about the issue of human rights violations which must be addressed as a matter of urgency.

Those affected by the genocide attach great importance to the commitment of the international community to the principle of accountability and to their willingness to defend that principle. In turn, adherence to that principle is an essential first step in the process of healing and reconciliation that is so desperately needed if the cycle of violence in Rwanda is to be broken and if the necessary measures are to be instituted to encourage the refugees to return and to provide guarantees for their safety.

For this reason I welcome the recent decision of the Security Council to establish an international tribunal to investigate the genocide and to prosecute those responsible. The scale and very nature of the atrocities require the strongest commitment that those who instigated them be held accountable and that adequate resources, especially personnel with the necessary expertise and professional skills, be made available to the tribunal as soon as possible.

The establishment of an adequately resourced tribunal, in addition to the deployment of sufficient numbers of human rights monitors, will help to restore the confidence that is needed for the process of healing and reconciliation to commence and will provide greater assurances of safety to encourage refugees to return to Rwanda. I believe that this process is deserving of, and needs, the highest level of support from the international community in the period ahead.

(Signed) Mary ROBINSON
President of Ireland

Document 107

Letter from the Secretary-General to the President of the Security Council transmitting the final report of the Commission of Experts

S/1994/1405, 9 December 1994

In my letter of 1 October 1994 to the President of the Security Council (S/1994/1125), by which I transmitted the interim report of the Commission of Experts established pursuant to Security Council resolution 935 (1994), I noted that I would bring to the attention of the

Council the final report of the Commission of Experts as soon as it was made available to me. The Chairman of the Commission, Mr. Atsu-Koffi Amega, transmitted to me the final report of the Commission in Geneva on 3 December 1994.

In its final report, the Commission had provided an overview of the facts based on the information made available to it from various sources. It then analysed the applicable law and some selected legal issues of particular significance in the context of the Rwandan conflict.

The conclusions it reached on the basis of the evidence gathered and analysed may be summarized as follows:

(a) There exists overwhelming evidence to prove that acts of genocide against the Tutsi ethnic group were committed by Hutu elements in a concerted, planned, systematic and methodical way, in violation of article II of the Convention on the Prevention and Punishment of the Crime of Genocide, 1948;

(b) Crimes against humanity and serious violations of international humanitarian law were committed by individuals of both sides of the conflict, but there is no evidence to suggest that acts committed by Tutsi elements were perpetrated with an intent to destroy the Hutu ethnic group as such, within the meaning of the Genocide Convention; the Commission recommended, however, that investigation of violations of international humanitarian law and of human rights law attributed to the Rwandese Patriotic Front be continued by the Prosecutor of the recently established International Tribunal for Rwanda.

In paragraph 3 of resolution 935 (1994), the Security Council requested me to take account of the conclusions of the Commission in any recommendation for further appropriate steps. In this connection I note that by its resolution 955 (1994) the Council decided to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States between 1 January 1994 and 31 December 1994.

In view of that resolution, I believe that the recommendations of the Commission, namely, that an international tribunal should be established and that the investigation into allegations of violations of international humanitarian law should continue, have already been acted upon. I am also confident that the material collected by the Commission, which it was requested to transmit to the Prosecutor of the International Tribunal for Rwanda, will greatly facilitate his task.

I therefore consider that the Commission has discharged its mandate entrusted to it by the Security Council in its resolution 935 (1994). In accordance with paragraph 3 of that resolution, I hereby transmit to the Council the final report of the Commission of Experts

established pursuant to Security Council resolution 935 (1994).

(Signed) Boutros BOUTROS-GHALI

Annex

Final report of the Commission of Experts established pursuant to Security Council resolution 935 (1994)

I. Introduction

A. Mandate

1. On 1 July 1994, the Security Council adopted resolution 935 (1994), in which it requested the Secretary-General to establish, as a matter of urgency, an impartial Commission of Experts to examine and analyse information submitted pursuant to that resolution, with a view to providing the Secretary-General with its conclusions on the evidence of grave violations of international humanitarian law committed in the territory of Rwanda, including the evidence of possible acts of genocide.

2. In pursuance of paragraph 3 of that resolution, the Secretary-General submitted, on 26 July 1994, a report to the Security Council (S/1994/879). In that report, the Secretary-General stated that the Council had condemned all breaches of international humanitarian law in Rwanda, particularly those perpetrated against the civilian population during the armed conflict, and had recalled that persons who instigated or participated in such acts were individually responsible. The Council had affirmed that the killing of members of an ethnic group with the intention of destroying the group as such, in whole or in part, constituted a crime under international law.

3. Based on the terms of reference set out in Security Council resolution 935 (1994), the Secretary-General requested the Commission of Experts to review and update information available from all sources; to carry out its own investigations in Rwanda; to draw its own conclusions concerning evidence of specific violations of international humanitarian law and in particular acts of genocide; and to determine whether and to what extent certain individuals might be held responsible for having committed those violations.

4. In view of the above, the Commission was requested to examine the question of jurisdiction, whether international or municipal, before which such persons could be brought to trial.

5. Furthermore, in his report the Secretary-General outlined the composition of the Commission of Experts and its operational modalities. In that regard, the Secretary-General took note, *inter alia*, of the similarities of the mandates entrusted by the Commission on Human

Rights in its resolution S-3/1 of 25 May 1994 to the Special Rapporteur on Rwanda and the terms of reference outlined by the Security Council in its resolution 935 (1994) *vis-à-vis* the Commission of Experts.

6. To avoid unnecessary overlapping and to ensure maximum cooperation between the two investigative bodies, the Secretary-General urged that the information submitted to him in pursuance of the above-mentioned resolutions should be made available to each body in the performance of their respective tasks.

7. For reasons of efficiency, practicality and economy, the Secretary-General decided that the Commission of Experts should be located at the United Nations Office at Geneva, where it could benefit from the resources of the Office of the United Nations High Commissioner for Human Rights as well as those made available to the Special Rapporteur of the Commission on Human Rights.

8. Given the urgency of the matter, the Security Council requested the Secretary-General, within four months from the establishment of the Commission of Experts, to report to the Council on the conclusions of the Commission and to take account of these conclusions in any recommendations for further appropriate steps. Accordingly, the Secretary-General established the deadline of 30 November 1994 for the submission of the final report..

9. Moreover, the Commission of Experts decided at its first session, on 18 and 19 August 1994, to submit an interim report to the Secretary-General covering its preliminary investigations and activities prior to 30 September 1994. It also designated Mr. Salifou Fomba (Mali) as Rapporteur of the Commission and developed methods of work and security procedures in respect of documentation (see appendices II and IV).

10. On 1 October 1994, the Secretary-General transmitted to the Security Council the preliminary report of the Commission of Experts (S/1994/1125, annex). The report contained the Commission's preliminary conclusions and recommendations, in particular that individuals from each side to the armed conflict had perpetrated serious breaches of international humanitarian law and crimes against humanity. It concluded also that acts of genocide had been perpetrated against the Tutsi group by Hutu elements in a concerted, planned, systematic and methodical way.

11. Based on those conclusions the Commission of Experts recommended to the Security Council to take all necessary and effective action to ensure that the individuals responsible for the foregoing grave violations of human rights be brought to justice before an international criminal tribunal. Furthermore, the Commission recommended that the Security Council amend the statute of

the International Criminal Tribunal for the former Yugoslavia 1/ to expand the Tribunal's jurisdiction to cover crimes under international law committed during the armed conflict in Rwanda that began on 6 April 1994.

12. On the consideration of the Secretary-General's report (S/1994/1125), and pursuant to paragraph 3 of Security Council resolution 935 (1994), the Security Council, on 8 November 1994, adopted resolution 955 (1994) with 13 votes in favour, 1 against (Rwanda) and 1 abstention (China).

13. In resolution 955 (1994), the Security Council, determining, *inter alia*, that the situation in Rwanda continued to constitute a threat to international peace and security, and acting under Chapter VII of the Charter of the United Nations, decided, upon the request of the Government of Rwanda, "to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandese citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994". The Council also adopted the Statute of the International Tribunal for Rwanda, which is contained in appendix I to the present report. [Editor's note: Appendix I is reproduced in Document 97 as an annex.]

B. Composition

14. On 26 July 1994, the Secretary-General established the Commission of Experts, composed of three members. Accordingly, he nominated Mr. Atsu-Koffi Amega (Togo), as Chairman; Ms. Haby Dieng (Guinea); and Mr. Salifou Fomba (Mali), to serve in their personal capacities.

C. Meetings

15. The Commission of Experts began its work on 15 August 1994, in Geneva. Its first session was held on 18 and 19 August, during which it adopted its internal methods of work, rules of procedure and its plan of action.

16. On 19 August 1994, the Commission of Experts held consultations with the Special Rapporteur of the Commission on Human Rights on Rwanda, Mr. René Dégni-Ségui, to coordinate the modalities of their work, primarily for the purposes of gathering information and evidence concerning their respective man-

1/ The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established by Security Council resolution 827 of 25 May 1993, will be referred to in this report as the "International Criminal Tribunal for the former Yugoslavia".

dates. The Commission also met several times with the United Nations High Commissioner for Human Rights. Meetings were held between the Commission and representatives of a number of United Nations organizations, and in particular delegations from the Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Food Programme (WFP), and also from the International Committee of the Red Cross (ICRC) and a number of non-governmental organizations.

17. The Chairman appealed to Member States for assistance so as to improve the implementation of the Commission's mandate. On 23 August, prior to the Commission's departure for Rwanda, he held a meeting at Geneva with 21 government representatives to outline the Commission's immediate plan of action. He made a request for assistance, including in matters related to prosecution, police investigations and forensic expertise so that proper hearings of victims and witnesses could be conducted and that mass graves could be exhumed.

18. Pursuant to paragraph 3 of Security Council resolution 935 (1994), the Commission met in private session to adopt its preliminary report for submission to the Secretary-General.

19. On 20 September 1994, the Commission met in special session with members of the delegation from the United States of America, and in particular with Mr. Mike Mansfield, who conducted an investigating mission in Rwanda from 28 September to 7 October 1994 for the Commission.

20. On 10 October 1994, the Commission met at Geneva with representatives from UNHCR: Mr. Founat, Chef de Cabinet; Mr. Kimbimbi, Senior Legal Adviser for Africa; and Mr. Gersony, Consultant.

21. Furthermore, the Commission met with the Prosecutor of the International Tribunal for Rwanda, Mr. Justice Richard Goldstone, at Geneva and at The Hague, to discuss possible arrangements for the transmission of documentation and evidence from the Commission of Experts on Rwanda to the Office of the Prosecutor.

D. *Missions carried out in Rwanda and in neighbouring countries*

22. From 29 August to 17 September 1994, the Commission conducted a field mission in Rwanda and its three neighbouring countries, Burundi, the United Republic of Tanzania and Zaire. The Commission met with the national authorities of those countries, United Nations officials, representatives of international and local non-governmental organizations, diplomatic representatives and other individuals in order to collect substantial information relating to grave violations of international humanitarian law and acts of genocide committed in Rwanda during the conflict.

23. During its first stay in Rwanda, the Commission carried out a number of missions in the field and initiated several investigations. It also had the opportunity to hold a number of meetings with Rwandese refugees at Goma, Zaire, and at Dar-es-Salaam and to collect allegations of violations.

24. In accordance with its plan of action, the Commission of Experts determined it necessary to undertake a second mission to Rwanda. The Commission determined that it should make an effort to ensure that the means and methods of the investigation should continue with all necessary care and dispatch, always with a view to meeting the high procedural and evidentiary standards of international law and justice. The Commission of Experts saw that the work of the Special Investigative Unit of the Human Rights Field Operation in Rwanda was working efficiently. The Special Investigation Unit has created two teams: the Site Investigation Team and the Documentation and Evidence Team. The Site Investigation Team conducts field investigations into massacres and mass grave sites with the assistance of experienced forensic experts. The Documentation and Evidence Team gathers, catalogues and supervises custody and control of all documents and evidence gathered by the Special Investigation Unit in accordance with the procedures established and adopted by the Commission at its first session on 18 and 19 August 1994 (see appendices III and IV).

25. The Commission made visits to Nyamirambo (Kigali), Nyarubuye, Gafunzo, Gikondo, Cyanvuzo, Save, M'bazi, Ntarama and a number of other sites of atrocities. The Commission was received by the Minister of the Interior, the Minister of Justice, the Prime Minister and the Vice-President, General Paul Kagame. There were meetings with the Special Representative of the Secretary-General, Mr. Shahyar Khan, General Jean-Claude Toussignant (Commander of the United Nations Assistance Mission for Rwanda (UNAMIR)) and with the chiefs of United Nations agencies in the region as well as with representatives of the NGOs working in Rwanda.

26. During its second mission, the Commission received the technical assistance of a number of experts. The Commission was pleased that its appeal for support, launched by the Chairman, was heard by certain States. In particular, Spain put at the disposal of the Commission a team of experts composed of two investigative experts and two forensic experts. Working alongside this team was an investigative expert from Switzerland.

E. *References made to the Commission of Experts by other United Nations bodies*

27. At its first session, the Commission took note of Security Council resolutions 918 (1994) and 925 (1994) and of the reports of the Secretary-General

(S/1994/640 and S/1994/879) leading to the establishment of the Commission of Experts.

28. The Commission also took note of Commission on Human Rights resolution S-3/1, adopted by the Commission at its special session held at Geneva on 25 May 1994, and of the reports of the Special Rapporteur of the Commission on Human Rights on Rwanda (S/1994/1157, annexes I and II, and S/1994/1157/Add.1, annex) submitted pursuant to that resolution.

29. Furthermore, at its forty-sixth session, the Sub-commission on Prevention of Discrimination and Protection of Minorities adopted resolution 1994/1 entitled "Situation in Rwanda", which called the attention of the Commission of Experts to the need to inquire, *inter alia*, into events leading to the current situation, including the attack on the plane carrying the Presidents of Burundi and Rwanda, the assassination of the Prime Minister and of Rwandese ministers and dignitaries, as well as of the 10 United Nations soldiers assigned to protect the Prime Minister; to identify the Rwandese and foreign individuals implicated in the traffic of arms or other illicit traffic; and to engage as a priority in the identification and finding of evidence leading to attribution of responsibility of proprietors, management and personnel of certain media institutions, especially those of Radio des Mille Collines, which had played a crucial role in the perpetration and spread of the atrocities through incitement.

II. Sources of information and analysis of information received by the Commission of Experts

30. In pursuance of Security Council resolution 935 (1994) of 1 July 1994, the Commission of Experts carried out various investigations and obtained reliable information concerning serious human rights violations.

A. Information received from States

31. The Commission received documents from the Governments of Spain, the United States of America, France and Ireland, which in turn had received them essentially from non-governmental organizations and individuals.

32. The dossiers forwarded by the Spanish Government originate from the following organizations and institutions: ANB-BIA, the Liaison Committee of the Conference of Catholic Bishops of Rwanda and the Protestant Council of Rwanda, the Congregation of Sisters of San José de Gerona, Médecins du monde (Spain) and the Society of Missionaries of Africa (White Fathers).

33. The Government of the United States also presented to the Commission documents originating from the following governmental and non-governmental organizations: the Senate Committee on Foreign Relations, the State Department, Amnesty International (United

States) and the Committee for Refugees (United States). These various reports and eyewitness accounts contain information on many massacres carried out all over Rwanda, the victims being for the most part members of the Tutsi group and Hutu opponents of the regime of former President Juvénal Habyarimana. They also reveal that these violations were basically carried out by armed groups composed of *interahamwe* ("those who attack together") militias trained by the Presidential Guard and supported by the Rwandese armed forces. The reports condemn the behaviour of several figures in the former regime and the owners and journalists of Radio des Mille Collines, who bear prime responsibility for inciting Hutus to exterminate Tutsis and kill moderate Hutus.

34. Most of the organizations which forwarded this information to the Governments of Spain and the United States urge that the United Nations act speedily to prevent further human rights violations in Rwanda and to set up an impartial body to investigate serious violations of human rights and humanitarian law, including genocide.

35. The United States State Department has forwarded to the Commission documents from the special investigative team it put at the Commission's disposal in September-October 1994. These comprise principally written statements by witnesses and victims, accounts of the activities of political parties, reports by humanitarian organizations on the human rights situation in Rwanda, letters from foreign diplomats, press releases from the United Nations Assistance Mission for Rwanda (UNAMIR), the report of an inquiry by UNAMIR on the killing of 10 Belgian United Nations peace-keepers, documents on militia activities and summaries of radio broadcasts. Although most of them date from before 6 April 1994, these accounts and documents prove the existence of a plan for genocide against Tutsis and the murder of moderate Hutus. Some documents reveal actual preparations for such actions, while others refer to lists of figures to be killed.

36. The French Government forwarded to the Commission information collected during "Operation Turquoise".

37. Lastly, the Commission received a paper from the Canadian Government on the existence of allegations concerning participation by a senior MRND official in campaigns of incitement to ethnic hatred and genocide against Tutsis (a speech delivered in 1992). The Commission has been informed that the investigation concerning this matter is proceeding on its normal course.

B. Information provided by organs within the United Nations system

38. The Special Rapporteur, appointed under Commission on Human Rights resolution S-3/1, has transmitted three reports to the Commission to date.

39. In his first report (S/1994/1157, annex I) of 28 June 1994, the Special Rapporteur reported large-scale massacres organized and carried out by Hutu militias—the *interahamwe*, close to the National Revolutionary Movement for Democracy and Development (MRND), and the *impuzamugambi* (“those who have a single aim”), close to the Coalition for the Defence of the Republic (CDR).

40. The victims of the massacres were mostly either of Tutsi origin or Hutus considered to be moderate. The report cited numerous heinous acts perpetrated against those groups, including the killing of moderate Hutus by extremist Hutus, acts of torture and other cruel, inhuman or degrading treatment, as well as the incitement of ethnically motivated hatred and violence. The report concluded that responsibility for the above rested with the aforementioned militias and the “transitional Government” of Rwanda. It recommended, *inter alia*, the establishment of an ad hoc international criminal tribunal or, alternatively, the extension of the jurisdiction of the International Criminal Tribunal for the former Yugoslavia.

41. In his second report (*ibid.*, annex II) of 12 August 1994, the Special Rapporteur condemned in particular the activities of Radio-Télévision Libre des Mille Collines (RTL) and the exiled former Government, which he said were responsible for incitement to the murder of Tutsis and Hutu moderates and had caused the refugees to be afraid to return to Rwanda.

42. In his third report (S/1994/1157/Add.1, annex), of 11 November 1994, the Special Rapporteur confirmed the constituent elements of genocide, namely the discovery of mass graves and the existence of proof or indications of the planned genocide of Tutsis. It also describes the existence of human rights violations which may be attributed to military personnel and civilians. These may be broken down into serious violations of the right to property, personal safety and the right to life. As the Special Rapporteur noted in his third report, the current Minister of Justice disclosed in a fax to the Special Rapporteur that the Government had arrested about 100 of its own soldiers, whom it intends to bring before military courts for serious violations of codes of military discipline.

43. Lastly, the Special Rapporteur has forwarded to the Commission documents on the serious and large-scale violations of human rights in Rwanda.

44. The Commission of Experts has also received from UNHCR information concerning massacres alleged to have been perpetrated by members of the Rwandese Patriotic Front (RPF) army on a systematic basis against a number of Hutus. In all alleged cases, the victims included not only men, but also women and children.

Most of the massacres do not seem to have been provoked by individuals suspected of participation in the massacres of Tutsis carried out in April 1994. Bodies that drifted down the Kagera river at an average rate of five per day in the last week of September, many of which had their feet and hands tied—indicating that the victims had been summarily executed—were being recovered.

C. *Information provided by other intergovernmental bodies*

45. The Commission of Experts received a copy of the report on the situation in Rwanda submitted by the Secretary-General of the Organization of African Unity (OAU) to the Council of Ministers of OAU at its sixtieth regular session (Tunis, 6-11 June 1994). In his report, the Secretary-General noted the worsening of the political situation and the growing lack of security evidenced by the murder of political leaders and the massacre of civilians in deliberate killings perpetrated on an almost unimaginable scale. He called in particular for the establishment of a commission of independent and impartial experts to investigate the circumstances surrounding the accident in which the President’s aeroplane was involved on 6 April 1994 and the massacres which followed it.

D. *Information provided by non-governmental organizations*

46. A large number of non-governmental organizations submitted reports to the Commission. These reports include either general observations on the situation as regards violations of human rights and humanitarian law in Rwanda, or precise allegations on the murder or kidnapping of named individuals.

47. These crimes were essentially attributed to the militias referred to above, the Rwandese Armed Forces (FAR), the political and administrative authorities and several hundred Rwandese of Hutu origin.

48. A number of these reports contain detailed lists of those allegedly responsible for massacres and other abuses. The non-governmental organizations whose reports were received by the Commission are the following: African Rights, Amnesty International, Association rwandaise pour la défense des droits de l’homme, Avocats sans frontières, Comité pour le respect des droits de l’homme au Rwanda, Conseil régional des organisations non gouvernementales de développement du Sud-Kivu, Droits de l’homme sans frontières, International Federation of Human Rights, International Service for Human Rights, International Society for Human Rights (Zaire branch), Médecins du monde, Médecins sans frontières, Nord-Sud XXI, OXFAM, Reporters sans frontières, Survival International, United States Committee for Refugees and World Organization against Torture. ICRC also supplied information.

49. Most of these reports recommend the establishment of a tribunal to try and punish the individuals responsible for genocide.

50. The material contained in most of these reports seems to be precise, detailed and corroborated by the information gathered in particular by the Special Rapporteur. Among noteworthy documents, mention should be made of the following evidence incriminating identified individuals: the statutes of RTL (featuring the names and signatures of 50 shareholders), and a complaint and claim for indemnification lodged by Reporters sans frontières with the judicial authorities in Belgium and France and directed against figures in the former Rwandese regime who are mentioned by name. They are accused in particular of the following acts: (a) the crime of genocide; (b) serious violations of international humanitarian law; (c) crimes against humanity; and (d) torture and other cruel, inhuman or degrading punishment or treatment. One of the items in this dossier is a transcription of broadcasts made by RTL, containing incitements to commit acts of genocide.

E. *Information provided by each side to the armed conflict*

51. The Commission has received from the two parties to the conflict thousands of pages of documents, letters, written complaints and testimony and other items (sound and audiovisual recordings) instancing serious violations of international humanitarian law. The value of these documents varies. From the RPF-dominated Government currently in power in Rwanda, the Commission received documents accusing the former Government and bodies and militias under its control of acts relating to incitement to ethnic hatred and the perpetration of genocide against Tutsis. Some of these documents contain non-exhaustive lists of the principal suspects. In this context, the Commission received from RPF a list of Hutu figures who are accused of instigating the massacres and other crimes committed in Rwanda from 6 April 1994 onward.

52. For their part, leaders of the exiled former Government supplied the Commission with documents indicating: (a) the names of several hundred persons alleged to have been massacred by the *inkotanyi* troops (regular troops) of RPF; (b) the sites of some 15 common graves in which the victims of massacres alleged to have been perpetrated by RPF were buried; and (c) written testimony by a number of Hutus who escaped from zones occupied by RPF during the armed conflict.

F. *Information provided by private individuals*

53. The Commission also received testimony, reports, complaints and other documents from individuals. They cover essentially facts recounted by members of

religious orders or foreign nationals who have lived in Rwanda concerning Rwandese nationals and Rwandese refugees in Zaire.

54. Other information was supplied by associations of Rwandese individuals abroad belonging to one or other party to the conflict. These provide very partisan information. The pro-Hutu associations maintain that the international community would be wrong to consider the Tutsis as the only victims of the Rwandese tragedy. In particular, they report various violations such as murders of prisoners, hostage-taking, the destruction and pillage of property belonging to fugitive Hutu extremists, torture and cruel, inhuman or degrading treatment. Meanwhile, the pro-Tutsi associations emphasize the premeditated and planned nature of the massacres perpetrated by the Hutus.

III. *Overview of the facts*

A. *Background*

55. A number of massacres have been perpetrated in Rwanda in the last 45 years. In particular, the years 1959, 1963, 1966, 1973, 1990, 1991, 1992 and 1993 were marked by massacres in Rwanda. Mass killings were carried out in October 1990, January-February 1991 and March 1992. From December 1992 to February 1993, about 2,000 people were murdered. The report of the fact-finding mission of the International Federation of Human Rights of February 1993 recounted massive and systematic human rights violations. These violations were principally carried out against Tutsi individuals. The facts were corroborated by other sources (see reports published by Amnesty International, *Rwanda, Persecution of Tutsi Minority and Repression of Government Critics, 1990-1992*, May 1992; and also by the Association rwandaise pour la défense des droits de la personne et des libertés publiques, *Rapport sur les droits de l'homme au Rwanda*, September 1991-September 1992).

56. On 6 April 1994, Juvénal Habyarimana, President of Rwanda, Cyprien Ntuyamira, President of Burundi, and a number of members of their entourage and crew were killed when the aircraft carrying them was attacked. This disaster triggered a preplanned execution of severe human rights violations, including systematic, widespread and flagrant breaches of international humanitarian law, large-scale crimes against humanity and genocide.

57. Since 6 April 1994, an estimated 500,000 unarmed civilians have been murdered in Rwanda. That estimate indeed may err on the conservative side for, as the Special Rapporteur of the Commission on Human Rights observed in his report of 28 June 1994 (S/1994/1157, annex I, para. 24), some reliable estimates put the number of dead at close to 1 million. It is unlikely

that the world will ever know the exact number of men, women and children slaughtered in this holocaust.

B. *Concerted, planned, systematic and methodical nature of the criminal acts*

58. Overwhelming evidence indicates that the extermination of Tutsis by Hutus had been planned months in advance of its actual execution. The mass exterminations of Tutsis were carried out primarily by Hutu elements in a concerted, planned, systematic and methodical way and were motivated out of ethnic hatred. These mass exterminations were clearly "committed with intent to destroy, in whole or in part, a national, ethnic(al), racial, or religious group, as such" within the meaning of article II of the Convention on the Prevention and Punishment of the Crime of Genocide, 1948. 2/ Certain organizations such as Doctors without Borders have provided audiotapes and press releases based on information from former informants from the Government's official news service. These informants provided them with tapes proving the existence of death squads called "Network O", established by the staff of the former Head of State who was assassinated.

59. The Rwandese Government of President Juvénal Habyarimana, following colonial policy, had classified Rwandese by ethnic group. The ethnic identity of individuals in Rwanda is traditionally determined on a patrilineal basis, taking sole account of the father's ethnicity. While mixed marriage abounds in Rwanda, one is considered a Tutsi in Rwanda where the father is Tutsi, regardless of the mother's ethnic background. In April 1994, the population of Rwanda consisted of approximately 84 per cent Hutus, 14 per cent Tutsis, and 2 per cent other, which includes the Twa population.

60. Certain physical traits have commonly been attributed to the Tutsi population that are taken to distinguish them from Hutus. Tutsis are described as being taller than Hutus, with more aquiline noses, thinner ankles, longer fingers and longer jawbones.

61. In Rwanda, the ethnic designation of every individual is clearly indicated on his or her identity card. In the past, censuses have been taken that relate the name of each Rwandese to his or her ethnic identity. These lists were used during the killings that began on 7 April 1994.

62. Ample evidence of extensive preparation and planning months in advance of the actual violations indicates the concerted and premeditated character of the criminal acts in question.

63. In 1992, Leon Mugesera, an official in President Habyarimana's Mouvement révolutionnaire national pour le développement, delivered a speech at a party conference at Gisenyi. In his speech, he explicitly called on Hutus to kill Tutsis and to dump their bodies in the rivers of Rwanda. The Commission of Experts has

in its possession an audio cassette of this speech, which will likely prove to be of significant probative value to establish the presence of criminal intent to commit genocide when the perpetrators are brought to justice.

64. Racist hate propaganda was disseminated on a widespread basis as far back as 1993, especially by Radio-Télévision Libre des Mille Collines (RTL), a private radio station owned by members of President Habyarimana's party. These incitements branded Tutsis as well as certain Hutu opponents of the President as "enemies" and "traitors" who "deserve to die". The radio referred to all Tutsis as "the enemy" and accused them of siding with RPF. It called for all "enemies" to be "exterminated". Posters, leaflets and radio broadcasts on Radio des Mille Collines dehumanized Tutsis as "snakes", "cockroaches" and "animals". Individuals targeted in the radio broadcasts were among the first killed (along with their families) in April 1994.

65. Subsequently, a training camp for Hutu militia (*interahamwe*) was established in Mutara. The programmes there, which lasted for three weeks each, involved the indoctrination of groups of 300 men in ethnic hatred against the Tutsi minority. The programmes also propagated information on methods of mass murder. These trainees formed the militia of *interahamwe*, and formed the core perpetrators of genocide. This militia was augmented by the *impuzamugambi* of the Coalition for the Defence of the Republic (CDR). The *impuzamugambi* militia were trained, armed and led by the Presidential Guard and other elements of the Rwandese government army.

66. Events in the hours immediately following the aircraft crash claiming the lives of President Habyarimana and President Ntaryamira underscore the fact that extensive planning and premeditation were involved in the human rights violations. As stated in the first report of the Special Rapporteur (*ibid.*, para. 26), the "provisional Government" was formed within only a few hours of the aircraft crash. Within 30 to 45 minutes of the crash, even before the news could be spread by national radio, barricades were erected on certain major thoroughfares. The Special Rapporteur records that within 45 minutes of the crash, the road from the Hotel Méridien to Amahoro Stadium was blocked by soldiers and civilians. He notes that senior officers of the general staff of the "provisional Government" conceded these facts. However, the officers contended that the exceptionally swift pace of events was really attributable to civilians and certain soldiers acting spontaneously in reaction to the sudden death of the Rwandese President, who had enjoyed great popularity. This explanation can hardly be

2/ General Assembly resolution 260 A III; see also United Nations, *Treaty Series*, vol. 28, No. 1-1021, p. 278.

convincing because news of the crash, which had only occurred 45 minutes previously, had yet to be disseminated.

67. Perhaps even more damning, the Rwandese Presidential Guard set up roadblocks that prevented UNAMIR troops from reaching the airport to investigate the President's assassination. 3/

68. Before dawn on 7 April, members of the Presidential Guard went to the homes of moderate opposition members and then killed them and their families. Among those killed were Prime Minister Agathe Uwilingiyimana, 10 Belgian UNAMIR soldiers who tried to protect her, the President of the Supreme Court (Cour de Cassation), Mr. Joseph Kavaruganda, and human rights advocates Charles Shamukiga, Fidele Kanyabugoyi, Ignace Ruhatana and Patrick Gahizi. Soldiers also attacked a Roman Catholic centre in Kigali and murdered 17 Tutsis, mostly priests and nuns, including Father Chrysologue Mahame (Society of Jesus) and Abbot Augustin Ntagara.

69. On 8 April 1994, the Presidential Guard, along with Rwandese army troops and *interahamwe* militia, began a systematic slaughter of Tutsi civilians in Kigali. As the Special Rapporteur states in his report, roadblocks had been set up and identity cards inspected to determine the ethnic identity of individuals within 30 to 45 minutes of the aircraft crash. At that time, individuals bearing Tutsi physical traits were singled out and summarily executed. As reported extensively in press reports, the streets of Kigali had begun to fill with corpses.

70. Eyewitness accounts indicate that house-to-house searches were carried out and Tutsis were hunted down and killed. Some Tutsis tried to flee to churches or hotels or to places where there might be safety in numbers. However, soldiers systematically murdered Tutsis who had tried to take refuge in the warehouse of the Belgian Red Cross in Kigali. Churches and the Amahoro Stadium were surrounded by soldiers who prevented Tutsis inside from leaving.

71. On 9 April 1994, the Rwandese Army and *interahamwe* militia continued to slaughter Tutsis at street barricades in Kigali and began to take people out of the churches for execution. At least 100 persons that were either inside or in front of a church were murdered. Others were burnt alive in a chapel.

72. Within the next week, the Presidential Guard and militia had killed an estimated 20,000 people in Kigali and its immediate environs. The mass killings, fomented by Radio des Mille Collines broadcasts which encouraged listeners to "fill the half-empty graves", spread to areas outside Kigali.

73. Many documents from human rights non-governmental organizations have provided non-exhaustive lists of victims:

Human Rights Watch/Africa (report of June 1994)

- 2,800 persons killed in a church in Kibungo;
- 6,000 Tutsis killed in a church in Cyahinde where they had taken refuge; only 200 survived;
- 4,000 killed in a church in Kibeho;
- 2,000 killed in a parish in Mibirizi;
- 4,000 killed in Shangi parish;
- 500 killed in Rukara parish;
- Hundreds of sick patients and also medical staff in hospitals in Kigali and in Butare;
- 31 Tutsi orphans and 11 Red Cross volunteers trying to protect them, killed at the orphanage at Butare;
- 88 students killed at their school in Gikongoro.

Doctors without Borders (United States)

74. According to testimony on the events of 6 to 30 April 1994, Doctors without Borders provided the names of hundreds of persons murdered, prefecture by prefecture. The perpetrators of the crimes were Rwandese civilians and Hutu refugees from Burundi, RPF army soldiers and Hutu militia.

Prefecture of Ngenza

- Three persons were killed in a camp at Burenge (6-10 April);
- Five persons working for Doctors without Borders were murdered at Burenge, close to the office of the Belgian Red Cross, on 10 April 1994;
- On 7 and 12 April, 24 other persons disappeared from a camp.

Prefecture of Butare

- 600 persons, most of them Tutsis, were killed in the commune of Mungaza on 19 April. The perpetrators of the crimes were from the Hutu militia and neighbouring communes, including, and accompanied by, the communal administrator, the sector councillor, cell members, the mayor (*bourgmestre*) and members of the Mouvement révolutionnaire national pour le développement;
- Numerous sick, wounded and medical staff of the Butare university hospital were murdered between 16 and 26 April 1994 by the soldiers

3/ See report of Human Rights Watch/Africa, May 1994, p. 3.

of the Rwandese armed forces and the Hutu militia;

- The Sub-Prefect of Butare (Parti socialiste démocrate, opposition party) and all members of his family, including a child of three months, were murdered by elements of the Presidential Guard, *interahamwe* militia and communal police officers, on 22 April 1994;
- 30 Tutsi civilians were beaten by the Presidential Guard in front of the Fascon Hotel;
- 170 patients (wounded and sick), all belonging to the Tutsi ethnic group, and 5 members of the medical staff were kidnapped and then beaten to death or cut into pieces at the Butare University hospital on 22 and 23 April 1994; the perpetrators of the violations were *interahamwe* militia, supported by Presidential Guard soldiers coming from Kigali and present in the hospital;
- 4,000 Tutsi Rwandese civilians were massacred in the communal office of Muyaga by Rwandese armed forces soldiers supported by Hutu civilians on 27 April 1994.

Prefecture of Kibungo

- In the centre of Saint Joseph, Kibungo, 2,800 Tutsis were attacked on 15 April 1994 by Hutu soldiers and *interahamwe* militia with grenades.

Prefecture of Gikongoro

- 100 Tutsi civilians were killed in Kibeho (south-west Rwanda) by soldiers of the "provisional Government" army and by groups of armed Hutus following orders of the army.

United States Committee for Refugees

- 15,000 Tutsis were grouped together, by order of the Kibuye Prefect, at the stadium of Gatwaro, Kibuye, and massacred by *interahamwe* militia on 18 April 1994;
- 4,300 Tutsis were massacred at St. Jean Home from 18 to 20 April 1994.

Testimony of clergy gathered by soldiers of "Operation Turquoise"

- 30 priests of the Nyundo Diocese were murdered;
- Massacres were carried out and mass graves (pits) dug at Birambo, on the order of the mayor (*bourgmestre*) of Bwakira, and of the Sub-Prefect of Birambo.

Testimony from general sources

75. On 11 April, more than 800 Tutsis gathered at Kiziguro Roman Catholic Church, Murambi district, Byumba Prefecture. Rwandese soldiers and militia attacked and killed all but 10 of them. The survivors threw themselves into the mass grave to avoid being hacked to death.

76. Nine Tutsi patients at the Kigali hospital were killed in separate attacks on 11 and 15 April by Rwandese government soldiers.

77. It was reported that 500 Tutsis were killed by *interahamwe* militia and gendarmes at Rukara Roman Catholic mission in Kibungo Prefecture, Rukara district.

78. On 15 April and thereafter, Rwandese army troops distributed to *interahamwe* militia automatic and semi-automatic rifles and pistols, with which they continued the mass slaughter of Tutsis that had begun with machetes and other weapons.

79. On 17 April, more than 100 Tutsis were killed by soldiers and militia at Nyanza. On 18 April, 2,000 Tutsis were massacred by *interahamwe* militia in the Mibirizi Roman Catholic church, Cyangugu Prefecture, Cymbogo district.

80. On 19 April, the President of the "provisional Rwandese Government", Theodore Sindikubwabo, spoke on the radio and called for the killing of "accomplices" in Butare. The Presidential Guard flew in that night and dug pits, filled them with burning tyres, and pushed Tutsis into them. They also executed Tutsis near the National University for the next three days, killing thousands.

81. Over 2,800 people, most of them Tutsis, were killed at Mukarange Roman Catholic parish, Kibungo Prefecture, Rwamagana district. *Interahamwe* militia used grenades, machine-guns, R-4 rockets and machetes in the massacre.

82. In Gikongoro, 88 students were singled out because of their Tutsi origin and slaughtered at their school.

83. On 23 April, Government troops and militia murdered 170 Tutsi patients and staff at Butare hospital. Doctors of Médecins sans frontières witnessed these acts.

84. On 29 April, military and militia killed over 300 of 5,000 hostages held in the Cyangugu stadium.

85. On 30 April, the Rwandese Government radio called on people to take up arms against "the enemy" (the Tutsis) all over Rwanda. Leaders of the Hutu militia called upon their members to finish the "*nettoyage*" (cleansing) of Rwanda of all Tutsis.

86. On 1 May, at the Butare orphanage, the militia murdered 21 orphans, segregated on account of their Tutsi origin, along with 13 Rwandese Red Cross volunteers who tried to protect them.

87. Beginning on 11 May, the militia and the military took hundreds of Tutsis from the Cyangugu stadium into the countryside by bus, where they were murdered.

88. In Cyahinda, over 5,800 Tutsis who had taken refuge in a church were murdered. Only 200 people survived the massacre.

89. On 16 May, Rwandese Government troops and militia removed hundreds of Tutsis from the church centre of Kabgayi and executed them, while only a few kilometres away the Rwandese "Minister of Defence" of the "provisional Government", Augustin Bizimana, told reporters the massacres had stopped.

90. In Kigali, thousands of Tutsis sought refuge in the Amahoro Stadium, the Hôtel des Mille Collines, the Sainte Famille Church and other locations. Militia members entered at night on a number of occasions, removed hundreds of Tutsis from the Stadium and church, then murdered them.

91. The genocidal massacres in Rwanda continued into July 1994. The Commission could cite many more massacres committed by Rwandese Government soldiers and Hutu militia against the Tutsis of Rwanda.

92. The mass murder of Tutsis continued throughout areas controlled by the Rwandese "provisional Government". Reliable estimates put the number of persons murdered in Rwanda between 6 April 1994 and 15 July 1994 at half a million.

C. *Violations of international humanitarian law and of human rights law attributed to the Rwandese Patriotic Front*

93. The exiled former Government submitted to the Commission lists of persons alleged to have been massacred by RPF soldiers. In particular, it is alleged that 11 Hutus were murdered in August, including certain persons returning from exile, and that 27 Hutu families were massacred between 2 and 12 April 1994. The former Government also provided a document that alleges the existence of mass graves attributed to RPF elements, including 8 in Kigali.

94. Other lists were submitted by witnesses and parents of Hutu victims, now refugees in Zaire: about 300 persons were alleged to have been killed by the *inkotanyi* (regulars of the RPF forces) in Byumba Prefecture. In the commune of Bwisige, it is alleged that the following massacres were perpetrated: 30 Hutus killed in Bwisiga sector; 49 in Nyarurama sector; 52 in Kabongoya sector; 52 in Buhanga sector; 22 in Gihuke sector; 26 in Muti sector; and 25 in Karehe sector. The former Government has alleged that, in Kigali Prefecture, RPF elements massacred 102 Hutus in the communes of Rutongo, Shorgi, Mutwa and Rwerere from April to June 1994.

95. The Commission of Experts has concluded that there exist substantial grounds to conclude that mass murders, summary executions, breaches of international humanitarian law and crimes against humanity were also perpetrated by Tutsi elements against Hutu individuals and that allegations concerning these acts should be investigated further.

96. As it was finalizing its preliminary report, the Commission of Experts received reports of violations of the right to life in Rwanda perpetrated in the period from August to early September 1994. The Secretary-General asked the Commission to investigate these reports.

97. The Commission therefore renewed its efforts to verify allegations that certain atrocities committed in Rwanda by the current Government might be systematic or widespread, by applying the same standards of impartiality and independence that it has applied to all other investigations concerning the situation in Rwanda. Accordingly, it took all available measures during its second mission to Rwanda to investigate allegations against the RPF authorities.

98. For its own part, the Commission was unable, owing to a lack of time, to uncover any evidence to indicate that Tutsi elements perpetrated acts committed with intent to destroy the Hutu ethnic group as such within the meaning of the Genocide Convention of 1948. Nor could the Commission find evidence to indicate that killings of Hutus perpetrated by a number of individual RPF soldiers were systematic, or were sponsored, or even approved of, by Government officials or army commanders.

99. At a meeting with the Commission of Experts in Kigali, General Paul Kagame, Vice-President and Minister of Defence of the Government of Rwanda, gave his solemn promise to continue all cooperation with the Commission of Experts and with the Prosecution. Moreover, he informed the Commission that the Government had detained about 70 RPF soldiers, including three majors, that the Government intended to try and punish for private acts of revenge exacted against Hutus, acts the Government insisted were not only unauthorized, but subject to heavy military discipline and punishment. General Kagame indicated that both he and his Government welcomed the scrutiny of the international community in that regard and he reiterated his every intention to bring to a halt any such breaches of military discipline in his own ranks.

100. Nevertheless, the Commission of Experts remains disturbed by ongoing violence committed by some RPF soldiers and recommends that investigation of violations of international humanitarian law and of human rights law attributed to the Rwandese Patriotic Front be continued by the Prosecutor for the International Tribu-

nal for Rwanda. Accordingly, the Commission shall turn over all relevant files to the Secretary-General.

IV. *Issues of law concerning individual responsibility in international law*

A. *Applicability of international law to the situation in Rwanda*

101. The applicability of international legal norms to the situation in Rwanda in the period from 6 April to 15 July 1994 depends upon: (a) the legal status of the conflict (determined by the factual situation in Rwanda and the legal norms in force); (b) the scope *ratione materiae* of specific norms of international human rights law and international humanitarian law (determined by their content); and (c) the legal status of these norms (determined by their sources of law).

102. With these indices in mind, it is clear that international legal norms providing for individual responsibility for serious human rights violations were breached in Rwanda during the period from 6 April to 15 July 1994. Specifically, certain individuals are responsible for breaches of: (a) norms of international humanitarian law on a systematic, widespread and flagrant basis; (b) norms prohibiting crimes against humanity; and (c) norms prohibiting acts of genocide.

103. The relevant norms of international law providing for individual responsibility overlap to a certain extent. Consequently, in some instances a single act may qualify as a crime on more than one separate and distinct legal ground.

B. *Breaches of international humanitarian law, particularly those perpetrated against the civilian population*

104. Rwanda succeeded to the Geneva Conventions of 12 August 1949 4/ on 5 May 1964 and acceded to Protocols additional thereto of 1977 5/ on 19 November 1984. 6/

105. The applicability of international humanitarian law hinges on the status of the conflict.

106. First, there must be an armed conflict. There can be no doubt that the conflict in Rwanda was an armed conflict as evidenced by the means and methods employed by those involved, and as evidenced by the sheer scale of atrocities committed during the period from 6 April to 15 July 1994.

107. Second, precisely which rules of international humanitarian law apply to the armed conflict in Rwanda between 6 April and 15 July depends on whether the armed conflict is to be considered an international armed conflict or a non-international conflict. 7/

108. The armed conflict between 6 April and 15 July 1994 qualifies as a non-international armed conflict. The use of armed force had been carried out within the territorial borders of Rwanda and did not involve the active participation of any other State. Third State involvement entailed peacemaking and humanitarian functions rather than belligerent action.

109. This is not to say that the armed conflict in Rwanda has not had a serious effect on neighbouring States or on the international community as a whole. There have been serious repercussions on the social and political welfare and internal stability of neighbouring States. For example, the massive influx of refugees into these neighbouring territories has created significant problems. Moreover, the conflict in Rwanda makes it an obvious threat to international peace and security within the meaning of Chapter VII of the Charter of the United Nations. None the less, these aspects do not alter the basic character of the armed conflict in Rwanda during the period from 6 April to 15 July 1994 as predominantly non-international in character.

110. Accordingly, the obligations set out in common article 3 of the four Geneva Conventions of 1949 governing situations "not of an international character", as well as Protocol II additional thereto 8/ (intended to develop and supplement common article 3 but without modifying its existing conditions of application), 9/ are applicable.

111. At the other end of the scale, the non-international armed conflict in Rwanda cannot be considered to be of a purely internal nature within the meaning of article 1, paragraph 2, of Protocol II. The violence in Rwanda has far exceeded mere "internal disturbances and tensions, such as riots, isolated and sporadic acts of

4/ United Nations, *Treaty Series*, vol. 75, Nos. I-970-I-973.

5/ *Ibid.*, vol. 1125, Nos. I-17512 and I-17513.

6/ Even if Rwanda had not become a party to the Geneva Conventions of 1949, it is universally acknowledged that common article 3 has become part of customary international law binding non-parties to the Conventions and is very likely to have attained the status of *jus cogens* as well. Norms of a *jus cogens* have a peremptory status and do not permit any derogation or exception.

7/ Article 2 common to the four Geneva Conventions of 12 August 1949 concerns the applicability of the Conventions to all cases of declared war between two or more High Contracting Parties, even if the state of war is not recognized by one of them, and all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance. Article 3 common to the four Geneva Conventions of 12 August 1949 applies to cases of "armed conflict not of an international character occurring in the territory of one of the High Contracting Parties".

8/ Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (Protocol II), adopted at Geneva on 8 June 1977, and entered into force on 7 December 1978; United Nations, *Treaty Series*, vol. 1125, I-17513.

9/ See Protocol II, article 1.

violence [or] other acts of a similar nature". 10/ The evidence indicates very clearly that the violence perpetrated in Rwanda was carried out not by small groups in a spontaneous fashion, but by individuals under a responsible command that conducted "sustained and concerted military operations" 11/ involving strategic planning and tactical sophistication. 12/

112. Common article 3 of the Geneva Conventions of 12 August 1949 prohibits "at any time and in any place whatsoever":

(a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(b) Taking of hostages;

(c) Outrages upon personal dignity, in particular humiliating and degrading treatment;

(d) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples,

against "persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention or any other cause".

113. Article 3, paragraph 2, provides that "the wounded and sick shall be collected and cared for".

114. Article 4 of Protocol II, which supplements article 3 common to the four Geneva Conventions, prohibits the following acts against "all persons who do not take a direct part or who have ceased to take part in hostilities":

(a) Violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;

(b) Collective punishments;

(c) Taking of hostages;

(d) Acts of terrorism;

(e) Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;

(f) Slavery and the slave trade in all their forms;

(g) Pillage;

(h) Threats to commit any of the foregoing acts.

115. Article 4, paragraph 3 (c), of Protocol II provides that:

"Children shall be provided with the care and aid they require, and in particular: children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities".

116. Article 5 of Protocol II provides that "the following provisions shall be respected as a minimum with regard to persons deprived of their liberty for reasons related to the armed conflict, whether they are interned or detained":

(a) The wounded and sick shall be treated in accordance with article 7;

(b) The persons referred to in this paragraph shall, to the same extent as the local civilian population, be provided with food and drinking water and be afforded safeguards as regards health and hygiene and protection against the rigours of the climate and the dangers of the armed conflict;

(c) They shall be allowed to receive individual or collective relief;

(d) They shall be allowed to practise their religion and, if requested and appropriate, to receive spiritual assistance from persons, such as chaplains, performing religious functions;

(e) They shall, if made to work, have the benefit of working conditions and safeguards similar to those enjoyed by the local civilian population.

117. Article 7, paragraph 1, requires that:

"All the wounded, sick and shipwrecked, whether or not they have taken part in the armed conflict, shall be respected and protected."

118. Article 7, paragraph 2, provides that:

"In all circumstances they shall be treated humanely and shall receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. There shall be no distinction among them founded on any grounds other than medical ones."

119. Article 8 requires that:

"Whenever circumstances permit, and particularly after an engagement, all possible measures shall be taken, without delay, to search for and collect the wounded, sick and shipwrecked, to protect them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead, prevent their being despoiled, and decently dispose of them."

120. Article 9 provides that medical and religious personnel shall be respected and protected. Article 11 provides that medical units and transports shall be re-

10/ See Protocol II, article 1, para. 2.

11/ *Ibid.*, para. 1.

12/ Therefore, article 1 (2) of Protocol II relating to the Protection of Victims of Non-International Armed Conflicts, which provides that "This protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts", does not apply in the case of Rwanda.

spected and protected at all times and shall not be the object of attack.

121. Part IV of Protocol II relates to protection of the civilian population. Article 13 provides that:

“1. The civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations. To give effect to this protection, the following rules shall be observed in all circumstances.

“2. The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.

“3. Civilians shall enjoy the protection afforded by this Part, unless and for such time as they take a direct part in hostilities.”

122. Article 14 guarantees the protection of objects indispensable to the survival of the civilian population. Article 16 provides for the protection of cultural objects and places of worship.

123. Article 17, paragraph 1, provides that:

“The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.”

124. The Commission of Experts has determined that common article 3 of the Geneva Conventions of 1949 and the provisions cited above of Protocol II additional to the Geneva Conventions of 1949 were violated in Rwanda during the period from 6 April to 15 July 1994 on a systematic, widespread and flagrant basis.

C. *Crimes against humanity*

125. To understand whether and to what extent norms prohibiting crimes against humanity apply to the armed conflict in Rwanda, it is necessary to consider the content and legal status of “crimes against humanity” as a norm of international law.

126. “Crimes against humanity” as a legal category is not as clear in content or legal status as “genocide” or breaches of the Geneva Conventions or Protocols additional thereto. A certain level of ambiguity in the content and legal status of “crimes against humanity” derives partly from its formulation in the Nuremberg

Charter and partly from the way it was interpreted by the Nuremberg Tribunal.

127. “Crimes against humanity” were cast in article 6 (c) of the Nuremberg Charter as:

“murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population before or during the [Second World] war, or persecutions on political, racial, or religious grounds in execution of or in connection with any crime within the jurisdiction of the [Nuremberg] Tribunal, whether or not in violation of the domestic law of the country where perpetrated”.

It was unclear at the outset as to whether norms prohibiting “crimes against humanity” were intended to overlap with norms prohibiting war crimes or whether they were supposed to be independent juridical concepts.

128. Article 6 (c) of the Nuremberg Charter does not clearly define the concept of “crimes against humanity” considerably. As Sunga 13/ states:

“In particular, the acts must have been committed against civilians rather than soldiers (whereas norms prohibiting war crimes restrict actions against soldiers as well), and the acts must have been committed ‘either before or during the war’ (although what period of time before the war is not specified). A Protocol of 6 October 1945, done in Berlin, amended the original version of article 6 (c). The original provision contained a semicolon which followed the word ‘war’ which seemed to imply that murder, etc., could be considered as crimes against humanity independent of the jurisdiction of the Tribunal. However, the semicolon was replaced with a comma by the Protocol. The result was to imply that crimes against humanity were to be interpreted to import liability only for acts connected to the war.”

Moreover, the United Nations War Crimes Committee on Facts and Evidence in 1946 sought to clear up any ambiguity by stating that:

“crimes against humanity as referred to in the Four Power Agreement of 8 August 1945, were war crimes within the jurisdiction of the [United Nations War Crimes] Commission”. 14/

13/ Sunga, *Individual Responsibility in International Law for Serious Human Rights Violations*, 1992. See also Reshetov, “Development of Norms of International Law on Crimes against Humanity”, in *The Nuremberg Trial and International Law*, Ginsburgs and Kudriavtsev, eds., 1990, pp. 199-200.

14/ See Dinstein, *International Criminal Law 20*, *Israel Law Review*, (1985), pp. 206-242, and *idem*, pp. 36-37.

129. Consequently, “crimes against humanity” were interpreted by the Nuremberg Tribunal as offences that were connected to the Second World War, rather than to any situations that might have existed prior to it.

130. If the normative content of “crimes against humanity” had remained frozen in its Nuremberg form, then it could not possibly apply to the situation in Rwanda that existed between 6 April and 15 July 1994 because there was not a “war” in the classic sense of an inter-State or international armed conflict.

131. However, the normative content of “crimes against humanity”, originally employed by the Nuremberg Tribunal for its own specific purposes in connection with the Second World War, has undergone substantial evolution since the end of the war.

132. First, even the Nuremberg Tribunal itself had established that “crimes against humanity” covered certain acts perpetrated against civilians, including those with the same nationality as the perpetrator. Indeed, “crimes against humanity” as a normative concept finds its very origins in “principles of humanity” first invoked in the early 1800s by a State to denounce another State’s human rights violations of its own citizens. Thus, “crimes against humanity” as a juridical category was conceived early on to apply to individuals regardless of whether or not the criminal act was perpetrated during a state of armed conflict and regardless of the nationality of the perpetrator or the victim.

133. Second, the content and legal status of the norm since Nuremberg has been broadened and expanded through certain international human rights instruments adopted by the United Nations since 1945. In particular, the Genocide Convention of 1948 affirms the legal validity of some of the normative content of “crimes against humanity” as conceived in article 6 (c) of the Nuremberg Charter, but does not overtake it. The International Convention on the Suppression and Punishment of the Crime of Apartheid, adopted by the General Assembly on 30 November 1973, 15/ refers in article 1 to apartheid as a “crime against humanity”.

134. Third, the Commission of Experts on the Former Yugoslavia, established pursuant to Security Council resolution 780 (1992), stated that it considered crimes against humanity to be:

“gross violations of fundamental rules of humanitarian and human rights law committed by persons demonstrably linked to a party to the conflict, as part of an official policy based on discrimination against an identifiable group of persons, irrespective of war and the nationality of the victim”. 16/

This view finds support in the writings of publicists. 17/

135. The Commission of Experts on Rwanda considers that “crimes against humanity” are gross violations of fundamental rules of humanitarian and human rights law committed by persons demonstrably linked to a party to the armed conflict, as part of an official policy based on discrimination against an identifiable group of persons, irrespective of war and the nationality of the victim, and includes acts such as the following:

- Murder;
- Extermination;
- Enslavement;
- Deportation and population transfer;
- Imprisonment;
- Torture;
- Rape;
- Persecutions on political, racial and religious grounds;
- Other inhumane acts;
- Apartheid.

136. Disturbing reports have been filed with the Commission of Experts that document the abduction and rape of women and girls in Rwanda during the period of armed conflict in Rwanda. 18/

137. The Commission of Experts considers rape to be both an egregious breach of international humanitarian law and a crime against humanity.

138. It is valuable to reflect a little on the juridical basis of international legal norms prohibiting rape in order to come to a full appreciation of their present status in international law.

139. The Nuremberg Charter does not explicitly list “rape” as a war crime or crime against humanity.

140. Neither does article 3 common to the four Geneva Conventions of 1949 refer to “rape”. Common article 3 refers to violence to life and person, mutilation, cruel treatment, torture, outrages upon personal dignity and to humiliating and degrading treatment but does not refer to “rape” or “sexual assault”. Nor do the provisions on “grave breaches” of the Geneva Conventions refer to “rape”. 19/ The “grave breaches” provisions are those that provide specifically for individual criminal responsibility in case of especially serious violations of the Geneva Conventions.

15/ General Assembly resolution 3068 (XXVIII), annex.

16/ S/25274, annex I, para. 49.

17/ See, e.g., Reshetov, “Development of Norms of International Law on Crimes against Humanity” in *The Nuremberg Trial and International Law*, Ginsburgs and Kudriavtsev, eds., 1990, p. 199. See also Bassiouni, *Crimes against Humanity in International Criminal Law*, 1992, chap. 11.

18/ See in particular chapter 10 of the 1994 report of African Rights Watch, “Rwanda: death, despair and defiance”.

19/ See article 50 of the first Geneva Convention; article 51 of the second Convention; article 130 of the third Convention; and article 147 of the fourth Convention.

141. However, despite the absence of explicit reference to “rape” in those provisions, the international community appears to regard rape as covered in common article 3 and also by the “grave breaches” provisions. Indeed, the International Committee of the Red Cross took the position as early as 1958 that “inhuman treatment” as referred to in article 147 of the fourth Geneva Convention should be interpreted in the light of article 27 which prohibits rape. 20/ Article 27 provides a mandatory obligation that:

“Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.”

The 1977 Protocols, which revise and supplement the 1949 Geneva Conventions, contain provisions referring specifically to “rape”. Especially relevant to the situation in Rwanda is Additional Protocol IV of 1977 relating to the protection of victims of non-international armed conflicts, which provides that:

“outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault”

are “prohibited at any time and in any place whatsoever”. 21/

142. In any event, the statute of the International Tribunal for Rwanda, adopted by the Security Council in its resolution 955 (1994) of 8 November 1994, specifically includes “rape” as a “crime against humanity” in article 3 (g).

143. Even if the statute had not made explicit and specific reference to “rape” as a “crime against humanity”, the international community has recognized that, under certain circumstances, rape constitutes a crime against humanity.

144. The Special Rapporteur of the Commission on Human Rights on the former Yugoslavia expressed in very clear terms the relation of rape as an instrument of social control to ethnic cleansing in his 1993 report:

“Rape is an abuse of power and control in which the rapist seeks to humiliate, shame, degrade and terrify the victim. In all his reports, the Special Rapporteur has emphasized the variety of methods which are used to achieve ethnic cleansing. Rape is one of these methods, as has been stated from the outset. In this context, rape has been used not only as an attack on the individual victim, but is intended to humiliate, shame, degrade and terrify the entire ethnic group.” 22/

145. The Commission of Experts wishes to express its endorsement of this position and to make clear that it considers rape to be both a breach of international hu-

manitarian law and a crime against humanity. There are clear cases where rape, which undoubtedly constitutes “serious bodily or mental harm”, is perpetrated under a responsible command as a systematic policy alongside or as part of a larger policy that is “committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such”. The Commission of Experts recommends that the Prosecutor explore fully the relation between the policy of systematic rape under a responsible command as a crime against humanity on the one hand, and such a policy as a crime of genocide, on the other.

146. The Commission has determined that there exist ample grounds to conclude that “crimes against humanity” were committed by each side to the armed conflict in Rwanda.

D. Genocide

147. The term “genocide” was coined by Raphael Lemkin, a lawyer of Polish and Jewish origins, in his 1944 book entitled *Axis Rule in Occupied Europe*. 23/ It is based on the Greek word *genos* meaning “race” and the Latin word *cide* which refers to “killing”.

148. On 11 December 1946, the General Assembly adopted unanimously resolution 96 (I), 24/ which refers to genocide as “the denial of the right of existence of entire human groups”. In resolution 96 (I) the Assembly also recognized genocide as a crime under international law and appealed to Member States to enact legislation for the prevention and punishment of genocide. 25/

149. On 9 December 1948, the Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the General Assembly. 26/ It entered into force on 12 January 1951 in accordance with article XIII

20/ See in addition Meron, “Rape as a Crime Under International Humanitarian Law”, *American Journal of International Law* 87 (1993): 424-428. See also Daes, “New Types of War Crimes and Crimes against Humanity: Violations of International Humanitarian and Human Rights Law”, *International Geneva Yearbook* 7 (1993): 55-78; and Khushalani, *Dignity and Honour of Women as Basic and Fundamental Human Rights* (Dordrecht: Martinus Nijhoff, 1982).

21/ See article 4, paragraph 2 (e), of Protocol II. Moreover, article 76 of Protocol I provides that:

“1. Women shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any other form of indecent assault.

“2. Pregnant women and mothers having dependent infants who are arrested, detained or interned for reasons related to the armed conflict, shall have their cases considered with the utmost priority.”

22/ S/25341, annex, para. 85.

23/ *Axis Rule in Occupied Europe* (Washington: Carnegie Endowment for International Peace, Division of International Law Publications, 1944).

24/ See “Draft Convention for the Prevention and Punishment of Genocide” (A/AC.10/42).

25/ For a good account of the drafting process of the Genocide Convention, see Nehemiah Robinson, *The Genocide Convention: a Commentary*, part I, pp. 17-28 (New York: World Jewish Congress, 1960).

26/ General Assembly resolution 260 A (III).

and, as a treaty, created legal norms binding the States parties to it.

150. Before the Genocide Convention was adopted in 1948, genocide was not specifically prohibited by international law except in laws of war. 27/ Article I of the Genocide Convention which affirms that “genocide whether committed in time of peace or in time of war, is a crime under international law” therefore represented an advance in international law. Thus, the emergence of international legal norms prohibiting genocide that apply without regard to the existence of the status of an armed conflict dates only to the end of the Second World War.

151. Rwanda acceded to the Genocide Convention on 16 April 1975. Rwanda has entered a reservation that states: “The Rwandese Republic does not consider itself as bound by article IX of the Convention.” Article IX provides that:

“[d]isputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute”.

152. Even if Rwanda had not ratified the Genocide Convention, it would be bound by the prohibition of genocide which has, since 1948, developed into a norm of customary international law. Moreover, it is universally recognized by the international community that the prohibition of genocide has attained the status of *jus cogens*. It therefore has a peremptory status. 28/ For these reasons, the prohibition of genocide as expressed in the Genocide Convention applies to all members of the international community rather than merely to parties to the Convention. 29/

153. Article II provides that:

“In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical [*sic*], racial, or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.”

154. Article III provides that:

“the following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.”

155. Article IV provides that “persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals”.

156. The Commission of Experts has determined that there are more than ample grounds to conclude that every provision laid out in article III of the Genocide Convention has been violated in Rwanda in the period from 6 April to 15 July 1994 in respect of a specific ethnic group as such. Furthermore, abundant and compelling evidence supports the conclusion that prior to 6 April 1994 Hutu elements conspired to commit genocide against the Tutsi group in violation of article III of the Genocide Convention of 1948. It should be recalled that the Genocide Convention applies in time of war or peace and that therefore its provisions apply to the situation in Rwanda regardless of the existence and status of any armed conflict there.

1. *The issue of national, ethnic, racial or religious groups*

157. In the view of the authors of the precursor to the Genocide Convention, General Assembly resolution 96 (I), the purpose of the Convention was to prevent the destruction of racial, national, linguistic, religious or

27/ See Sunga, *Individual Responsibility in International Law for Serious Human Rights Violations* (Dordrecht: Martinus Nijhoff, 1992). In chapter III(1), the author argues that while some acts that qualify now in international law as acts of genocide were previously covered by norms prohibiting war crimes and crimes against humanity, these norms were considered to apply only to situations involving armed conflict. This meant that there was a gap in international law concerning mass killings and genocide committed in peacetime.

28/ Article 53 of the Vienna Convention on the Law of Treaties, 1969, provides that “a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character”.

29/ This is not to say that the provisions of the entire Genocide Convention of 1948 have necessarily attained the status of *jus cogens* or even of customary international law. The Commission of Experts is referring here to the normative content of the rule prohibiting genocide as expressed in article II of the Convention and not to its particular material source.

political groups of human beings. However, in the Genocide Convention as it was finally adopted, political groups were conspicuously not on the list because some States feared that the inclusion of such an arguably unstable category would create an obstacle to the Convention's ratification. 30/

158. This may appear to leave the door slightly open for perpetrators to argue that the killings that they ordered or carried out were directed against political groups and not any of the groups listed in article II. Alternatively, it may be argued that the killings were politically motivated and not with the intent to destroy a national, ethnic, racial or religious group, as such.

159. However, this attempt at a defence is bound to fail, as it should, because the presence of political motive does not negate the intent to commit genocide if such intent is established in the first instance. 31/ On a related point, to recognize that there exists discrimination on racial or ethnic grounds, it is not necessary to presume or posit the existence of race or ethnicity itself as a scientifically objective fact.

2. *Issues concerning numbers of persons killed and the issue of specific intent to commit genocide*

160. Because the crime of genocide is qualified by the intention to destroy the group as such, genocide cases brought before the International Tribunal would have to focus on elements of proof that tie the act of killing to the intention of the accused to the victim's national, ethnic, racial or religious background.

161. The Commission of Experts considers it valuable here to ponder a number of issues concerning the criminal intent to commit genocide as defined in article II that will likely arise in trials of individuals for acts of genocide.

162. Does a particular minimum number of persons have to be killed for an act of genocide to be established in the individual case?

163. Let us suppose, for example, that an individual is brought before the Tribunal for having committed an act of genocide. Let us further suppose that: (a) the accused killed one single person; and (b) there is sufficient evidence to prove that the accused was guilty of murder under the laws of Rwanda.

164. First, this raises the issue as to whether article II of the Genocide Convention requires the Prosecution to prove intention to destroy the whole group or whether intention to destroy part of the group is sufficient. In individual cases, there may be no evidence of express intention to commit genocide. In these cases, it will likely be critical to prove that the act of killing constituted an act of genocide as opposed to ordinary murder.

165. The interpretation of article II of the Convention on this point would likely have significant ramifications

for the breadth of criminal prosecutions for the International Tribunal for Rwanda for the following reason. If article II were interpreted to mean that the intention to destroy the group as such applied only to the entire group and not to part of the group, it could mean that prosecutions would be limited to those individuals suspected of directing and planning genocide with the requisite intent. It could mean that the individual suspect who could be proved to have carried out the act of killing, but could not be proved to have acted with the intent to destroy the whole group as such, would have to be indicted on some other ground or left unpunished.

166. Recourse to the *travaux préparatoires* sheds little light on the intention of the drafters of the Genocide Convention. However, on a plain reading of article II, the word "or" indicates that intention to destroy part of the group is sufficient for the crime of genocide to have been committed. However, as Bryant has opined:

"Unless the intent were express, ... the intent to destroy the group would be difficult to prove, except in those instances where the number of people of the group affected was significant. Practically speaking, then, the number of victims may be of evidentiary value with respect to proving the necessary intent." 32/

167. Second, there is the question as to how specific intent to commit an act of genocide (where an accused is alleged to have killed a single human being) is to be distinguished from an act of ordinary murder or the killing of several from mass murder. If the Prosecution were forced to prove specific intent "to destroy the group as such" in respect of the accused in each and every case in order to rebut the defence that ordinary murder rather than genocide had been committed, it would be faced with an unreasonably high burden of proof.

168. It might seem to matter little whether an accused was found guilty of murder rather than genocide or the other way round. On the contrary, the difference could matter a great deal to the accused, to the Prosecution effort and to the community at large. In the case of genocide, the matter would come under the jurisdiction of the International Tribunal authorized to try and punish the accused according to rules of international law. However, in the case of murder, it would be the national laws

30/ John Webb, "Genocide Treaty: ethnic cleansing, substantive and procedural hurdles in the application of the Genocide Convention to alleged crimes in the former Yugoslavia", *Georgia Journal of International and Comparative Law*, summer (1993), p. 391.

31/ Or as Leblanc observes, "Neither article II nor any other article of the Convention refers to the motives that must lie behind the commission of such acts". Leblanc, *The United States and the Genocide Convention* (Durham, N.C.: Duke University Press, 1991), p. 80.

32/ Bryant, "The United States and the 1948 Genocide Convention", *Harvard International Law Journal*, vol. XVI, No. 3 (1975): 683-704. See also Robinson, *The Genocide Convention: a Commentary* (New York: World Jewish Congress, 1960); and Webb, *op. cit.*, p. 392.

and procedures of Rwanda that would apply before a duly authorized domestic court. The laws applicable, including procedural fair trial guarantees, venue of the trial, even the public profile of the verdict and scale of punishment, are likely to differ significantly according to the substance of the indictment.

V. Attribution (*imputability*)

A. Individual responsibility in international law

169. The attribution of responsibility to the individual *in propria personam* is not entirely new. Indeed, military trials of individuals for having committed war crimes dates back at least to 1419, as Keen documents in his work *The Laws of War in the Middle Ages*.^{33/} There is also the international trial of Peter von Hagenbach which took place in 1474 for acts that today are considered crimes against humanity. International legal norms stipulating individual responsibility for slave trading and slave trafficking and for piracy arose out of the Congress of Vienna of 1815. Today these norms are considered part of customary international law and probably of *ius cogens*.^{34/}

170. It is true that international responsibility is predominantly, even almost exclusively, centred around States rather than other entities. This should not be surprising since it is the State that is the primary subject of international law. Moreover, prior to the Nuremberg trials following the end of the Second World War, even norms prohibiting war crimes and crimes against humanity involved responsibility primarily of the State rather than of the individual directly.

171. However, the Nuremberg trials established clearly the principle that any individual, regardless of office or rank, shall be held responsible in international law for war crimes, crimes against peace or crimes against humanity. They symbolized the possibility that trials could actually be carried out and punishment enforced in modern times.

172. The principle that the individual shall be held responsible for serious violations of human rights, firmly enforced by the Nuremberg Tribunal and today universally recognized by the international community, is the same principle that guides the operation of the International Criminal Tribunal for the former Yugoslavia and of the present Commission of Experts on Rwanda acting in conformity with United Nations Security Council resolution 935 (1994).

B. Command responsibility

173. It is a well-established principle of international law that a person who orders a subordinate to commit a violation for which there is individual responsibility is as responsible as the individual that actually

carries it out. The Nuremberg Principles, adopted by the General Assembly on 11 December 1946, affirmed that even a Head of State is not free from responsibility under international law for the commission of a crime under international law.^{35/}

174. The principle of command responsibility has been incorporated in article IV of the Genocide Convention as laid out above (para. 155) and is expressed also in article 86, paragraph 2, of the 1977 Protocol I additional to the Geneva Conventions of 1949 relating to the protection of victims of international armed conflicts. It finds expression again in the Draft Code of Crimes against the Peace and Security of Mankind.^{36/}

C. Defences: superior orders, duress, mistake, military necessity and reprisal

175. Since the inception of the Nuremberg Charter it has been recognized that the existence of superior orders does not provide an individual with an exculpatory defence.^{37/} Nevertheless, the existence of superior orders may be taken into account with respect to mitigation of punishment.

176. The Commission wishes to note that it considers the defences of duress and mistake of fact as possible defences to individual allegations of serious human rights violations.

VI. The question of criminal jurisdiction

177. In its preliminary report, the Commission of Experts recommended that cases concerning crimes under international law committed in Rwanda should be brought under the competence of the International Criminal Tribunal for the former Yugoslavia (created pursuant to Security Council resolutions 808 (1993) and 827 (1993)) and that this approach could greatly advance the cause of international criminal justice.

178. For these reasons, the Commission of Experts recommended that trials of individuals suspected of serious breaches of international humanitarian law, crimes against humanity and acts of genocide should be carried out by an international criminal tribunal.

179. The Commission of Experts recommended that the jurisdiction of the International Criminal Tribu-

^{33/} Keen, (London: Routledge & Kegan Paul, 1965). *The Laws of War in the Middle Ages*.

^{34/} See Sunga, *op. cit.*, and, generally, Bassiouni, *Crimes against Humanity in International Criminal Law* (Dordrecht: Martinus Nijhoff, 1992).

^{35/} See General Assembly resolution 95 (I) of 11 December 1946.

^{36/} See *Official Records of the General Assembly, Forty-sixth Session, Supplement No. 10 (A/46/10)*, chap. IV, sect. D.

^{37/} Article 8 of the Nuremberg Charter provides that: "The fact that the defendant acted pursuant to order of his Government or of a superior shall not free him from responsibility, but may be considered in mitigation of punishment if the Tribunal determine that justice so requires."

nal for the former Yugoslavia be expanded to cover international crimes committed in Rwanda rather than to create a separate ad hoc international criminal tribunal.

180. Security Council resolution 955 (1994) of 8 November 1994, more particularly its annex, the statute of the International Tribunal for Rwanda, goes a long way towards meeting the Commission's recommendations concerning jurisdiction. It is designed to bring unity to the process and interpretation of international criminal law. Specifically, article 14 provides that the same rules of procedure and of evidence applicable before the International Tribunal for the former Yugoslavia shall also be adopted by the judges of the International Tribunal for Rwanda. Article 15, paragraph 3, provides that: "The Prosecutor of the International Tribunal for the Former Yugoslavia shall also serve as the Prosecutor of the International Tribunal for Rwanda." It is true that there shall be separate trial chambers: one for the former Yugoslavia and the other for Rwanda. However, it is significant that article 12, paragraph 2, of the statute provides that the members of the Appeals Chamber for the Tribunal for the former Yugoslavia shall also serve as the members of the Appeals Chamber for the Rwanda Tribunal, thus unifying the appeals process.

VII. *Conclusions*

181. The Commission of Experts concludes on the basis of ample evidence that individuals from both sides to the armed conflict in Rwanda during the period from 6 April 1994 to 15 July 1994 perpetrated serious breaches of international humanitarian law, in particular of obligations set forth in article 3 common to the four Geneva Conventions of 12 August 1949 and in Protocol II additional to the Geneva Conventions and relating to the protection of victims of non-international armed conflicts of 8 June 1977.

182. The Commission of Experts concludes also that ample evidence indicates that individuals from both sides to the armed conflict perpetrated crimes against humanity in Rwanda in the period mentioned above.

183. After careful deliberation, the Commission of Experts has concluded that there exists overwhelming evidence to prove that acts of genocide against the Tutsi group were perpetrated by Hutu elements in a concerted, planned, systematic and methodical way.

184. Abundant evidence shows that these mass exterminations perpetrated by Hutu elements against the Tutsi group as such, during the period mentioned above, constitute genocide within the meaning of article II of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted on 9 December 1948.

185. The Commission was unable to uncover any evidence to indicate that Tutsi elements perpetrated acts committed with intent to destroy the Hutu ethnic group as such within the meaning of the Genocide Convention of 1948. The Commission was not in the position, owing to a lack of time, means and objective limits to its mandate, to uncover evidence to indicate that the killings of Hutus perpetrated by a certain number of RPF soldiers were systematic, sponsored or even approved of by Government officials or army commanders.

186. Nevertheless, the Commission of Experts remains disturbed by ongoing violence committed by some RPF soldiers and recommends that investigation of violations of international humanitarian law and of human rights law attributed to the Rwandese Patriotic Front be continued by the Prosecutor. Accordingly, the Commission of Experts will transmit all relevant files in its possession to the Secretary-General.

187. The Commission of Experts wishes to express its gratitude to Mr. José Ayala Lasso, the United Nations High Commissioner for Human Rights, to Mr. Ibrahim Fall, Assistant Secretary-General for Human Rights, and to the staff members of the United Nations Secretariat for the concerted effort and support they gave to our Commission.

[Editor's note: Appendix I, the Statute of the International Tribunal for Rwanda, is reproduced in Document 97 as an annex.]

Appendix II *Methods of work*

I. Internal methods of work of the Commission

1. The internal methods of work of the Commission are defined in its internal rules of procedure (see appendix III).

2. The Commission anticipates holding four (4) sessions during which it will examine a certain number of issues of substance, procedure and organization relating to its mandate.

3. At its last session, the Commission will adopt its final report.

4. The Commission, to the extent possible, will present to the Secretary-General of the United Nations its final report no later than 30 November 1994.

II. Investigative methods of the Commission

5. The Commission will adopt a selective approach in its work, taking account of time available as well as availability of staff and financial resources.

6. The Commission shall endeavour to proceed with exhaustive investigation and shall try to verify each

allegation of grave violation of international humanitarian law committed in the territory of Rwanda.

7. In its choice and in the course of its inquiries and investigations, the Commission shall endeavour always to be impartial and fair.

8. The Commission will employ three methods of inquiry:

(a) Collection and analysis of information sent to the Commission or requested by it;

(b) The undertaking of investigative missions on the territory of Rwanda or in other countries in order to obtain supplementary information, to gather testimony and, to the extent possible, to verify the facts;

(c) The collection of information gathered by Governments for the Commission.

III. *Collection and analysis of information*

9. The Commission shall endeavour to give full effect to Security Council resolution 935 (1994) in which the Council invites States and international humanitarian organizations to make available all reliable information, documentation, videotapes, etc., containing allegations of serious violations of international humanitarian law and in particular of the Convention for the Prevention and Punishment of the Crime of Genocide, committed in the territory of Rwanda during the armed conflict.

10. The Commission shall create a database intended to be a complete and standardized record on alleged grave violations of international humanitarian law committed on the territory of Rwanda including possible acts of genocide.

IV. *Investigative missions*

11. Another method to be employed by the Commission will consist of making investigative missions in the territory of Rwanda and in countries in which Rwandese have taken refuge to obtain supplementary information and to verify the facts.

12. The Commission will undertake two investigative missions to obtain supplementary information in accordance with the Commission's mandate.

V. *Collection of information gathered by Governments for the Commission*

13. The Commission will solicit the assistance of all Governments able to aid in the gathering of evidence, in particular in their own territory.

VI. *Confidentiality of information*

14. Where the Commission receives confidential information by witnesses or evidence of serious violations

of international humanitarian law, the Commission shall, to ensure this confidentiality, put in effect certain provisions in respect of security.

Appendix III

Rules of procedure of the Commission of Experts established pursuant to paragraph 1 of Security Council resolution 935 (1994)

Article 1. Mandate

The Commission shall examine and analyse information submitted to it by States, international humanitarian organizations or other persons or bodies pursuant to Security Council resolutions 918 (1994), 925 (1994) and 935 (1994), as well as such further information as the Commission may obtain through its investigations or efforts with a view to providing the Secretary-General with its conclusions on the evidence of grave violations of international humanitarian law committed in the territory of Rwanda, including possible acts of genocide.

Article 2. Meetings and quorum

1. The Commission shall hold its meetings in private but may open them to the public as and when it deems it necessary for the enhancement of the effectiveness of its work.

2. The Commission shall meet at such times as it may designate; meetings may otherwise be called by the Chairman, as a rule with at least one week's notice.

3. The Chairman may declare a meeting open when at least a majority of the members of the Commission are present. The presence of a majority of the members shall be required for any decision to be taken.

Article 3. Restraint in the disclosure of information

Members of the Commission shall exercise restraint in disclosing information. They shall refrain from taking a stand in public on any confidential question under discussion in the Commission. The Chairman will make information on the work of the Commission available to the extent he deems it appropriate.

Article 4. Powers of the Chairman

The Chairman shall declare the opening and closing of each meeting of the Commission and, at such meetings, shall direct the discussions, accord the right to speak, put questions to the vote, announce decisions, rule on points of order and have complete control of the proceedings.

Article 5. Secretariat

The Secretary of the Commission shall be responsible for making all arrangements connected with the work of the Commission, including arrangements for the meetings of the Commission. He or she shall distribute docu-

ments and materials to the members of the Commission as requested by the Commission, its Chairman or any member thereof, and shall be responsible for the preparation of the records of the meetings of the Commission.

Article 6. Records

1. The Commission will be provided with records of its meetings in English and French.

2. The Commission will arrange for the safekeeping and conservation of its records and files. After the conclusion of its work, the Commission will transmit its records and files to the Secretary-General of the United Nations.

Article 7. Participation of States, international humanitarian organizations or other persons or bodies

The Commission may invite States, international humanitarian organizations or other persons or bodies to participate in its discussions when the Commission deems it necessary for the enhancement of the effectiveness of its work.

Article 8. Investigations

1. The Commission may hear witnesses or experts on its own initiative or upon proposal by States, international humanitarian organizations or other persons or bodies. In such cases, the Commission shall determine the modalities for summoning witnesses and experts. States whose nationals have been summoned to appear before the Commission as witnesses or experts may be invited to be present when their nationals are heard.

2. The Commission may decide to request States to hear witnesses or experts.

3. The Commission may decide to visit Rwanda or any other State upon invitation or on its own initiative with the consent of any such State. Visits may be carried out by the Commission in its entirety, by one or more of its members or by the staff of the Commission as decided by the Commission.

Article 9. Decisions

The Commission will make every effort to take its decisions by consensus. In the absence of consensus, decisions of the Commission will be taken by a majority of the members present and voting.

Article 10. Reports

1. The Commission may designate a Rapporteur for any question of a general or specific nature.

2. The Commission shall report its conclusions to the Secretary-General in accordance with Security Council resolution 935 (1994).

3. Members of the Commission who wish to make a separate statement may have such a statement appended to the report.

Article 11. Other procedural matters

Any procedural matters arising at a meeting which are not covered by these rules shall be dealt with by the Chairman in the light of the rules of procedure applicable to Committees of the General Assembly.

Appendix IV

Documentation procedures for the Commission of Experts on Rwanda

The Commission, in order to ensure the confidentiality of its work and in order to protect its sources and the identity and information of victims and witnesses, has devised the following practical measures:

1. Incoming documents will be categorized as "open source", "limited access" or "confidential". "Open source" documents are published articles, United Nations reports and materials in the public domain. "Limited access" documents are internal United Nations memorandums, documents of the United Nations Assistance Mission for Rwanda (UNAMIR), etc. "Confidential" documents are materials received from any source not intended to be made public, such as affidavits of witnesses, correspondence from Governments, etc.

2. The Secretariat will make a determination as to how the documentation received will be categorized and will refer to the Chairman for guidance, if necessary.

3. A stamp will mark the document with the respective category selected in the special log which will contain the "confidential" material.

4. Incoming "open source" and "limited access" documents from States Members of the United Nations, intergovernmental and non-governmental organizations and other sources will be kept by the Secretariat in a log book (indicating the source of the submission type/subject and date of receipt) and made available upon request to Commission members and staff.

5. The original of all documents shall be primarily in the custody of the Secretary of the Commission. In his/her absence, the Assistant Secretary of the Commission will be responsible for the control of the documentation.

6. The original "confidential" documents will be kept in a combination-lock safe in the office of the Secretary at the Commission secretariat at the United Nations Office at Geneva. The number of the combination lock to the safe will be kept by the Secretary, the

Assistant Secretary and the Chairman of the Commission only.

7. All Commission members, secretariat staff and assistants to the Commission are bound by this confidentiality agreement *vis-à-vis* the Commission and the information that it receives.

8. "Confidential" documents will not be released from the Commission secretariat premises. Commission members may consult these documents at the Commission secretariat.

9. After the mandate of the Commission terminates, the Commission secretariat will make arrangements for the transmittal of the documentation in its custody at the Commission secretariat at the United Nations Office at Geneva to the Secretary-General.

10. All Commission secretariat offices at the United Nations Office at Geneva shall be locked after office hours, and on weekends. Windows shall be closed when the offices are locked.

11. All members of the Commission and staff shall use the shredder (to be purchased) for the disposal of all their papers and notes.

Appendix V Plan of action

On-site investigation of allegations of grave violations of international humanitarian law, including possible acts of genocide

1. In accordance with the Security Council mandate, the Commission of Experts plans to gather evidence and report to the Secretary-General. The primary objective of this plan of action is to produce specific evidence likely to be used for prosecution and to identify individuals responsible for having perpetrated grave violations of international humanitarian law as well as possible acts of genocide.

2. In addition to the information and assistance provided, or which may be provided, to the Commission of Experts by the Special Rapporteur of the Commission on Human Rights, Mr. René Degni-Ségui, and by the human rights officers deployed to Rwanda by the United Nations High Commissioner for Human Rights, the Commission intends to conduct its own on-site investigations for the purpose of determining the responsibility of individuals for acts committed within the territory of Rwanda pursuant to Security Council resolution 935 (1994).

3. According to the report of the Secretary-General on the establishment of the Commission (S/1994/879), the Commission is to complete its work no later than 30 November 1994. In these circumstances, the Commission launched an urgent appeal for assistance to Member States to help to meet its mandate.

4. In view of the above and to comply with the request of the Secretary-General and of the Security Council, the Commission determined it necessary that services, rather than cash contributions, should be provided directly to the Commission by the Governments for the following purposes:

(a) Forensic experts and a logistics for the investigation of mass grave sites;

(b) Investigatory teams for hearing of witnesses;

(c) Security personnel, in particular, at locations where exhumations are to be carried out or in other places the Commission may deem necessary.

Accordingly, on 23 August 1994, the Chairman stated that this assistance should be provided to the Commission at no cost to the United Nations. Member States should indicate as soon as possible the contributions they intend to make and inform the Secretariat no later than 1 September 1994. The above-mentioned services will be supervised by the Commission of Experts and coordinated in Rwanda by the head of the team of human rights officers deployed to the area by the United Nations High Commissioner for Human Rights.

Forensic experts and logistical support

5. Based on existing information, it appears that mass graves appear to be located in several places in the territory of Rwanda. For the purpose of determining the facts, the Commission aims to deploy two or three investigatory teams of specialized forensic experts to these areas for no more than three weeks. The purpose of this exercise will be to determine the existence of the mass graves, gather physical evidence, interview witnesses, take pictures and make video recordings. The results, together with a report, shall be submitted to the Commission of Experts no later than 15 October 1994.

Investigatory teams for hearing witnesses

6. The Commission will require a large number of police investigators and prosecutors to be deployed to the territory of Rwanda for a period of three weeks, and no later than 15 September 1994. The investigatory teams will be provided upon their arrival in Rwanda with briefings for interviews of witnesses as well as a check-list and guidelines for conducting such hearings.

Security personnel

7. The Commission will require security personnel from the United Nations Assistance Mission for Rwanda (UNAMIR) for its investigatory teams as well as for the forensic experts.

Administrative matters

8. In order to make the best use of the time available, the Commission would welcome replies from Member States, with a minimum of delay, that specify their

pledges with the understanding that all costs related to personnel, travel and subsistence, as well as all the equipment required by different teams for on-site investigations, will be made available to the Commission at no

cost to the United Nations. Appropriate agreements will be signed between the Organization, Member States and/or organizations assisting the Commission in these efforts.

Document 108

General Assembly resolution on the situation of human rights in Rwanda, requesting that the Secretary-General take steps to ensure the deployment of human rights field officers

A/RES/49/206, 23 December 1994

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenant on Economic, Social and Cultural Rights, 2/ the International Covenant on Civil and Political Rights, 2/ the Convention on the Prevention and Punishment of the Crime of Genocide, 3/ and other applicable human rights and humanitarian law instruments,

Recalling Commission on Human Rights resolution S-3/1 of 25 May 1994, 4/ by which the Commission established a Special Rapporteur to investigate the human rights situation in Rwanda,

Recalling the establishment of the Commission of Experts pursuant to Security Council resolution 935 (1994) of 1 July 1994 to report on grave violations of international humanitarian law in Rwanda,

Deeply concerned by the reports of the Special Rapporteur and the Commission of Experts that genocide and systematic, widespread and flagrant violations of international humanitarian law and crimes against humanity have been committed in Rwanda, resulting in massive loss of life,

Also deeply concerned by the reports of the Special Rapporteur and the Commission of Experts that the situation of ethnic and political armed conflict in Rwanda resulted in other grave violations and abuses of human rights, including violation of the right to life, the right to physical and moral integrity, the right to be free from torture and other cruel, inhuman and degrading treatment and the right to be free from discrimination on the grounds of ethnic origin and to be protected from incitement to such discrimination,

Reaffirming the deep concern expressed by the World Conference on Human Rights about violations of human rights during armed conflicts affecting the civilian population, especially women, children, the elderly and the disabled, 5/

Noting that, following the cease-fire of 18 July 1994, a new Government of Rwanda has been established and has made efforts to restore the rule of law and reconstruct the civil administration and the social, legal, physical, economic and human rights infrastructure of Rwanda after the extensive damage inflicted by the civil conflict,

Noting with concern that, in spite of efforts by the Government of Rwanda to ensure peace and security and the rule of law, a situation of insecurity still exists, evidenced by reports of disappearances, arbitrary arrest and detention, summary executions and destruction of property, and welcoming the commitments of the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms and to eliminate impunity by investigating and prosecuting those responsible for acts of retribution,

Concerned about the danger posed by continuing incidences of violence and intolerance in Rwanda, which impede the full realization of civil, political, economic, social and cultural rights,

Also concerned about the fact that these occurrences create a climate of insecurity, which prevents refugees and displaced persons from returning to their homes, conscious that the return to their homes is essential for the normalization of the situation in Rwanda and countries of the region, and concerned, in addition, about reports of continuing acts of intimidation and violence within the camps for refugees, particularly by the former Rwandese authorities, which prevent refugees from returning home,

Conscious that technical assistance and advisory services will assist the Government of Rwanda in recon-

1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

3/ Resolution 260 A (III).

4/ See *Official Records of the Economic and Social Council, 1994, Supplement No. 4B* (E/1994/24/Add.2-E/CN.4/1994/132/Add.2), chap. II.

5/ See A/CONF.157/24 (Part I), chap. III, sect. I, para. 29.

structing the social, legal, physical, economic and human rights infrastructure of Rwanda,

Further concerned by the ongoing interference, particularly by the former Rwandese authorities, in the provision of humanitarian relief, which has already led to the withdrawal of some non-governmental agencies responsible for the distribution of relief supplies within the camps outside Rwanda,

Noting with appreciation the efforts of the Secretary-General, his Special Representative for Rwanda, the United Nations High Commissioner for Refugees, the Department of Humanitarian Affairs of the Secretariat and non-governmental organizations, as well as of the Commission on Human Rights and its special rapporteurs,

Commending the initiatives taken by the United Nations High Commissioner for Human Rights, including his timely visits to Rwanda, and welcoming his efforts to ensure that the Special Rapporteur is assisted by a team of human rights field officers acting in close cooperation with the United Nations Assistance Mission for Rwanda and other United Nations agencies and programmes operating in Rwanda, and his efforts to facilitate coordination and cooperation between the work of the Commission of Experts and the Special Rapporteur,

Conscious of the important role human rights field officers will have in establishing an environment conducive to full respect for human rights and fundamental freedoms and in preventing further violations, mindful of the need for the speedy deployment of a sufficient number of such officers to fulfil this role, and endorsing the Secretary-General's encouragement to Member States to provide contributions to expand human rights activities in the field,

Stressing the need for the implementation by all parties in Rwanda of the principles contained in the Peace Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, signed at Arusha on 4 August 1993, 6/ which constitutes the framework for peace, national reconciliation and unity in Rwanda, and noting with appreciation the efforts of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity, the Secretary-General of the Organization of African Unity and the President of the United Republic of Tanzania, Mr. Ali Hassan Mwinyi, in his capacity as the Facilitator of the Arusha peace process,

Recalling Security Council resolution 965 (1994) of 30 November 1994, in which the Council expanded the mandate of the Assistance Mission to contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, to provide security and support for the distribution of relief supplies and humani-

tarian relief operations, to contribute to the security in Rwanda of human rights officers and personnel of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994, and to assist in the training of a new integrated police force, and recalling also the Secretary-General's revised deployment schedule for the Assistance Mission, which is intended to promote security in all areas of the country and create conditions conducive to the return of refugees,

Conscious of the fact that the magnitude of the tragedy in Rwanda requires the kind of coordination and resources that can be effectively sustained by the United Nations, and supporting the Secretary-General's encouragement, under the Rwanda Emergency Normalization Plan, to States Members of the United Nations, United Nations agencies and non-governmental organizations to provide immediate and coordinated technical and financial assistance to Rwanda,

Recognizing that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall United Nations response to the situation in Rwanda,

Recognizing also that a strong human rights component is indispensable to the political peace process and the post-conflict reconstruction of Rwanda,

Considering that the international community and the Government of Rwanda must follow closely and continue to support all efforts to consolidate peace, ensure full respect for human rights and fundamental freedoms and undertake the reconstruction of Rwanda,

1. *Welcomes* the reports of the Special Rapporteur on the situation of human rights in Rwanda; 7/

2. *Condemns in the strongest terms* all acts of genocide and violations of international humanitarian law and all violations and abuses of human rights that occurred during the conflict in Rwanda, especially following the tragic events of 6 April 1994;

3. *Also condemns in the strongest terms* the kidnapping and killing of military peace-keeping personnel attached to the United Nations Assistance Mission for Rwanda, the killing of personnel attached to humanitarian organizations operating in the country, the wanton

6/ See A/48/824-S/26915, annex I; see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26915.

7/ A/49/508-S/1994/1157, annexes I and II, and A/49/508/Add.1-S/1994/1157/Add.1, annex; see *Official Records of the Security Council, Forty-ninth Year, Supplement for October, November and December 1994*, documents S/1994/1157 and Add.1.

killing of innocent civilians and the destruction of property during the conflict, which constitute a blatant violation of international humanitarian law;

4. *Reaffirms* that all persons who commit or authorize genocide or other grave violations of international humanitarian law or those who are responsible for grave violations of human rights are individually responsible and accountable for those violations and that the international community will exert every effort to bring those responsible to justice in accordance with international principles of due process;

5. *Welcomes* the establishment, pursuant to Security Council resolution 955 (1994) of 8 November 1994, of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994, and urges States to cooperate fully with the International Tribunal;

6. *Requests* States that have given refuge to persons involved in serious breaches of international humanitarian law, crimes against humanity or acts of genocide to take the necessary steps, in cooperation with the International Tribunal for Rwanda, to ensure that they do not escape justice;

7. *Notes with deep concern* the findings of the Special Rapporteur that disappearances, arbitrary arrest and detention, summary executions and destruction of property are still taking place in Rwanda, encourages the Government of Rwanda to ensure investigation and prosecution of those responsible for such acts in accordance with international principles of due process, and welcomes the commitments of the Government of Rwanda in this regard;

8. *Encourages* the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms, stresses the need to create an environment conducive to the realization of civil, political, economic, social and cultural rights and to the return by refugees and displaced persons to their homes, and welcomes in this regard the commitments made by the Government of Rwanda;

9. *Encourages* the efforts of the Government of Rwanda to involve, regardless of ethnicity, all citizens not responsible for acts of genocide or other grave violations of international humanitarian law in its administrative, judicial, political and security structures;

10. *Invites* Member States, the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify

their efforts to contribute financial and technical support to the efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, physical, economic and human rights infrastructure of Rwanda;

11. *Welcomes* the efforts of the Government of Rwanda to restore the rule of law and to reconstruct the Rwandan justice system, and invites Member States, the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to provide technical and financial assistance for the administration of justice, particularly to ensure the independence and impartiality of the judiciary, and welcomes in this regard the efforts of the Centre for Human Rights of the Secretariat to assist the Ministry of Justice of Rwanda;

12. *Also invites* Member States, the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to provide technical and financial assistance to the system of law enforcement in Rwanda, including police training, and welcomes in this regard the assistance being provided by the Assistance Mission to the Government of Rwanda in its efforts to establish a new integrated police force;

13. *Condemns* those preventing, in some instances by force, the voluntary repatriation of refugees and those obstructing the access of humanitarian relief to all in need, including those in the camps for refugees, and calls on the appropriate authorities to ensure security in such camps;

14. *Urges* the responsible authorities in Rwanda and in the region to ensure full respect for human rights and fundamental freedoms in the camps for refugees and displaced persons;

15. *Welcomes* the commitment of the Governments of Zaire, the United Republic of Tanzania and Burundi to help resolve the problems facing the refugees, and calls upon them to do all in their power to ensure the safety both of the refugees and of the personnel providing humanitarian assistance to the refugees;

16. *Urges* Governments of the region to take measures to prevent their territory from being used to pursue a strategy of destabilization within Rwanda;

17. *Urges* the Rwandan authorities and the Rwandan people to work for national reconciliation and unity in Rwanda, for peace in the country and the whole region, and to work together to implement the principles contained in the Peace Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, signed at Arusha, 6/ which constitutes the framework for peace, national reconciliation and unity in Rwanda;

18. *Welcomes* the efforts of the United Nations High Commissioner for Human Rights to ensure that efforts of the United Nations aimed at conflict-resolution and peace-building in Rwanda are accompanied by a strong human rights component and effectively supported by a comprehensive programme of human rights assistance, drawing as appropriate on the expertise and capacities of all parts of the United Nations system able to contribute to the promotion and protection of human rights in Rwanda;

19. *Also welcomes* the cooperation the Government of Rwanda has extended to the United Nations High Commissioner for Human Rights and to the Special Rapporteur, and the acceptance by the Government of the deployment of human rights field officers, bearing in mind the important role of those officers, acting in close cooperation with the Assistance Mission and other United Nations agencies and programmes operating in

Rwanda, in establishing a climate of confidence and a secure environment conducive to full respect for human rights and fundamental freedoms and in preventing further violations;

20. *Invites* Member States to intensify further their efforts to support human rights activities in the field in Rwanda;

21. *Requests* the Secretary-General to take appropriate steps to ensure adequate financial and human resources and logistical support for the speedy deployment of a sufficient number of human rights field officers and for the delivery of programmes of technical assistance and advisory services;

22. *Also requests* the Secretary-General to provide all resources necessary to enable the Special Rapporteur to fulfil his mandate;

23. *Decides* to continue its consideration of this question at its fiftieth session.

Document 109

Letter dated 6 January 1995 from the Secretary-General to the President of Ireland concerning measures to encourage the return of Rwandan refugees

Not issued as a United Nations document

I thank you for your letter of 8 December, which I received just before Christmas. I too regretted that we could not meet in New York after your visit to Rwanda and the refugee camps in Zaire and Tanzania. But I have read with great interest the aide-mémoire you gave Mr. Gharekhan.

I am most grateful for your efforts to encourage the international community to help solve the continuing crisis in Rwanda and I hope that the Heads of State to whom you wrote on 8 December will respond without delay.

The international community seems to be coming to realize that the Government of Rwanda will not be able to attract the refugees to return unless it is given the resources to restore security and govern the country effectively. The financial assistance offered by the World Bank and the European Union should thus facilitate reconstruction and national reconciliation. I also hope that the roundtable convened by the United Nations Development Programme (UNDP) in Geneva on 18 January will stimulate the desired response from the donor community.

I also agree with you that the question of human rights must be addressed quickly. I am glad to say that

the International Tribunal is now getting started. A core Investigative/Prosecutorial Unit under the direction of the Deputy Prosecutor should be established by mid-January at UNAMIR Headquarters in Kigali. Within a few months its staff will increase to about 70-80 investigators and prosecutors. During the second phase, the seat of the Tribunal will be decided, judges elected and the staffing completed and the Tribunal will then be fully operational.

Pending submission of the Tribunal's full budget to the General Assembly, I have asked for initial funding for its most immediate requirements. In this connection, you will be aware of the Trust Fund established under Security Council resolution 955 (1994) to assist the Tribunal. I share your view that if the Tribunal does not obtain the necessary funds to act quickly and efficiently, it will be more difficult for the Rwandese to make progress on reconstruction and reconciliation. I very much hope therefore that the international community will give financial support to the International Tribunal and also, of course, to the High Commissioner for Human Rights' efforts to deploy human rights observers throughout the country.

I greatly appreciate your interest in this issue and again thank you for your strong support. Rwanda, and

indeed the subregion as a whole, are at a crucial juncture and initiatives such as yours are of the greatest importance.

Please accept, Madam President, the assurances of my highest consideration.

(Signed) Boutros BOUTROS-GHALI

Document 110

Letter dated 17 January 1995 from the Secretary-General to the Prime Minister of Zaire concerning the cooperation of the Government of Zaire in enhancing security in Rwandan refugee camps (a similar letter was addressed by the Secretary-General to the President of Tanzania, Ali Hassan Mwinyi, on 23 January 1995)

Not issued as a United Nations document; translated from French

As you are aware, the United Nations has been exploring various options for enhancing security in the Rwandese refugee camps in Tanzania and Zaire, with a view to creating an environment conducive to the voluntary repatriation of the refugees. You will recall, in this connection, that in my report of 18 November 1994 to the Security Council (S/1994/1308), I had outlined a number of options, including the possibility of establishing a peace-keeping operation.

I was pleased to be able to discuss these issues with you when you visited United Nations Headquarters last month, and I was gratified by your Government's readiness to provide the personnel needed to address the security issues in the camps located in Zaire, on the understanding that logistic support would be provided by the international community for this purpose.

It was for this reason that I instructed my Special Representative for Rwanda, Mr. Shaharyar Khan, to visit Kinshasa to discuss with your Government the logistic and other resources which would have to be obtained from Member States. Mr. Khan has reported to me on the very useful discussions he had with you and other senior Zairian officials. He has informed me, in particular, that your Government is ready to work with the United Nations in improving the security situation in the camps and in creating the conditions for the repatriation of refugees in safety and dignity. I am aware, of course,

that an environment conducive to such repatriation must also be established inside Rwanda.

On the basis of the consultations I have had with Member States, it appears, however, that the international community would not be in a position to provide the financial resources required to implement the various options which have been under consideration. Under the present circumstances, I believe that the best way for the United Nations to help improve security in the refugee camps is for UNHCR to address this issue under its refugee protection and humanitarian assistance programmes.

I have therefore asked Mrs. Sadako Ogata, the United Nations High Commissioner for Refugees, to pursue the matter with your Government. In this connection, UNHCR is considering sending a senior official to Zaire to consult with your Government on the steps which could be taken under UNHCR's mandate to enhance security in the camps. It is hoped that these discussions could take place in the coming days and that they would lead to the early implementation of concrete measures.

Please accept, Mr. Prime Minister, the assurances of my highest consideration.

(Signed) Boutros BOUTROS-GHALI

Document 111

Second report of the Secretary-General on security in the Rwandan refugee camps, indicating that deployment of a United Nations peace-keeping operation to enhance camp security does not appear feasible

S/1995/65, 25 January 1995

I. Introduction

1. The present report is submitted in pursuance of the statement by the President of the Security Council dated 30 November 1994 (S/PRST/1994/75), in which the Security Council stressed that a determined effort must be made by the international community to promote the repatriation of the Rwandese refugees, to reduce intimidation of prospective returnees and to improve security in the Rwandese refugee camps, especially those in Zaire. To that end, the Security Council requested me, *inter alia*, to continue to explore, as appropriate, all possible means of addressing the problems of security in the Rwandese refugee camps.

2. While there have been some positive developments since my report of 18 November 1994 (S/1994/1308) in respect of the creation of conditions conducive to repatriation, the continuing presence of nearly 2 million Rwandese refugees in Burundi, the United Republic of Tanzania and Zaire is a matter of serious concern. The general security situation in the camps remains dangerous for both refugees and relief workers. The situation is also potentially destabilizing for the host countries and for the subregion as a whole. The only effective solution to this problem remains the safe and voluntary repatriation of the refugees. Accordingly, and taking into account the improving situation within Rwanda, the Office of the United Nations High Commissioner for Refugees (UNHCR) reiterated, in December 1994, that it would assist, wherever possible, the voluntary return of those refugees who wished to go back to Rwanda.

3. The Government of Rwanda has signed tripartite agreements with UNHCR and the Governments of Burundi and Zaire respectively on the voluntary repatriation of refugees. These agreements define the conditions for repatriation, including returnee protection and land tenure. The Governments of Rwanda and the United Republic of Tanzania are also involved in an ongoing dialogue on issues affecting the refugees in the latter country and their repatriation to Rwanda.

4. So far, only 200,000 refugees out of those who left the country after 6 April 1994 have returned to Rwanda. As indicated in my report of 18 November, the combined factors of intimidation by the former govern-

ment leaders, military and militia of refugees who wish to return to Rwanda and the concern on the part of the refugees that they may face reprisals and/or may not be able to regain their property once they do return to the country continue to be the main factors impeding repatriation.

5. In pursuance of the Security Council's presidential statement of 30 November, I dispatched a joint technical team from the Department of Peace-keeping Operations and UNHCR, to Rwanda, the United Republic of Tanzania and Zaire from 11 to 19 December to review the situation prevailing in the refugee camps. The team's findings are summarized below.

II. Present situation

A. Refugees in Burundi

6. There are approximately 200,000 refugees, mostly from southern Rwanda, in Burundi, primarily in the northern region of the country. There is constant movement of refugees in this area, as Rwandese continue to seek security in Burundi and both Rwandese and Burundi nationals continue to move to the United Republic of Tanzania in search of more secure conditions.

7. Considering the very sensitive nature of the security problems in Burundi, UNHCR's efforts to address security in the refugee camps essentially have centred around improved monitoring of the prevailing conditions, through an effective field presence and vigorous *démarches* with the civilian and military authorities. UNHCR plans to continue to pursue this course of action, and is assigning an increased number of experienced officers not only to the regions of Burundi hosting refugees but also to the capital.

B. Refugees in the United Republic of Tanzania

8. There are approximately 600,000 Rwandese refugees living in eight camps in the United Republic of Tanzania. While the population of these camps continues to increase, this influx, as noted above, consists mostly of Rwandese refugees from Burundi and Burundi nationals seeking more secure conditions.

9. The camps in the United Republic of Tanzania are relatively more secure and better organized than those in Zaire, mostly because fewer refugees fled to this area and the relief community was already established in the area before the influx took place. As in Zaire, the refugees have created governing structures similar to those that existed in Rwanda, beginning at the prefecture level and extending down to the commune level. They have chosen leaders who exercise authority at all levels of this hierarchy. (Some of these leaders held the same positions before the war.) As in refugee camps elsewhere, the local governing structure in the Rwandese camps in Zaire and the United Republic of Tanzania provides a sense of organization in the camps, as well as a security mechanism, and facilitates the delivery of relief assistance.

10. The refugees in the Tanzanian camps have been registered, and assistance is therefore delivered directly to them. Hence, there is no scope for the misuse of assistance by refugee leaders, as has been the case in Zaire. However, extremist elements in the camps in the United Republic of Tanzania are reported to have considerable influence over the refugee population, though to a lesser extent than in Zaire.

11. The Tanzanian Government and UNHCR have determined that security in the camps can be enhanced through the deployment of Tanzanian police personnel. These personnel not only must be sufficient in number but must also be adequately equipped to maintain law and order. So far, 310 Tanzanian police, both general duty and special forces, have been assigned to the refugee camps. They are currently receiving assistance from UNHCR, covering such items as tents and food rations, as well as incentive allowances. UNHCR has also made vehicles and communications equipment available to the Tanzanian police force.

12. The refugee population has also created its own security force, the "refugee guardians", which cooperates with the Tanzanian police force. While conditions are currently stable in the camps, it is nevertheless felt that, given the degree of control the leaders have over the camp population, they could easily allow the security situation to deteriorate, should it be in their interest to do so.

C. *Refugees in Zaire*

13. There are approximately 1.4 million Rwandese refugees living in the camps in Zaire. These camps continue to be the most potentially explosive, with the most acute security situation in the camps north of Lake Kivu, in the Goma region, where approximately 850,000 refugees are located. It is therefore considered that, while further steps need to be taken to increase security in the camps in the United Republic of Tanzania and Burundi,

priority should be accorded to increasing security in the camps in Zaire, especially in the Goma region.

14. For the most part, the refugees in the Goma area of Zaire fled Rwanda in mid-1994. The political leaders of the former Government, as well as their armed forces and the militia, fled to this area together with countless civilians as the Rwandese Patriotic Front (RPF) gained control over the western part of Rwanda in the last days of the war. As a result, the refugee population in Zaire tends to include more political, military and militia elements of the former Government than the camps in the United Republic of Tanzania or Burundi and their hostility towards the Government in Kigali is reflected in actions that have led to insecure conditions in the camps.

15. More specifically, the refugees are intimidated from publicly expressing their desire to return to Rwanda. The lives of such people, as well as the lives of politically moderate refugees or those who may have intermarried or are suspected of being infiltrators are seriously threatened and some of them are known to have been killed. There is also a significant threat of civil disturbances in the camps. This threat is especially acute when refugees congregate together, for example, when relief supplies are distributed. In addition, as in any area containing a large number of people living in highly dense and impoverished conditions, common crime is prevalent in the camps.

16. The threat to the safety of international relief workers is also significant. There are now 45 non-governmental organizations (NGOs) and about 1,600 international relief workers in the Goma area alone. A large number of local Zairian and Rwandese relief personnel also work in the camps. The security threat to these relief workers includes harassment, especially on their way to and from the camps when they are frequently stopped, in some cases at gunpoint, and asked to pay tolls or are threatened for other reasons. There is also a significant risk that relief workers can be caught up in civil disturbances or incidents between refugees themselves. Some relief workers have been threatened by refugees who for some reason wrongly perceive them to be opposed to their interests.

17. Initially, the leaders in the camps were called upon to facilitate the delivery of relief assistance. Unfortunately, they misused this responsibility by using the delivery of assistance to persuade refugees to behave according to their interests and by hoarding and/or selling such assistance rather than distributing it. As a result, the incidence of malnutrition, especially in the most vulnerable groups, including women, children and the elderly, was initially much higher than it should have been given the level of assistance provided. Recently, it has however

been possible to provide assistance more directly to the beneficiaries and, as a result, both the negative influence of the camp leaders and levels of malnutrition have been reduced. In addition, UNHCR is about to proceed with the registration of refugees in the camps, which will also help to ensure more effective delivery of relief assistance.

18. The Government of Zaire has taken steps in recent months to enhance the security situation in the camps. As a result, the security situation has improved somewhat since my last report. However, it is assessed that the potential for serious disturbances remains extremely high.

19. Recently, Japanese and United States seismologists have detected new signs of a possible volcanic eruption in the seismically active area of Goma. A UNHCR task force is preparing contingency plans for evacuation from camps that might be affected, including the identification of temporary sites for the relocation of the refugee population concerned. In the meantime, seismic activity is being monitored on a regular basis.

20. The majority of refugees are aware that their long-term interests will be served only by returning to Rwanda and that assistance cannot be provided to them indefinitely in the camps. It is assumed that at least 25 per cent of the refugees would not face land tenure problems upon their return to Rwanda and that, under present conditions, 25 to 50 per cent of the refugees could return in the next 6 to 12 months. UNHCR also considers that, if security is provided for repatriation, the rate of voluntary return to Rwanda would increase.

III. Measures for the establishment of secure conditions in the camps

A. *Peace-keeping operation*

21. In its presidential statement of 30 November, the Security Council requested me to consult with potential troop-contributing countries to assess their willingness to participate in a possible peace-keeping operation to enhance security in the camps modelled along the lines described in paragraphs 18 to 25 of my report of 18 November. The Council also requested me to provide a detailed description of the objectives, rules of engagement and costs of such an operation. Accordingly, the joint Department of Peace-Keeping Operations/UNHCR technical team was asked to collect pertinent information for use in the formulation of recommendations along the lines requested by the Security Council.

22. It will be recalled that the objective of the peace-keeping operation outlined in paragraphs 18 to 25 of my 18 November report was to provide security for international relief workers, protection for the storage and delivery of humanitarian assistance and safe passage to the Rwandese border for those refugees who wish to

return to Rwanda. It was estimated that a force size of approximately 3,000 all ranks would be required to carry out these tasks in the camps north of Lake Kivu. A parallel operation, launched simultaneously in the area south of Lake Kivu, where conditions are marginally more secure, would require an additional 2,000 troops.

23. The proposed peace-keeping operation was to be conducted in two phases. During the first phase, two mechanized battalions would cordon off and establish secure areas in the camps, within which local security units would be formed and trained by international security experts. During the second phase of the operation, once reasonably secure conditions were deemed to have been created, the local forces would take over the security functions being performed by the peace-keeping troops, with back-up support provided by a smaller group of United Nations military personnel. The mechanized battalions would then move forward to create similar secure areas in other locations.

24. The joint technical mission confirmed the feasibility of such an approach, but considered that the operation would require more than the originally estimated 3,000 to 5,000 troops. It estimated that the tasks in the north Kivu region alone would require a force of 4,100, including military logistic support units, instead of 3,000 as indicated in my report of 18 November. The mission further concluded that a similar operation in the south Kivu region also would require a substantially stronger force than originally anticipated. The rules of engagement for such an operation would, in accordance with normal practice, authorize the use of force in self-defence, including against forcible attempts to impede the discharge of the operation's mandate. In addition, as foreseen for the United Nations Assistance Mission in Rwanda (UNAMIR) under resolution 918 (1994), the force would be authorized to take action against persons or groups who threaten protected sites and populations, United Nations and other humanitarian personnel or the means of delivery and distribution of humanitarian relief.

25. Since the adoption of the presidential statement of 30 November, I have consulted with about 60 potential troop-contributing countries to ascertain their readiness to make available the troops necessary to undertake such an operation. As of 23 January, only one country had formally offered a unit. Under these circumstances, it is clear that the option of deploying a peace-keeping force to address the security issues in the refugee camps in Zaire is not feasible. Accordingly, it has not been considered necessary to prepare cost estimates for this option.

B. *Alternative measures*

1. *An international police/military observer group*

26. In its presidential statement of 30 November, the Security Council also requested me to assess the possibility of interim measures aimed at providing immediate assistance to the Zairian security forces in protecting humanitarian operations in the camps, including the possibility of deploying security experts, from member Governments or through contractual arrangements, to train and monitor the local security forces. Towards this end, the joint Department of Peace-Keeping Operations/UNHCR technical mission explored the possibility of an approach based on the deployment of Zairian security forces, which would assume responsibility for improving security in the camps, with the support of a group of United Nations civilian police and military observers.

27. In order to enhance security in the camps, it was considered that the local security forces should perform the following tasks:

(a) *Patrolling.* As noted above, refugees suffer from the high incidence of common crime, in addition to intimidation. Relief workers can also be easily caught up in civil disturbances. A 24-hour patrolling presence of security personnel could help to maintain law and order, thus alleviating such threats. These personnel would gradually develop relations with the refugees and their governing structures and would work with them in controlling and abating the incidence of common crime;

(b) *Escort and guarding of static points.* Given the risks present in travelling to and from Goma, an escort capacity should be created to accompany relief workers when travelling at night and in the early morning. A security presence would also be of benefit at static positions in the camps, including, for example, at aid-distribution points, UNHCR and NGO focal sites, hospitals, feeding centres and dispensaries. A security presence would also be required to keep a sense of order and calm during the census and registration of the refugees, which UNHCR is planning to conduct in the camps in the near future;

(c) *Storage and transport of humanitarian assistance.* The main security issue related to the storage of relief assistance is the looting of warehouses. While these areas are currently guarded, the problem of looting has not been alleviated. An additional security presence, as well as increased lighting and fencing, are therefore required. The transport of assistance to and from the warehouses is deemed to be threatened at this time;

(d) *Security for repatriation.* Enhanced security is of particular importance to facilitate the repatriation of refugees who have expressed the wish to return to

Rwanda. At present, just indicating a desire to return to Rwanda can put refugees in considerable danger. It is therefore considered essential that, upon indicating to relief workers their desire to return to Rwanda, refugees should be offered security, including immediate transfer to transit camps. Such camps would be established in Zaire at some distance from the refugee camps to house refugees until they can be transported to the border. These camps would require a 24-hour security presence. Security for the transportation of refugees to the border, which is now provided, should be strengthened.

28. As indicated above, it was envisaged that these tasks could be carried out by a local security force. A group of approximately 150 to 200 United Nations civilian police officers would be required to train and monitor the local forces. In addition, about 30 to 50 military observers would be deployed to liaise with the local forces at the command level on issues related to the overall implementation of the operation. The military observers would also assist coordinate repatriation.

29. During my meeting with him on 15 December 1994, the Prime Minister of Zaire, H.E. Mr. Kengo Wa Dondo, confirmed to me his Government's readiness to provide the troops necessary to enhance security in the camps. I therefore instructed my Special Representative for Rwanda, Mr. Shaharyar Khan, to visit Kinshasa to discuss with Zairian officials the possibility of the Government of Zaire undertaking these tasks, on the understanding that the international community would be encouraged to assist with an appropriate level of logistic and financial support.

30. Mr. Khan visited Kinshasa from 28 to 31 December. He was accompanied by a representative of UNHCR as well as the UNAMIR Deputy Force Commander and logistic experts. In Kinshasa, Mr. Khan was received by the Prime Minister and met with the Ministers of Defence, Justice, Foreign Affairs and the Interior. Technical talks were also held at the working level. Zairian officials indicated their Government's hope that the refugees would soon return to Rwanda. They stressed that effective steps should be taken in Rwanda to ensure that repatriation could take place in conditions of safety and dignity. They also reiterated the Zairian Government's commitment to address the security situation in the camps and indicated its readiness to initiate prompt action in that regard, with the cooperation and support of the United Nations.

31. The Government of Zaire indicated that it would be prepared to deploy a national security force of about 1,500 to 2,500 troops to the camps. Through technical discussions, the modalities of the logistic and other external support needed for these troops were considered. The Government welcomed the proposal that

international police and military observers be deployed to the area to provide technical advice to the local security force and to monitor and coordinate the operation. However, it pointed out that it did not favour deployment of United Nations peace-keeping troops to the camps.

32. In order to pursue this option, nearly 50 Member States were contacted to ascertain their willingness to provide police personnel, stressing the importance of French-speaking personnel. As of 23 January, only four countries had expressed an interest in providing civilian police personnel and only one of these countries was French-speaking. As regards military observers, it was felt that, in order to expedite implementation, the military observers could perhaps be provided by UNAMIR on a temporary basis, subject to the concurrence of the contributing countries concerned. These countries have been consulted in this regard. However, only one of them has so far responded that it would, in principle, be prepared to allow its military observers to operate in Zaire. It therefore seems that this second, more modest, approach to enhancing security in the camps in Zaire faces difficulties and cannot be pursued, at least at present.

33. Mr. Khan also visited the United Republic of Tanzania on 4 and 5 January 1995, where he was received by President Mwini and Prime Minister Msunya. While in Dar-es-Salaam, he also met with the Chief of Defence Staff of the Tanzanian Army and the Inspector-General of the Police. The Tanzanian Government also indicated its view that the refugees should return to Rwanda and that efforts should be continued to ensure that conditions conducive to voluntary repatriation of the refugees were created inside the country.

34. As noted above, at present, 310 Tanzanian police officers are providing security in the camps. The Government indicated that it would be prepared to increase this force to 500, but that it would require logistic and operational support from external sources in order to do so. Some support towards this end is currently being provided by the Government of the Netherlands through UNHCR.

2. Contractual arrangements

35. Another possibility, which has been explored by the Secretariat on a contingency basis, is the provision of training and monitoring support to the local security forces through contractual arrangements with a private organization. Under such arrangements, a local force would be trained by a team of 50 international instructors, 10 of whom would remain behind after the initial training was completed to provide further on-the-job training assistance. An additional 40 international experts would be required to monitor the operation and for liaison and coordination functions. It is estimated that

the training programme would take a period of one month for each group of local personnel trained and that, within two months of the start of the operation, the first group of local personnel could be deployed to its area of operations. Within four months, the entire local force would be trained and deployed to the camps both north and south of Lake Kivu.

36. The possibility of undertaking such an operation, including the provision of logistic and other support to the local security forces, has been discussed with UNHCR. However, initial financial estimates show that an operation of this nature would be costly. Moreover, since it would have to be funded entirely through voluntary contributions, UNHCR does not feel that it would be able to mobilize the necessary resources, especially since some potential donor Governments have indicated that they would not be in favour of this approach.

C. Security measures through UNHCR

37. Since the various options described above do not appear feasible, at least at the present stage, I have recently held further consultations on the problem of security in the refugee camps, especially those in Zaire, with the United Nations High Commissioner for Refugees, Mrs. Sadako Ogata. As a result of these consultations, it has been decided that UNHCR would follow up with the Government of Zaire on the discussions held by my Special Representative, with a view to concluding appropriate arrangements, under UNHCR's refugee protection and humanitarian assistance mandate, to enhance security in the camps. I have informed the Prime Minister of Zaire accordingly and have expressed to him the hope that these discussions would lead to the early definition and implementation of mutually acceptable arrangements to enhance the safety and security of the Rwandese refugees in Zaire.

38. UNHCR has dispatched a Special Envoy to Kinshasa for this purpose. UNHCR will keep me informed of the progress made in this regard and I shall advise the Security Council accordingly. UNHCR will also continue to explore means of augmenting support to the Tanzanian Government to enable it to increase the level of security it is currently providing in the camps. As regards the refugee camps in Burundi, UNHCR has indicated that, for the time being, the security situation in these camps is being adequately addressed through the measures described in paragraph 7 above. UNAMIR, for its part, will continue to coordinate closely with UNHCR in facilitating the safe and voluntary repatriation of the refugees to Rwanda.

IV. Observations

39. The scope and complexity of the problems in the Rwandese refugee camps, especially those in Zaire, represent an unprecedented challenge. It is therefore not surprising that the search for an appropriate solution to these problems has been a difficult process. As the present report demonstrates, the options aimed at enhancing security in the camps through a peace-keeping operation, under one form or another, do not appear viable, at least at the present time.

40. Peace-keeping is essentially an instrument for conflict management and resolution. It is true that in recent years it has undergone an important quantitative and qualitative evolution. However, it is not designed and has not generally been used to ensure security in refugee camps. Indeed, it has traditionally been the responsibility of the host countries to provide security to the refugees located on their territory, albeit with an appropriate level of support from the international community.

41. I therefore understand the hesitations of Member States regarding the idea of seeking a solution to the security problems in the camps through the instrument of peace-keeping. There is no doubt, however, that the innocent civilians, who fled Rwanda in the wake of a devastating civil war and are exposed daily to intimidation and violence in the camps, deserve the continued attention and assistance of the international community, both where they are now and in their efforts to return to their country. Furthermore, the humanitarian relief personnel, who are risking their lives to ensure that basic assistance reaches the refugees, should be provided with adequate security to be able to carry out their work effectively. I therefore strongly urge the international community to support the efforts of UNHCR, in cooperation with the Governments of Zaire and the United Republic of Tanzania, to put in place satisfactory security arrangements in the camps and to provide generously the resources required for this purpose.

42. Strengthening security in the camps is an indispensable step for creating conditions conducive to the voluntary repatriation of the refugees. However, as I stressed in my report of 18 November, any effort to provide security in the camps would be futile unless parallel steps are also taken inside Rwanda to ensure that the refugees can return to their home communities without fear of retribution or persecution and to promote genuine national reconciliation between all segments of Rwandese society. Until now the Government of Rwanda, which assumed power in a traumatized and shattered country, with its infrastructure virtually destroyed and its inhabitants severely dislocated, has been

bereft of even the minimum resources to begin to restore normal conditions. The commitments made at the recent Round-table Conference on Rwanda and in response to the consolidated inter-agency appeal bring some hope that this process now can commence. This in turn would promote the prospects of reinvigorating the political process and providing a framework for the action to be taken to address security in the camps and repatriation of the refugees to Rwanda, as suggested by the Security Council in its statement of 30 November 1994.

43. The summit meeting of the leaders in the subregion, held in Nairobi on 7 January 1995, made a useful contribution towards the definition of such a framework. This meeting brought together the Presidents of Burundi, Kenya, Rwanda, the United Republic of Tanzania, Uganda and Zambia and the Prime Minister of Zaire. My Special Representative for Rwanda also attended the meeting. The regional leaders emphasized the close relationship between improving both security in the refugee camps and conditions inside Rwanda in order to create an environment conducive to the voluntary repatriation of the refugees. In this connection, they affirmed their support for the establishment and operationalization of the International Tribunal for Rwanda; the separation of suspected perpetrators of genocide from innocent refugees and the separation of intimidators from the refugee camps, as well as the establishment of safe corridors from refugee camps to the Rwandese border and of safe corridors and transit points inside Rwanda. They commended the Government of Rwanda for the steps it has so far taken to establish a broad-based government administration and urged the Government, towards this end, to deepen its efforts, in the spirit of the Arusha peace accord. They further urged the Government of Rwanda to put in place additional confidence-building measures to encourage the voluntary return of refugees. The regional leaders also urged the international community to increase its economic support for the rehabilitation and reconstruction of Rwanda.

44. The progress achieved at the regional summit of 7 January should facilitate the work to be undertaken during the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region to be hosted by the Organization of African Unity and UNHCR in Bujumbura in mid-February. A preparatory meeting for the Conference was held in Addis Ababa on 9 January. I hope that the Conference will lead to further progress in creating the conditions necessary for the refugees and displaced persons to return to their homes in safety and dignity and that it will open the way to the holding of a broader conference aimed at identifying long-term solutions to promote and ensure peace,

security and development in the subregion. Preliminary consultations with interested Governments are currently

under way to develop a consensus on the issues to be addressed by such a conference.

Document 112

Letter dated 1 February 1995 from the Secretary-General to the President of the Security Council reporting that on 27 January 1995 UNHCR and the Government of Zaire signed an aide-mémoire outlining specific measures for improving camp security

S/1995/127, 9 February 1995

I have the honour to refer to my report of 25 January to the Security Council on the problem of security in the Rwandese refugee camps (S/1995/65). In paragraphs 37 and 38 of the report, I indicated, *inter alia*, that the Office of the United Nations High Commissioner for Refugees (UNHCR) would follow up with the Government of Zaire on the discussions held by my Special Representative for Rwanda, Mr. Shaharyar Khan, with a view to concluding appropriate arrangements to enhance security in the camps, in the framework of UNHCR's mandate for refugee protection and humanitarian assistance. I also mentioned that UNHCR had dispatched to Kinshasa for this purpose a Special Envoy for Rwanda and Burundi and that I would keep the Security Council informed of progress made in this regard.

In this connection, I should like to advise the members of the Council that, on 27 January 1995, the Zairian Ministers of Defence and Justice and the UNHCR Special Envoy signed an *aide-mémoire* outlining specific measures aimed at improving the security situation in the camps. Under this agreement, the Government of Zaire is to deploy 1,500 experienced military and police security personnel to the camps in the Goma region, north of Lake Kivu, and in the Bukavu and Uvira regions, south of Lake Kivu. These personnel will assist in the maintenance of law and order in the camps; take measures to prevent violence against and intimidation of refugees; provide protection for relief workers and for the storage and delivery of humanitarian assistance; and escort to the border of Rwanda those refugees who have voluntarily chosen to return to their homes. In accordance with its mandate, the United Nations Assistance Mission for Rwanda (UNAMIR) would provide assistance in escorting the repatriated refugees to their home communities. The Government of Zaire has assured UNHCR of its full cooperation, at both the national and the local levels, in this endeavour. It has agreed to develop its concept of operations in cooperation with UNHCR, and to put in

place mechanisms that would ensure full consultation with UNHCR on all matters related to security in the camps.

UNHCR, for its part, will establish a liaison support group, composed of experienced security advisers, who will be deployed at its field offices in Goma and Bukavu. These personnel will ensure liaison between UNHCR and the commanders of the Zairian security units. They will also provide technical advice to the Zairian units on measures to enhance security in the camps. To the extent that voluntary contributions are made available, UNHCR will provide to the local security units some financial and logistic support, including transportation and communication equipment. The provision of this assistance will be managed through the UNHCR Liaison Support Group.

It is expected that the implementation of the programme will begin immediately. While UNHCR will provide resources to initiate the programme, it is estimated that the first phase of this programme would last five months, from February to June, and that it would cost approximately \$13 million, for which UNHCR will seek contributions from Member States, either in cash or in kind. Thereafter, resource requirements will be reviewed every three months and additional contributions required will be sought from Member States.

I wish to take this opportunity to reiterate my hope that Member States will contribute generously to this programme, through UNHCR, so that it can be implemented in an effective manner and thereby create conditions conducive to the voluntary repatriation of the refugees to Rwanda. I also hope that the international community will provide the resources needed to strengthen the efforts undertaken by the Government of the United Republic of Tanzania, also in cooperation with UNHCR, to ensure adequate security in the refugee camps located in that country. UNAMIR will coordinate closely with UNHCR to facilitate the repatriation pro-

cess, and my Special Representative for Rwanda will continue to have overall responsibility for all matters relating to the efforts of the United Nations system to assist in the restoration of peace and stability in that country.

I should be grateful if you would bring the contents of the present letter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Document 113

Progress report of the Secretary-General on UNAMIR for the period 25 November 1994 to 6 February 1995, reporting on the steps taken by the Government of Rwanda towards national reconciliation

S/1995/107, 6 February 1995, and addendum: S/1995/107/Add.1, 16 February 1995

I. Introduction

1. The present report is submitted in response to resolution 965 (1994) of 30 November 1994, by which the Security Council extended and expanded the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) for a period of six months until 9 June 1995. Under that resolution, the Council requested me to report by 9 February and 9 April on the execution of UNAMIR's mandate, the safety of populations at risk, the humanitarian situation and progress towards repatriation of refugees. The present report covers developments in Rwanda since my report of 25 November 1994 (S/1994/1344).

II. Political aspects

2. While progress continues to be made in normalizing the situation in Rwanda, many challenges remain. During the reporting period, the Government of Rwanda has continued to take steps towards national reconciliation and reconstruction. If many of its pronouncements still have to be transformed into concrete programmes this is, for the most part, because of a lack of resources to run an effective public administration. In addition, while the civil administration is now largely in place throughout the country, important appointments, especially in such key sectors as the judiciary, remain to be made.

3. The Government has taken some steps to ensure that its message of national unity and reconciliation reaches the Rwandese people. On 20 December 1994, the Government was formally renamed the "Government of National Unity", a modification which, by dropping references to "transitional" and "broad-based" places primary emphasis on national reconciliation. Senior government officials, including the President, the Prime Minister, the Vice-President and the Minister of Defence

continue to hold public rallies around the country, emphasizing the need for harmony, tolerance, unity and reconciliation.

4. The National Assembly, officially installed in Kigali on 25 November 1994, opened its first working session on 12 December. On that occasion, the Prime Minister presented an eight-point programme reiterating the goals of rehabilitation and reconstruction that the Government first set out when it was installed on 19 July 1994. The programme includes restoration of a climate of peace and security; restoration of civil administration at the national, provincial, communal, sectoral and local levels; restoration and strengthening of national unity; repatriation and resettlement of refugees and displaced persons; improvement of the living conditions of the Rwandese people and resolution of post-war social problems, with emphasis on orphans, widows and the handicapped; national economic recovery; redefinition of the country's foreign policies; and consolidation of democracy in the country. In his opening remarks, the Speaker of the National Assembly, Mr. Juvénal Nkusi, indicated that the work of the Assembly would be based on the principles of unity, democracy and respect for human rights. He called for the adoption of laws banishing forever ethnic discrimination and recommended the establishment of a commission for national unity and reconciliation.

5. Although the Assembly is composed of representatives of eight political parties and the national army, including an officer of the former Government's army, the previously dominant party, the Mouvement Républicain National Démocrate (MRND), is not represented.

6. I indicated in my last report that the Government had taken steps to reunify the army as a further measure towards reconciliation. In this connection, some 2,242 members of the former Rwandese Government Forces have undergone a five-month retraining programme. On

25 January, following its completion, a graduation ceremony was held for 73 officers and 1,011 soldiers. Another group of 900 soldiers has not yet completed the programme. At the ceremony, the Minister of Defence encouraged other military personnel from the Rwandese Government Forces to join the new national army. Rwandese Government Forces Officers have been given new appointments, including that of Deputy Chief of Staff and Chief of the Gendarmerie.

7. While further progress is expected in the reconciliation process, the security situation continues to be a matter of serious concern. Reports persist of summary executions, secret detention and torture. There are also reports of banditry and other violent acts against civilians, both in Kigali and in the countryside. In a recent statement, the Catholic Church, which is an influential institution in Rwanda, commended the Government's endeavours, especially in the re-establishment of essential services and infrastructure, but expressed concern over what it considered to be discriminatory, arbitrary and inhumane treatment of some citizens.

8. In two radio interviews in December, the Vice-President and Minister of Defence, as well as the Prime Minister, stressed that security in the country was a priority concern of the Government. As indicated in earlier reports, UNAMIR is helping the Government to establish a new police force. In the meantime, Rwandese military personnel continue to perform police duties.

9. A professional police force and functioning judiciary are essential to the establishment of internal security. Yet, at present, Rwanda's court system does not function, its prisons are overcrowded and thousands of suspects are awaiting trial. Of the 1,100 magistrates working in the judiciary before April 1994, only 100 are still in the country today and of 100 prosecutors, only 12 are still available. There is also an acute shortage of trained personnel to investigate alleged crimes. The United Nations Human Rights Field Operation in Rwanda, established by the United Nations High Commissioner for Human Rights, has been active in helping the Government to rehabilitate the justice system, but substantially more technical and financial assistance is required if this essential element in the Government's recovery programme is to be implemented in a timely manner.

10. As noted in my report of 25 January (S/1995/65) on security in the Rwandese refugee camps, repatriation is ultimately linked to the creation inside Rwanda of conditions conducive to the safe resettlement of returnees and to the pursuit, by the Rwandese Government, of a proactive policy of national reconciliation. The Governments of Zaire and the United Republic of Tanzania have both stressed this point during their recent

discussions with my Special Representative. The seven-nation regional summit, which took place at Nairobi on 7 January and brought together the heads of State of Burundi, Kenya, Rwanda, Uganda, the United Republic of Tanzania, and Zambia, as well as the Prime Minister of Zaire, also urged the Government of Rwanda to put in place additional confidence-building measures to encourage the voluntary return of refugees. Senior Rwandese officials have reassured my Special Representative that the Government considers the peaceful resettlement of all returnees to be an indispensable step towards genuine reconciliation and lasting peace. The task of repatriating and resettling the estimated 2 million Rwandese refugees and the 350,000 displaced persons inside the country continues, however, to pose a major challenge to the Government.

11. On 23 December 1994, the Government established a commission for the repatriation and resettlement of refugees. This commission, which was provided for in the Arusha peace agreement (see S/26915), is composed of two representatives each of the Government, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the refugee community, as well as a representative of the Organization of African Unity (OAU). Its mandate is to finalize and implement a programme for the repatriation and reintegration of refugees. To this end, it is planning, *inter alia*, to conduct a socio-economic survey of refugees, organize a pre-repatriation census and registration of returnees, launch an information and sensitization campaign directed at both refugees and the local population, identify resettlement sites, supervise the distribution of plots, facilitate the rehabilitation of basic infrastructure and transport for returnees, and supervise assistance provided to them. The Government has confirmed its support for these proposals. It has also supported and cooperated with UNAMIR's efforts to encourage the safe and voluntary return of internally displaced persons.

12. However, fears of reprisals continue to exist among refugees and internally displaced persons. I remain convinced that the dissemination of factual information is a vital tool in creating conditions for refugees and internally displaced persons to decide freely to return to their homes. In resolution 965 (1994), the Security Council welcomed UNAMIR's efforts to increase its radio-broadcasting capabilities so as to reach the refugee camps in neighbouring countries and expressed the hope that the Government of Rwanda and UNAMIR would soon conclude appropriate arrangements in that regard, including the allocation of a radio frequency.

13. As I have already informed the Security Council, on 14 January the Government and UNAMIR signed an agreement on the establishment of the United Nations

radio in Kigali and are now finalizing the necessary technical details to permit the commencement of radio operations. In this connection, UNAMIR has requested from the Government the allocation of a frequency and authorization for the installation of radio transmitters at sites that would permit broadcasts to reach the Rwandese population inside the country as well as in the refugee camps in neighbouring countries. UNAMIR is still awaiting the Government's response. Radio UNAMIR is currently staffed by three international and four local personnel. It is planned that it will initially broadcast for 4 hours per day, mainly in Kinyarwanda, the Rwandese national language, but also in English and French. In order to achieve these objectives, it will be necessary to strengthen the resources of the station, especially the number of editorial and technical staff.

III. Human rights aspects

14. There is strong evidence that awareness of human rights continues to grow in Rwanda. Respect for human rights is vital not only as a confidence-building measure to facilitate the return of the refugees and internally displaced persons, but also, in the long term, for the realization of genuine and lasting peace in this traumatized country. This continues to be the principal objective of the United Nations Human Rights Field Operation in Rwanda.

15. The number of human rights officers deployed has grown steadily and, as of 26 January 1995, stood at 88 including regular staff, experts and United Nations Volunteers (UNVs). An offer by the European Union of 36 fully equipped officers has been accepted by the United Nations High Commissioner for Human Rights. These officers will work under his authority and will be fully integrated into the Human Rights Field Operation. It is expected that a first contingent of 12 European Union personnel will be deployed in the second half of February, together with additional UNVs. Among the functions of the Human Rights Field Operation are the monitoring of human rights conditions in all parts of the country, including life-threatening situations and other urgent cases of possible human rights violations; liaison with the Government of Rwanda with respect to human rights education; monitoring of the conditions of detainees; participation in confidence-building measures aimed at the re-establishment of civic society in Rwanda; and coordination with other international agencies in the field.

16. All human rights officers in Human Rights Field Operation receive comprehensive training to prepare them for their responsibilities in Rwanda. This training, which takes place at Geneva and Kigali, will continue as new recruits are dispatched to the field.

17. It is especially significant that the Rwandese people themselves are increasingly engaged in the promotion of human rights and the rule of law. During the commemoration of the Universal Declaration on Human Rights on 10 December 1994, seminars, lectures and other public functions were organized in Rwanda, especially in Kigali. On that occasion, the Minister of Justice reaffirmed his Government's commitment to human rights, democracy, justice and national reconciliation. The Human Rights Field Operation, through its technical cooperation unit, contributes to the advancement of human rights awareness and education in the country generally and in particular sectors of society, such as the police. The Human Rights Field Operation also continues to work closely with the ministries of education, culture and women's affairs to broaden respect for human rights.

18. As a result of a needs assessment mission undertaken in December 1994, the High Commissioner for Human Rights has developed a programme of technical assistance in the administration of justice, which includes review of criminal cases of detainees, improvement in prison administration, establishment of civil dispute resolution mechanisms and recruitment and training of civilian police. In this connection, the Human Rights Field Operation has been coordinating the activities of a working group with government ministers comprising two committees which meet weekly. International assistance is being sought for these projects, as well as for the continued operation of the Human Rights Field Operation in general.

19. The Prosecutor of the International Tribunal for Rwanda, Judge Richard Goldstone, paid his first visit to the country on 19 and 20 December. He held detailed discussions with senior government officials as well as with my Special Representative, and also met with representatives of United Nations agencies and non-governmental organizations (NGOs) operating in Rwanda. During the visit, the Government and the Prosecutor expressed general satisfaction with their discussions and exchange of views, which focused on the future work of the International Tribunal.

20. The first stage of the operation of the International Tribunal for Rwanda has begun with the establishment of an investigative/prosecutorial unit, temporarily located in the United Nations Children's Fund (UNICEF) building in Kigali. The main functions of the unit are to establish the Prosecutor's Office, gather documents and information from Governments and intergovernmental and non-governmental organizations, initiate the process of recruitment, and develop the investigative strategy and field operating procedures. In accordance with article 15, paragraph 3, of the statute of the International Tribunal (S/1994/1405, appendix I),

and upon the recommendation of the Prosecutor, I appointed Mr. Honoré Rakotomanana as Deputy Prosecutor to assist with prosecutions before the International Tribunal. The Deputy Prosecutor arrived in Kigali on 26 January for an initial visit in order to initiate the operations of the investigative unit. The High Commissioner for Human Rights has placed at the Tribunal's disposal the specialized personnel and all the investigatory work of the technical cooperation unit.

21. In December a United Nations technical mission visited Rwanda, Kenya and the United Republic of Tanzania in order to identify suitable premises for the seat of the Tribunal. The mission has presented its report and I will, in due course, submit my recommendation to the Security Council on the location of the seat.

22. On 24 January, I announced the creation of a Trust Fund to support the activities of the International Tribunal for Rwanda. A request for contributions has been sent to Member States. Contributions to the Fund would, in the first instance, facilitate an early start to the Tribunal's work by allowing the deployment of teams to Rwanda to investigate suspected persons held in custody there and the identification and apprehension of those located elsewhere.

IV. Military aspects

23. As of 28 January, UNAMIR's force strength stood at 5,740 all ranks and 309 military observers (see annex I). Since my last report, the United Kingdom contingent, comprising 538 troops, and the Canadian contingent, comprising communications, logistics and medical units with a total strength of 308 troops, withdrew on schedule. The logistics unit was replaced by civilian contractual arrangements with backup provided through the deployment of a Canadian logistic support unit of 85 personnel. As indicated in my previous reports, UNAMIR's troop strength will gradually be reduced to its authorized level of 5,500.

24. UNAMIR's force structure and deployment have been adjusted as a result of recent security developments in the displaced person camps and the border regions, as well as the additional tasks given to UNAMIR under the expanded mandate contained in Security Council resolution 965 (1994) in which the Council decided, *inter alia*, that UNAMIR should contribute to the security in Rwanda of human rights officers and personnel of the International Tribunal. Consequently, elements of the Ghanaian and Zambian battalions and the Malian and Malawian companies have been redeployed to help to improve security in various communes in their respective areas of operation (sectors 2 and 3) and to assist in enhancing security for the resettlement of displaced persons (see map). [Editor's note: Map of UNAMIR Sectors

of Operation and Deployment as of 28 January 1995 is not reproduced here.] Following an increase in armed attacks by groups infiltrating across the border with Zaire in the Kimembe, Kanganano, Gafunso, Kirambo and Nyamashe areas of sector IV C, elements of the Ethiopian battalion stationed in this sector have also been redeployed along the shores of Lake Kivu. The Ethiopian Battalion is conducting limited boat patrols on the lake and has deployed its available night vision resources to cover coastal approaches in this sector from Ijwi Island. However, additional naval patrol capabilities and night vision resources would be required to enhance UNAMIR's monitoring activities in this area.

25. According to some reports, these raids could signal the start of an insurgency campaign by forces opposed to the current Government in Kigali, but none of the raids has, to date, been directed at military targets inside Rwanda. Rather, the focus has been on civilian settlements and property, with the attackers stealing food, cows, personal belongings and money. The Rwandese Patriotic Army seems to have reinforced its presence along the border region, which may explain the reported drop in the number and intensity of such incidents in recent days.

26. In pursuance of its mandate to protect displaced persons and civilians at risk and to provide security for humanitarian relief operations, UNAMIR undertook an operation, from 13 to 15 December, to enhance security in the Kibeho and Ndago displaced person camps in the southwest (sector IV A) where disruptive elements had been active. The aim of the operation was to help to create conditions that would give the displaced persons the freedom to return voluntarily to their homes. The operation included screening of disruptive elements present in the camps and was undertaken in the presence of human rights monitors and representatives of the International Committee of the Red Cross (ICRC). A total of 44 people were detained and handed over to the Rwandese authorities in the presence of ICRC and human rights monitors. UNAMIR, using metal detectors, discovered and confiscated caches of grenades, machetes and spears. The Rwandese Patriotic Army provided liaison officers to assist in the screening process and established a security perimeter a few kilometres from the camps, but it did not participate in the actual operation.

27. The success of this operation helped to establish suitable conditions and a favourable climate for the launching, on 29 December 1994, of *Opération Retour*, which is an integrated inter-agency initiative aimed at facilitating the safe resettlement of internally displaced persons. Activities involved in the operation include the provision of security to ensure that displaced persons can travel safely to their homes and are protected once they reach them, as well as the provision of medical, food,

water, sanitation and other basic assistance in the home communes.

28. Despite an incident on 7 January when elements of the Rwandese Patriotic Army attacked a displaced persons camp at Busanze near Gikongoro, killing 18 people, including women and children, and wounding 36 others, *Opération Retour* had, by 30 January, facilitated the safe and voluntary resettlement of some 25,000 displaced persons. The Government has condemned the attack against the Busanze camp and has detained some of the soldiers reportedly involved. It has assured my Special Representative and the UNAMIR Force Commander that the incident was an isolated act of misconduct and does not represent official policy which, it stresses, continues to favour the voluntary rather than the forced closure of displaced persons camps. The assurances given, and measures taken by the Government, have helped to restore a degree of calm in the camps. Close contact and consultations between UNAMIR and the Government, and between the UNAMIR Force Commander and the Rwandese Patriotic Army, are helping to expedite and enhance mutual cooperation, and coordination which are vital if complex enterprises, such as *Opération Retour*, are to be successful.

29. As indicated in paragraph 24 above, UNAMIR has adjusted its *modus operandi* in order to fulfil, within existing resources, its expanded mandate of providing security for personnel of the International Tribunal and the human rights officers. However, the UNAMIR Force Commander is concerned that, as the UNAMIR troop strength is gradually reduced to its authorized level of 5,500 all ranks, difficulties could arise in fulfilling effectively the various aspects of the mandate. The issue of UNAMIR's force strength may, therefore, have to be revisited in the coming months.

V. Civilian police

30. In my report of 25 November, I informed the Security Council that, at the request of and in cooperation with the Government of Rwanda, UNAMIR's civilian police contingent had begun to help to train the national gendarmerie, the larger of the two services in Rwanda's police structure. Council resolution 965 (1994) reinforced this process by expanding UNAMIR's mandate to include the specific task of assisting in the establishment and training of a new, integrated national police force.

31. The first contingent of 102 gendarmes completed their training in November 1994. A second contingent of 300 gendarmes is currently undergoing an intensive 16-week training programme scheduled to end in April. At the request of the Rwandese Government, 20 gendarmes from the first contingent are currently assisting UNAMIR in the training of the second contingent.

UNAMIR is planning to start in June a more advanced training course of 12 weeks for about 100 of the gendarmes who will have undergone basic training by that time.

32. At the request of the Government, UNAMIR has also developed a training programme for the communal police, the second police service. The communal police operates at the local level and derives its authority from the prefect who serves as head of the provincial administration, or prefecture. The Government has indicated that it would like to deploy 10 trained police in each of Rwanda's 145 communes. UNAMIR is planning to train a first contingent of 500 communal police, made up of police personnel from each of the country's 10 prefectures. The training programme is scheduled to begin in early February in Kigali and will be extended to the other prefectures, as soon as the number of French-speaking UNAMIR civilian police observers can be increased.

33. In addition to its training tasks, the civilian police component continues to maintain liaison with civilian authorities, in particular the judiciary, and to monitor the increasingly difficult situation in Rwanda's overcrowded prisons. It also provides monitoring and investigatory assistance to the human rights officers and the military and civilian components of UNAMIR.

34. UNAMIR's civilian police component has, with 89 observers on the ground, nearly reached its authorized strength of 90 observers, but only 25 of them are French-speaking. This has put a considerable strain on UNAMIR's ability to carry out its civilian police functions effectively.

35. In order to meet its expanding functions under resolution 965 (1995), the civilian police component requires additional observers, especially French-speakers, and material resources, including teaching aids, transportation and communication equipment. It is accordingly proposed that its authorized strength be raised from 90 to 120 police observers who would be deployed as follows: 18 observers at civilian police headquarters; 2 liaison officers at each of UNAMIR force headquarters and military observers headquarters; 20 observers at the Ruhengeri gendarmerie training centre; 15 at Kigali (prefecture and rural); and 7 observers for each of the 9 other prefectures.

VI. Humanitarian aspects

36. As I informed the Security Council in my last report, the emergency that gripped Rwanda only a few months ago has abated, thanks largely to the spontaneous and generous response of countries, organizations and ordinary men, women and children around the world. This constitutes an important step forward, although the current humanitarian situation remains worrying over all.

37. As noted earlier, there are still some 2 million Rwandese refugees sheltering in camps in the neighbouring

countries. Approximately 350,000 others are internally displaced, most of them currently located in camps in south-western Rwanda. In addition, the Government continues to lack the resources to sustain basic governance, assure essential services and provide for the welfare of its people.

38. There is an urgent need to resolve the problem of the internally displaced persons as it affects the efforts being made to encourage the voluntary return of refugees from neighbouring countries and to promote stability inside Rwanda itself. Recent events have shown that the existence of camps for internally displaced persons can generate violence and insecurity in the camp sites themselves as well as in nearby communities. This is because the reported presence of intimidators and the infiltration of armed groups may not only provoke forceful countermeasures by the Rwandese Patriotic Army, sometimes resulting in casualties, but it also fuels the argument in favour of immediate camp closure, even by force, for security reasons.

39. The United Nations community has continued to urge the humane resolution of the displaced persons problem in Rwanda, based on voluntary, rather than forcible, resettlement. As noted above, some 25,000 people have been resettled through *Opération Retour* during the past month and the number of persons returning to their home communes has continued to increase. This operation uses the combined assets of the United Nations system, such as transportation, food, security and other confidence-building incentives, including the presence of human rights officers, to provide assistance not only in the camps but at the commune level as well. So far, the operation has resulted in the closure of Cyanika camp in Gikongoro province. This is a significant step as it may promote spontaneous returnee movements out of the remaining camps and it demonstrates that forcible closure of camps can be avoided.

40. In its resolution 965 (1994), the Security Council commended the efforts of States, United Nations agencies and NGOs that have provided humanitarian and other assistance and encouraged them to continue and to increase such assistance, particularly in Rwanda. The Council also specifically called upon the international community to provide the resources required to meet the immediate needs of the Government either directly or through the United Nations Trust Fund established for this purpose.

41. During the reporting period, organizations of the United Nations system and NGOs continued to provide urgently needed assistance, in particular, food, health and children's services, to displaced persons and other vulnerable population groups. They also assisted in rehabilitation and reconstruction by providing immediate logistic assistance in the areas of transportation and office equipment and by supporting long-term pro-

grammes for agricultural development, capacity-building and education. In the area of health, emphasis has increasingly been placed on improving the Government's nutritional services, strengthening child immunization and nutritional programmes and assisting the victims of AIDS and their families. The needs of children in especially difficult circumstances, such as "child soldiers" between the ages of 10 and 16 years, have also continued to receive particular attention. The humanitarian organizations, with the Ministries of Defence and Justice, are developing plans for the demobilization, education and retraining of some 4,000 "child soldiers" for their reintegration into society. In the food and agricultural domains, food-for-work schemes supporting at least 7,000 civil servants and 17,000 primary school teachers continued during the period under review. At the same time, assistance to revive production in agricultural, livestock and forestry sectors intensified, including the provision of seeds, farm implements and specialized training and expertise.

42. In my last report, I informed the Security Council that arrangements were then under way for the organization of a round-table meeting to consider Rwanda's longer-term rehabilitation requirements and to launch a United Nations consolidated inter-agency appeal focusing on emergency and other short-term recovery needs for Rwanda and the subregion. The consolidated inter-agency appeal for a total of \$710 million was transmitted to Member States on 16 January and was officially launched in Geneva by the Under-Secretary-General for Humanitarian Affairs on 20 January. The United Nations Development Programme-sponsored round-table conference was held in Geneva on 18 and 19 January. At that time, the Government of Rwanda presented to donor Governments its rehabilitation and reconstruction programme of some \$764 million. I wish to take this opportunity to express my profound appreciation to those countries and organizations that have responded so generously to these appeals. Their assistance, I am confident, will go a long way towards aiding the Government's recovery efforts, both in the immediate and longer terms, and thus facilitate progress towards the overriding objective of lasting peace and reconciliation in Rwanda.

43. In its resolution 965 (1994), the Security Council requested me to make recommendations on possible steps that could be taken by the United Nations to promote the establishment of an effective mine-clearance programme in Rwanda. A comprehensive plan has been proposed to the Government. It provides for the establishment of a mine coordination office within the United Nations Rwanda Emergency Office in Kigali, the conduct of a mine survey, marking and fencing operations, and emergency mine clearance of key humanitarian facilities such as schools and hospitals. As soon as Government

consent has been received, the United Nations will begin to implement the plan. Informal consultations have been held with some donor countries with a view to encouraging support for these activities. Currently, UNICEF is conducting mine-awareness-education activities in all prefectures of Rwanda.

VII. Administrative and financial aspects

44. The General Assembly, by its resolution 49/20 of 29 November 1994, authorized me to enter into commitments for a four-month period, at a monthly rate not to exceed \$15 million gross, in connection with the maintenance of UNAMIR at the current authorized strength of 320 military observers, 5,500 troops, 90 civilian police and 398 civilian personnel.

45. Should the Security Council decide to increase the authorized strength of the UNAMIR civilian police component from 90 to 120 observers as recommended in paragraph 50 below, I shall request the General Assembly at its current session to make adequate financial provisions for the additional related cost in the context of my report containing the revised cost estimates for UNAMIR for the current mandate period.

46. As at 24 January 1995, unpaid assessments to the UNAMIR Special Account amounted to \$105.9 million, and the total amount of outstanding assessed contributions for all peace-keeping operations amounted to \$2,263.9 million.

VIII. Observations and recommendations

47. As described above, the international community, through UNAMIR, the United Nations specialized agencies and non-governmental organizations, has demonstrated not only its readiness to assist Rwanda, but also its solidarity with Rwanda and its people, as they struggle to recover from their recent traumatic past. Although much remains to be done, I believe that a strong foundation has been established upon which further progress can be achieved. However, if the present momentum in favour of Rwanda's recovery is to endure and grow, the support and participation of all Rwandese people is vital. I therefore reiterate my call on the Government to ensure that, in a spirit of mutual accommodation and dialogue, all Rwandese who have not participated in the genocide be given the opportunity to play a role in the national reconciliation process. It would be regrettable if the achievements reached thus far were to be jeopardized as a result of a perception by some segments of the population that they are being excluded. My representative at the Geneva roundtable exchanged views on the subject with a number of delegations, including the Rwandese delegation, headed by Prime Minister Twagiramungu. In that context, he was informed that some Member States were holding consul-

tations with OAU on the setting up of a mechanism that could accelerate the process of national reconciliation.

48. As Rwanda advances on the road to recovery and reconstruction, close cooperation and coordination between the Government in Kigali and the international community remains essential. In this regard, I expect the Government to continue to cooperate with UNAMIR in the implementation of its mandate and, in particular, to ensure unimpeded access to all areas of Rwanda for UNAMIR personnel, officials of the International Tribunal for Rwanda and human rights officers.

49. I welcome the continuing efforts by regional States and OAU to contribute to the search for lasting solutions to the problems of Rwanda.

50. Under resolution 965 (1994), the Security Council requested that it be informed in the event that the additional tasks entrusted to UNAMIR under the expanded mandate provided for in that resolution required consideration of an adjustment in the logistic and personnel needs of UNAMIR. Having consulted my Special Representative and the Force Commander, I recommend that the Council raise the authorized strength of UNAMIR's civilian police component from 90 to 120 observers.

51. My Special Humanitarian Envoy has recently visited the region in continuation of his mission to coordinate the response of the United Nations system to the various aspects of the crisis in Rwanda. It will be recalled, in this connection, that OAU and UNHCR are planning to convene, in Bujumbura in February 1995, a subregional conference to consider assistance to refugees, returnees and displaced persons in the Great Lakes region. Furthermore, in response to the Security Council's request contained in its presidential statement of 30 November (S/PRST/1994/75), consultations have been undertaken with OAU and Member States on how preparations can be accelerated for the convening at a later stage of a broader conference to discuss a range of political and other issues, aimed at identifying long-term solutions to ensure peace, security and sustainable development in the subregion. There is a general perception that the forthcoming OAU/UNHCR regional conference, if successful, would facilitate efforts to address those broader issues. The urgent need to move from the humanitarian and refugee problems to the political issues was emphasized once again by my representative at the recent OAU Council of Ministers in his meetings with the Secretary-General of OAU and other African leaders. I will continue to keep the Council informed of the progress achieved towards the convening of the proposed international conference on those issues.

Annex

Composition of the military and civilian police components of UNAMIR as of 28 January 1995

| Country | Troops | | | Military observers | Civilian police | Grand total |
|--------------------|--------------|-----------|--------------|--------------------|-----------------|--------------|
| | Contingent | Staff | Total | | | |
| Argentina | | | 0 | 1 | | 1 |
| Australia | 297 | 9 | 306 | | | 306 |
| Austria | | | 0 | 19 | | 19 |
| Bangladesh | | | 0 | 33 | | 33 |
| Canada | 119 | 3 | 122 | 20 | | 142 |
| Chad | 129 | 2 | 131 | | | 131 |
| Congo | 38 | | 38 | | | 38 |
| Djibouti | | | 0 | | 15 | 15 |
| Ethiopia | 808 | 4 | 812 | | | 812 |
| Fiji | | | 0 | 1 | | 1 |
| Germany | | | 0 | | 9 | 9 |
| Ghana | 832 | 8 | 840 | 42 | 10 | 892 |
| Guinea | | | 0 | 15 | | 15 |
| Guinea-Bissau | 35 | | 35 | | 20 | 55 |
| India | 800 | 8 | 808 | 18 | | 826 |
| Jordan | | | 0 | | 5 | 5 |
| Malawi | 169 | 4 | 173 | 14 | | 187 |
| Mali | 199 | | 199 | 30 | 10 | 239 |
| Niger | 43 | | 43 | | | 43 |
| Nigeria | 327 | 7 | 334 | 17 | 10 | 361 |
| Poland | | | 0 | 2 | | 2 |
| Russian Federation | | | 0 | 17 | | 17 |
| Senegal | 241 | | 241 | | | 241 |
| Spain | 19 | | 19 | | | 19 |
| Tunisia | 836 | 7 | 843 | 10 | | 853 |
| United Kingdom | | 6 | 6 | | | 6 |
| Uruguay | | | 0 | 24 | | 24 |
| Zambia | 782 | 8 | 790 | 20 | 10 | 820 |
| Zimbabwe | | | 0 | 26 | | 26 |
| Total | <u>5 674</u> | <u>66</u> | <u>5 740</u> | <u>309</u> | <u>89</u> | <u>6 138</u> |

Addendum

1. In my report to the Security Council of 6 February 1995 (S/1995/107), I recommended in paragraphs 35 and 50 that the authorized strength of the civilian police component of the United Nations Assistance Mission for Rwanda (UNAMIR) be raised from 90 to 120 observers.

2. Should the Security Council approve my recommendation, it is estimated that the cost related to the deployment of the additional 30 observers would amount to \$591,000 gross for a six-month period. The monthly cost thereafter would amount to approximately \$90,000 gross. A breakdown of the estimated cost by main category of expenditure is provided for information purposes in the annex to the present addendum.

3. It would be my recommendation to the General Assembly, should the Security Council decide to approve my recommendation, that the costs relating thereto should be considered an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations and that the assessments to be levied on Member States should be credited to the UNAMIR Special Account established for that purpose.

Annex

Cost estimate for an increase in the civilian police component of the United Nations Assistance Mission for Rwanda for a six-month period

| | Thousands of United States dollars |
|--------------------------|------------------------------------|
| Military personnel costs | 6.0 |
| Civilian personnel costs | <u>585.0</u> |
| Total | <u>591.0</u> |

Document 114

Note by the President of the Security Council indicating that the Security Council has decided to send a mission of Council members to Burundi and Rwanda

S/1995/112, 6 February 1995

1. At the consultations of the whole held on 6 February 1995, the members of the Security Council decided to send a mission to Burundi and Rwanda.

2. The members of the Council agreed that the mission, which will depart from New York on 8 February 1995, will be composed of the following seven members

of the Council: China, Czech Republic, Germany, Honduras, Indonesia, Nigeria and United States of America.

3. The members of the Council also agreed that the mission's terms of reference would be as follows:

1. *Burundi*

(a) Hold consultations with the Special Representative of the Secretary-General on the situation regarding the political and security developments in Burundi and his efforts in this regard, and additional ways in which the United Nations might further underpin his efforts;

(b) Hold talks with the President, the Prime Minister, the leadership of the security forces and the leaders of the opposition parties as well as United Nations agencies, members of the diplomatic corps, non-governmental organizations, the Office of the Organization of African Unity and other interested parties and convey to them the serious concerns of the Security Council over the recent political developments in Burundi;

(c) Stress to all the parties the strong support of the Security Council for the Convention of Government of 10 September 1994 and the Government constituted on the basis of it and for the process of national reconciliation, and the Council's rejection of all attempts to undermine them or to destabilize the region;

(d) Submit a report to the Security Council.

2. *Rwanda*

(a) Hold consultations with the Rwandese Government regarding its efforts towards national reconciliation and reconstruction and the problem of the return of refugees;

(b) Hold consultations with the Special Representative of the Secretary-General, United Nations agencies, UNAMIR personnel, members of the diplomatic corps and NGOs in Kigali;

(c) Submit a report to the Security Council.

Document 115

Letter from the President of the Security Council to the Secretary-General concerning the increase in UNAMIR's civilian police component from 90 to 120

S/1995/130, 10 February 1995

The members of the Security Council have considered your progress report on the United Nations Assistance Mission for Rwanda (UNAMIR) (S/1995/107). They draw attention to the statement by the President of the Security Council of 10 February 1995 (S/PRST/1995/7). They agree with your recommendation that the strength of the civilian police component of UNAMIR should be increased from 90 to 120 police observers. They believe that an increase in the number of human rights officers in the Human Rights Field Operation in Rwanda is desirable. They also note that a functioning judicial system is essential in the government recovery programme

for the establishment of internal security, and also for the return of the refugees. They attach importance to the establishment of an effective mine-clearance programme in Rwanda on the basis of the plan submitted by the United Nations in Kigali. They express their hope that the difficulties affecting the UNAMIR radio station will soon be overcome and they insist that it commence broadcasting without delay.

(Signed) Legwaila Joseph LEGWAILA
President of the Security Council

Document 116

Statement by the President of the Security Council welcoming the aide-mémoire of 27 January 1995 signed by UNHCR and Zaire and requesting the Secretary-General to make further recommendations for ensuring security in the refugee camps

S/PRST/1995/7, 10 February 1995

1. The Security Council has considered the second report of the Secretary-General dated 25 January 1995 on the security in the Rwandese refugee camps (S/1995/65), particularly those located in Zaire and his letter dated 1 February 1995 (S/1995/127) on this subject.

2. The Security Council agrees with the Secretary-General's assessment that the present situation in many of the refugee camps remains dangerous for both refugees and relief workers and that the situation is also potentially destabilizing for the subregion as a whole. It is gravely concerned at reports of continuing intimidation and security problems in the camps, particularly in Zaire and reaffirms its condemnation of actions of former Rwandese leaders living in the camps, and of former government forces and militias to prevent, in some cases by force, the repatriation of the refugees. It also remains concerned at the security threat to international relief workers. It welcomes the steps taken by some of the host countries concerned to improve the security situation in the camps. The Council remains concerned at the obstacles posed by the former civil and military authorities and militias to effective local administration by the host countries and the discharge by UNHCR of its mission.

3. The Security Council attaches great importance to the earliest possible action to address the security problems in the camps. In this context it welcomes the decision that UNHCR, under its refugee protection and humanitarian assistance mandate, conclude appropriate arrangements with the Government of Zaire to enhance security in the camps. It welcomes the agreement between UNHCR and the Government of Zaire of 27 January 1995 to deploy 1,500 Zairian security forces and a UNHCR liaison group. It also welcomes the agreement reached between the Governments of Zaire and Rwanda on the return of refugees and property and urges its full implementation. The Security Council urges Member States to provide UNHCR with the resources needed in the context of the agreement concluded between it and the Government of Zaire. It stresses the importance of close coordination of all operations with UNAMIR. The Council endorses the efforts of UNHCR, in cooperation with the United Republic of Tanzania, to put in place security arrangements in the Tanzanian camps, and en-

courages UNHCR also to address the situation in Burundi. The Council requests the Secretary-General to report to it on a regular basis on the implementation of operations carried out by UNHCR.

4. The Security Council stresses the importance of ensuring that accurate information about the situation inside Rwanda is disseminated to the camps. In this respect, it reaffirms the importance of UNAMIR Radio commencing its broadcasts as soon as possible.

5. The Security Council encourages efforts to provide security in the camps and notes that they have to be accompanied by further efforts in Rwanda to ensure that refugees can return to their homes without fear of retribution or persecution. In this regard it acknowledges the achievements of the Government of Rwanda, despite the difficulty of the task and the lack of resources. It encourages the Government of Rwanda to continue to provide a framework for the action to be taken to repatriate the refugees, to promote national reconciliation, and to reinvigorate the political process and calls upon the international community to continue to support the Government of Rwanda in its task. The Council reaffirms its view that such a framework should also include an appropriate mechanism for sustaining a dialogue between the Government of Rwanda, the refugee community and the United Nations. It welcomes the conclusions of the summit meeting of leaders in the subregion, held in Nairobi on 7 January 1995. The Council encourages the International Tribunal for Rwanda established in resolution 955 (1994) in its work, as well as efforts to rebuild the local Rwandese judicial system to facilitate the maintenance of law and order. The Council welcomes the commitments made at the recent Round-table Conference on Rwanda and in response to the consolidated inter-agency appeal that will assist the Government of Rwanda in its efforts to rebuild the country and to promote national reconciliation.

6. The Security Council looks forward to the regional conference on assistance to refugees, returnees and displaced persons in the Great Lakes region, to be hosted by the Organization of African Unity (OAU) and UNHCR in Bujumbura from 15 to 17 February 1995. The Council expresses the hope that this conference will lead to further progress in creating the conditions neces-

sary for the refugees and displaced persons to return to their homes and that it will facilitate the identification of long-term solutions to promote and ensure peace, security and development in the subregion, those issues to be the subject-matter of a further and broader conference of a political nature.

7. The Security Council underlines that the presence of the refugee camps should only be temporary and that the return of the refugees to their homes in Rwanda

remains the ultimate goal. It requests the Secretary-General to continue his exploration of all options and to make any further recommendations necessary for ensuring security in the camps as soon as possible and to submit a further report on this subject in the light of the outcome of the conference in Bujumbura.

8. The Security Council will remain seized of the matter and will keep it under close review.

Document 117

Comprehensive report of the Secretary-General on practical arrangements for the effective functioning of the International Tribunal for Rwanda, recommending Arusha as the seat of the Tribunal

S/1995/134, 13 February 1995

I. Introduction

1. Resolution 955 (1994) of 8 November 1994, by which the Security Council established an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandese citizens responsible for genocide and other such violations committed in the territory of neighbouring States, represented the culmination of a series of resolutions in which the Council had condemned the systematic and widespread violations of international humanitarian law in Rwanda and, in particular, the mass killing of tens of thousands of civilians with impunity.

2. In resolution 918 (1994) of 17 May 1994, the Secretary-General was requested to present a report on the investigation of serious violations of international humanitarian law committed in Rwanda. In my report to the Council of 31 May 1994 (S/1994/640), I noted that massacres and killings had continued in a systematic manner throughout Rwanda and that only a proper investigation could establish the facts in order to determine responsibility.

3. By resolution 935 (1994) of 1 July 1994, the Secretary-General was requested to establish an impartial commission of experts. In its interim report (S/1994/1125), the Commission submitted its preliminary conclusions on serious breaches of international humanitarian law and acts of genocide committed in Rwanda, and recommended that the individuals responsible for those acts be brought to justice before an independent and impartial international criminal tribunal. In its final report (S/1994/1405), the Commission concluded that there existed overwhelming evidence to prove that acts of genocide against the Tutsi

ethnic group had been committed by Hutu elements in a concerted, planned, systematic and methodical way, in violation of article II of the Convention on the Prevention and Punishment of the Crime of Genocide, 1948 1/ (hereinafter "the Genocide Convention"); that crimes against humanity and serious violations of international humanitarian law were committed by individuals on both sides of the conflict, but there was no evidence to suggest that acts committed by Tutsi elements were perpetrated with an intent to destroy the Hutu ethnic group as such, within the meaning of the Genocide Convention.

4. The present report is submitted pursuant to paragraph 5 of resolution 955 (1994), by which the Security Council requested the Secretary-General to implement the resolution urgently and to make practical arrangements for the effective functioning of the Tribunal, including recommendations to the Council as to possible locations for the seat of the Tribunal, and to report periodically to the Council.

5. While the Council has been periodically informed of the implementation of resolution 955 (1994), through letters from the Secretary-General, oral briefings and recently through the progress report on the United Nations Assistance Mission for Rwanda (UNAMIR) (S/1995/107, paras. 19-22), this is the first time that the Secretary-General is submitting a formal report on the Tribunal. Accordingly, I have decided that it would be useful to provide the Council with a comprehensive report. The first section analyses the legal basis for the establishment of the International Tribunal for Rwanda (hereinafter also referred to as "the Rwanda Tribunal")

1/ General Assembly resolution 260 (A) (III).

and its legal status. The second contains a succinct review of the main provisions of the statute of the Rwanda Tribunal where they differ from the provisions of the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia (hereinafter “the Yugoslav Tribunal”) (see S/25704). The third section of the report outlines the two-stage approach to the establishment of the Rwanda Tribunal and the practical arrangements made thus far for its functioning. Finally, in the fourth section of the report, the Secretary-General examines the various options for the location of the seat of the Tribunal in the light of the criteria set out in paragraph 6 of resolution 955 (1994) and makes his recommendation for the location of the seat of the Tribunal.

II. Legal basis for the establishment of the International Tribunal for Rwanda

6. Having determined on two previous occasions that the situation in Rwanda constituted a threat to peace and security in the region, 2/ the Council, in its resolution 955 (1994), determined that the situation in Rwanda continued to constitute a threat to international peace and security and, accordingly, decided to establish the International Tribunal for Rwanda under Chapter VII of the Charter of the United Nations. The establishment of the International Tribunal under Chapter VII, notwithstanding the request received from the Government of Rwanda, 3/ was necessary to ensure not only the cooperation of Rwanda throughout the life-span of the Tribunal, but the cooperation of all States in whose territory persons alleged to have committed serious violations of international humanitarian law and acts of genocide in Rwanda might be situated. A Tribunal based on a Chapter VII resolution was also necessary to ensure a speedy and expeditious method of establishing the Tribunal.

7. Unlike the establishment of the Yugoslav Tribunal, which was done in a two-stage process of two Security Council resolutions (resolutions 808 (1993) and 827 (1993), the Security Council decided that, in drawing upon the experience gained in the Yugoslav Tribunal, a one-step process and a single resolution would suffice to establish the International Tribunal for Rwanda.

8. The International Tribunal for Rwanda is a subsidiary organ of the Security Council within the meaning of Article 29 of the Charter. As such, it is dependent in administrative and financial matters on various United Nations organs; as a judicial body, however, it is independent of any one particular State or group of States, including its parent body, the Security Council.

9. The establishment of the Rwanda Tribunal at a time when the Yugoslav Tribunal was already in exist-

ence, dictated a similar legal approach to the establishment of the Tribunal. It also mandated that certain organizational and institutional links be established between the two Tribunals to ensure a unity of legal approach, as well as economy and efficiency of resources. The statute of the Rwanda Tribunal, which was an adaptation of the statute of the Yugoslav Tribunal to the circumstances of Rwanda, was drafted by the original sponsors of Security Council resolution 955 (1994) and discussed among members of the Council. Rwanda, as a member of the Security Council at the time that resolution 955 (1994) was adopted, thus participated fully in the deliberations on the statute and the negotiations leading to the adoption of the resolution.

III. Main provisions of the statute of the International Tribunal for Rwanda

A. Competence of the International Tribunal

10. The competence of the International Tribunal for Rwanda is circumscribed in time, place and subject-matter jurisdiction. Article 1 of the statute provides that the International Tribunal shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandese citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994. The crimes in respect of which the Tribunal is competent are set out in articles 2 to 4 of the statute.

1. Subject-matter jurisdiction

11. Given the nature of the conflict as non-international in character, the Council has incorporated within the subject-matter jurisdiction of the Tribunal violations of international humanitarian law which may either be committed in both international and internal armed conflicts, such as the crime of genocide 4/ and crimes against

2/ In resolution 918 (1994), the Council decided to impose sanctions against Rwanda and, in resolution 929 (1994), it authorized a temporary humanitarian operation under the command and control of a Member State (“Operation Turquoise”).

3/ In its letter to the Secretary-General of 6 August 1994, the Government of Rwanda stated that an international tribunal, along the lines of the Yugoslav Tribunal, would help to promote peace and reconciliation among the parties and remove destabilizing elements from Rwanda and neighbouring States. The Government undertook to prevent summary executions and to hold in custody persons alleged to have committed acts of genocide pending prosecution by the International Tribunal. In addition, in a statement dated 28 September 1994 on the question of refugees and security in Rwanda (S/1994/1115, annex), the Government of Rwanda called for the setting up, as soon as possible, of an international tribunal to try persons alleged to have committed genocide.

4/ Genocide, according to article I of the Genocide Convention, is a crime under international law whether committed in time of peace or in time of war.

humanity, 5/ or may be committed only in internal armed conflict, such as violations of article 3 common to the four Geneva Conventions, 6/ as more fully elaborated in article 4 of Additional Protocol II. 7/

12. In that latter respect, the Security Council has elected to take a more expansive approach to the choice of the applicable law than the one underlying the statute of the Yugoslav Tribunal, and included within the subject-matter jurisdiction of the Rwanda Tribunal international instruments regardless of whether they were considered part of customary international law or whether they have customarily entailed the individual criminal responsibility of the perpetrator of the crime. Article 4 of the statute, accordingly, includes violations of Additional Protocol II, which, as a whole, has not yet been universally recognized as part of customary international law, and for the first time criminalizes common article 3 of the four Geneva Conventions. 8/

2. Territorial and temporal jurisdiction

13. The territorial jurisdiction of the International Tribunal extends beyond the territory of Rwanda to that of neighbouring States, in respect of serious violations of international humanitarian law committed by Rwandese citizens. In extending the territorial jurisdiction of the Tribunal beyond the territorial bounds of Rwanda, the Council envisaged mainly the refugee camps in Zaire and other neighbouring countries in which serious violations of international humanitarian law are alleged to have been committed in connection with the conflict in Rwanda.

14. The temporal jurisdiction of the Tribunal is limited to one year, beginning on 1 January 1994 and ending on 31 December 1994. Although the crash of the aircraft carrying the Presidents of Rwanda and Burundi on 6 April 1994 is considered to be the event that triggered the civil war and the acts of genocide that followed, the Council decided that the temporal jurisdiction of the Tribunal would commence on 1 January 1994, in order to capture the planning stage of the crimes.

B. Organization and structure of the International Tribunal

15. The International Tribunal for Rwanda consists of three organs:

(a) The chambers, comprising two trial chambers and an appeals chamber; each Trial Chamber is composed of three judges and the Appeals Chamber is composed of five;

(b) A Prosecutor; and

(c) A Registry.

16. Under article 12, paragraph 2, of the statute, the members of the Appeals Chamber of the International Tribunal for the Former Yugoslavia shall also serve as the

members of the Appeals Chamber of the International Tribunal for Rwanda. In providing for a common Appeals Chamber for the two Tribunals, the Council was aware of the fact that, if no restrictions are put on the nationalities of nominees for judges, there could be a situation where more than one judge of the Rwanda Tribunal will have the same nationality. In order to prevent such an eventuality, article 12, paragraph 3 (b), of the Rwanda statute provides in its relevant part that:

“... each State may nominate up to two candidates meeting the qualifications set out in paragraph 1 above, no two of whom shall be of the same nationality and neither of whom shall be of the same nationality as any judge of the Appeals Chamber”.

17. Article 15, paragraph 3 of the Statute of the Rwanda Tribunal provides that the Prosecutor of the International Tribunal for the Former Yugoslavia shall also serve as the Prosecutor of the International Tribunal for Rwanda, with such additional staff, including an additional Deputy Prosecutor, to assist with prosecutions before the International Tribunal for Rwanda. The statute thus envisages commonality not only in the person of the Prosecutor, but also in the staff of the Prosecutor's Office.

C. Other statutory provisions

18. Article 14 of the statute of the Rwanda Tribunal provides that the judges of the International Tribunal shall adopt the rules of procedure and evidence for the conduct of the pretrial phase of the proceedings, trials and appeals, the admission of evidence, the protection of victims and witnesses and other appropriate matters of the International Tribunal for the Former Yugoslavia, with such changes as they deem necessary. It was thus the intention of the Council that, although the rules of pro-

5/ Crimes against humanity were described in article 5 of the statute of the Yugoslav Tribunal as those enumerated in the article, “when committed in armed conflict, whether international or internal in character”. Article 3 of the Rwanda statute makes no reference to the temporal scope of the crime; there is, therefore, no reason to limit its application in that respect.

6/ Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of 12 August 1949, Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, of 12 August 1949, Convention relative to the Treatment of Prisoners-of-War of 12 August 1949, Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (United Nations, *Treaty Series*, vol. 75, No. 970-973).

7/ Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) of 8 June 1977, (United Nations, *Treaty Series*, vol. 1125, No. 17513).

8/ Although the question of whether common article 3 entails the individual responsibility of the perpetrator of the crime is still debatable, some of the crimes included therein, when committed against the civilian population, also constitute crimes against humanity and as such are customarily recognized as entailing the criminal responsibility of the individual.

cedure and evidence of the Yugoslav Tribunal should not be made expressly applicable to the Rwanda Tribunal, they should nevertheless serve as a model from which deviations will be made when the particular circumstances of Rwanda so warrant.

19. Imprisonment shall, according to article 26 of the statute, be served in Rwanda, or in any of the States on a list of States that have indicated to the Security Council their willingness to accept convicted persons. Unlike the former Yugoslavia, Rwanda is not excluded from the list of States where prison sentences pronounced by the International Tribunal for Rwanda may be served.

20. Article 30 of the statute provides that the expenses of the Tribunal shall be the expenses of the Organization in accordance with Article 17 of the Charter. In clearly distinguishing between the competence of the Security Council to establish the International Tribunal and the budgetary authority of the General Assembly to decide on its financing, the Security Council did not pronounce itself on the mode of financing, i.e., regular budget or a special account.

III. Practical implementation of Security Council resolution 955 (1994)

21. The urgent need to start up the operation of the International Tribunal for Rwanda immediately necessitated a phased approach to the establishment of the Tribunal in accordance with the chronological order of the legal process, from the stage of the investigation and the preparation of indictments to the conduct of trial proceedings. A phased approach also facilitated more accurate estimates of the full financial requirements of the Tribunal over time and as information became gradually available.

22. I, therefore, approved a plan for the establishment of the Tribunal in two phases. The first phase envisaged the establishment of an investigative/prosecutorial unit, the appointment of the Deputy Prosecutor and a core unit of investigators, prosecutors and interpreters, the retention of office premises for the Investigative/prosecutorial Unit, the establishment of an Administrative unit and a secretariat, and the preparation of a request for initial funding. In the second phase, judges will be elected, practical arrangements for the establishment of the seat will be put in place, the staffing will be completed and the Tribunal, as a whole, will be fully operational.

A. *First phase of the operation of the International Tribunal*

23. The first phase of the operation of the International Tribunal for Rwanda began with the establishment of the Investigative/prosecutorial Unit in Kigali. The main

functions of the Unit are to establish the Prosecutor's Office and recruit staff, gather documents and information from Governments, intergovernmental and non-governmental organizations, transfer all information collected from the Commission of Experts established pursuant to Security Council resolution 935 (1994) and the Special Investigative Unit established by the High Commissioner for Human Rights, develop the investigative strategy and field operational procedures and initiate the process of investigations and the preparation of indictments.

24. With a view to utilizing, to the extent possible, existing human and financial resources and drawing upon the experience already gained by the Prosecutor and the High Commissioner for Human Rights in the investigations of serious violations of international humanitarian law, it was decided that the core Investigative Unit would consist of investigators of the Prosecutor's Office of the International Tribunal for the Former Yugoslavia and of the Special Investigative Unit established by the High Commissioner for Human Rights.

25. In accordance with article 15, paragraph 3, of the statute of the Rwanda Tribunal, I appointed Mr. Honoré Rakotomanana (Madagascar) as the Deputy Prosecutor. Mr. Rakotomanana has already initiated the operation of the Unit in Kigali and is engaged in staffing his Office.

26. Temporary office space for the initial phase of the operation of the Investigative/Prosecutorial Unit has been identified in the UNICEF Building in Kigali, where the core investigative Unit is currently located. Office premises in the UNAMIR compound have also been identified as a possible permanent location for the Unit.

27. Security for the Investigative/Prosecutorial Unit, its premises and investigators while on mission, will be provided by UNAMIR in accordance with Security Council resolution 965 (1994).

28. A small Administrative Unit has been established, initially within the Office of Legal Affairs, to support the start-up operations of the Prosecutor's Office in Rwanda. The Administrative Unit, which forms the core registry, is presently handling all administrative, financial and personnel matters pertaining to the commencement of the operation of the Tribunal.

29. A trust fund to assist in the activities of the International Tribunal for Rwanda was established by the Secretary-General pursuant to Security Council resolution 955 (1994), and a letter inviting States, intergovernmental and non-governmental organizations to contribute funds, equipment and services to the International Tribunal, including the offer of expert personnel, was sent out on 9 January 1995. Contributions to the Trust Fund have already been received from several

States, including a pledge to donate equipment in the equivalent amount of \$1 million.

30. Pending the preparation of a full budgetary submission to the General Assembly of the estimated financial requirements of the International Tribunal for Rwanda for the biennium 1994-1995, a request has been submitted to the Advisory Committee on Administrative and Budgetary Questions (ACABQ) for the initial funding of the first phase of the operation, i.e., 1 January-31 March 1995. The estimated requirements, based on the anticipated activities to be carried out during that period are in the amount of \$3,951,200. They include recruitment of the core investigative and administrative staff, retention of office premises, procurement and establishment of computer and communications systems, administrative costs, costs of transfer of materials between Rwanda, Geneva and The Hague in connection with the Commission of Experts and travel costs on official business between these locations and within Rwanda.

31. Pending consideration of the request by ACABQ, resources have been made available from the Trust Fund to permit initial recruitment and travel of staff from the Yugoslav Tribunal to Rwanda. In addition, the Secretary-General has authorized expenditures up to a maximum of \$191,600 for the period 15 January to 14 February 1995.

B. *Second phase of the operation of the International Tribunal*

32. Once the Security Council has made a determination as to the seat of the Tribunal, the process of electing judges will commence. With a common Appeals Chamber composed of five judges already in place, only six trial judges will have to be elected. Since the judges have to adopt rules of procedure and evidence, it is essential that they are elected as soon as possible. At the same time it is important that the judges take office shortly before the commencement of trial proceedings to avoid the financial implications entailed in their taking office too early. I therefore envisage a special session of the judges to be convened for the sole purpose of adopting the rules of procedure and evidence.

33. Upon the determination of the seat, negotiations will be undertaken by the Office of Legal Affairs with the host country to conclude a headquarters agreement and a lease agreement for the premises of the Tribunal.

34. During the second stage of the operation of the Tribunal, the process of the staffing of the Prosecutor's Office and the Registry will be completed and the Tribunal, as a whole, will be fully operational.

IV. Location of the seat of the International Tribunal for Rwanda

A. *Guidelines for the determination of the seat*

35. By paragraph 6 of its resolution 955 (1994), the Security Council decided that the seat of the International Tribunal would be determined by the Council, having regard to considerations of justice and fairness as well as administrative efficiency, including access to witnesses, and economy and subject to the conclusion of appropriate arrangements between the United Nations and the State of the seat acceptable to the Council, having regard to the fact that the International Tribunal may meet away from its seat when it considers it necessary for the efficient exercise of its functions. The Council furthermore decided that an office will be established and proceedings will be conducted in Rwanda, where feasible and appropriate, subject to the conclusion of similar appropriate arrangements.

36. In examining the question of the seat for the purpose of paragraph 6 of Security Council resolution 955 (1994), a flexible approach was adopted. Although normally, the seat of a tribunal would indicate the place where all its organs are located, in the present case the "seat" of the International Tribunal for Rwanda is interpreted to mean the place where trial proceedings are held and trial chambers are located. With a common Appeals Chamber and a common Prosecutor already located in The Hague and the Investigative/Prosecutorial Unit already established in Kigali, the operations of the Rwanda Tribunal, ranging from investigation, preparation of indictments and trial proceedings, both in the Trial Chambers and in the Appeals Chamber, will most probably be carried out in three different locations. It may be noted, however, that, although the various organs of the International Tribunal, wherever located, form part of the Tribunal, a determination of the seat is required by paragraph 6 of resolution 955 (1994) only in respect of the location of trial proceedings.

37. In examining the possible locations for the seat of the Tribunal in the light of the criteria set out in paragraph 6 of resolution 955 (1994), the Secretary-General has been guided by the preference expressed for Rwanda as the location of the seat if feasible and appropriate, or for any other location meeting the criteria set out in the resolution, including, in particular, "access to witnesses". A preference for an "African seat" was thus indicated by the Security Council. Based on this preference the Secretary-General decided that a technical mission to identify suitable premises for the seat of the International Tribunal would visit Rwanda and two of its neighbouring countries, Kenya and the United Republic of Tanzania.

B. Various options for the location of the seat

1. Technical mission report

38. A technical mission headed by the Chief, Administrative and Operations Section, Buildings Management Service of the United Nations Secretariat, visited Rwanda, Kenya and the United Republic of Tanzania during the second half of December 1994. In surveying available premises for the seat of the Tribunal in all three locations, the mission concluded that:

(a) There is a severe shortage of premises in Kigali that could accommodate the needs of the Tribunal properly and provide adequate security. Most buildings suffered heavy damage as a result of the war and extensive and costly repairs would be needed to make them operational again;

(b) Nairobi, as a possible location for the seat of the Tribunal, has the advantage of having the necessary infrastructure, support facilities and communication systems and, more importantly, it has a large United Nations presence. Government officials initially indicated that they would be willing to assist in identifying suitable premises if requested to do so by their Government;

(c) Unlike Nairobi, Arusha lacks adequate infrastructure, and a great number of support facilities would have to be imported. The Government of the United Republic of Tanzania, however, indicated its willingness to support the International Tribunal and assist in its accommodation in Arusha. In that connection a concrete offer was made for the Tribunal to use the premises of the Arusha International Conference Centre for its seat. The mission concluded that, with the necessary construction work, the Centre, which is a self-contained complex equipped with a developed communication system and other facilities, could constitute suitable premises for the seat of the Tribunal.

39. Following the submission of the technical report, a formal request was addressed by the Legal Counsel to the Kenyan Mission to the United Nations to assist in identifying suitable premises for the seat of the Tribunal. In response, the Permanent Representative of Kenya informed the Legal Counsel that, after careful consideration of the various aspects relating to the location of the Tribunal, the Kenyan Government decided that it would not be in a position to provide a seat for the Tribunal.

40. The question of the seat was also raised in a meeting between the Director and Deputy to the Under-Secretary-General, Office of the Legal Counsel, and the Permanent Representative of Rwanda to the United Nations. The Rwandan Ambassador reiterated his Government's position that the seat of the Tribunal should be located in Kigali for the moral and educational value that its presence there would have for the local popula-

tion. In a spirit of compromise and cooperation, however, he indicated that his Government would raise no objection to the seat of the Tribunal being established in a location easily accessible to Rwanda in a neighbouring State.

2. Criteria for determination of the seat

41. Against this background the Secretary-General has undertaken an examination of the criteria set out in paragraph 6 of resolution 955 (1994) in respect of two countries: Rwanda and the United Republic of Tanzania.

"Justice and fairness"

42. In the view of the Secretary-General, the criterion of "justice and fairness" in the context of selecting a location for the seat means the conduct of trial proceedings in an environment that would ensure justice and fairness to both victims and accused. Although the international character of the Rwanda Tribunal is a guarantee of the just and fair conduct of the legal process, it is nevertheless necessary to ensure not only the reality but also the appearance of complete impartiality and objectivity in the prosecution of persons responsible for crimes committed by both sides to the conflict. Justice and fairness, therefore, require that trial proceedings be held in a neutral territory.

43. In this connection, the Secretary-General notes that, in the atmosphere now prevailing in Rwanda, there are serious security risks in bringing into the country leaders of the previous regime alleged to have committed acts of genocide to stand trial before the International Tribunal.

"Administrative efficiency and economy"

44. On the basis of the technical report, the choice of Kigali as the seat of the Tribunal, even if premises were available, would have entailed extensive and costly repairs to make them operational again. Arusha, on the other hand, has the advantage of having readily available premises, which may be offered either rent-free, or at a very low rate. Furthermore, the proximity of Arusha to victims, witnesses and potential accused persons situated in Rwanda and neighbouring States, and its accessibility by air to and from all of these locations, will considerably reduce the travel costs that would be otherwise entailed in the choice of a more distant location.

3. Recommendation for the seat

45. On the basis of the foregoing and given the positions of the Governments of Rwanda, Kenya and the United Republic of Tanzania and having, in addition, examined the considerations of justice and fairness as

well as administrative efficiency, including access to witnesses, and economy, as mandated by paragraph 6 of Security Council resolution 955 (1994), it is my conclusion that the choice of Rwanda as the location of the seat would not be feasible or appropriate and that Arusha, the United Republic of Tanzania, should be selected as the

seat of the Tribunal. I, therefore, recommend to the Security Council that, subject to appropriate arrangements between the United Nations and the Government of the United Republic of Tanzania acceptable to the Council, Arusha be determined as the seat of the International Tribunal for Rwanda.

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Note on the mission to Rwanda conducted from 7 to 11 December 1994 by a representative of the Secretary-General, mandated by the Commission on Human Rights and the General Assembly to study the question of internally displaced persons

E/CN.4/1995/50/Add.4, 16 February 1995

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

HUMAN RIGHTS, MASS EXODUSES
AND DISPLACED PERSONS

Internally displaced persons

Report of the Representative of the Secretary-General, Mr. Francis Deng, submitted pursuant to Commission on Human Rights resolution 1993/95

Addendum

Note on the mission to Rwanda

1. During the spring and early summer of 1994 the world witnessed one of the worst human tragedies of this century in the central African State of Rwanda. The killing of President Habyarimana on 6 April 1994 triggered a programme of concerted and widespread human rights violations against the Tutsi minority and moderate Hutus by Hutu extremists. The speed with which the killings were carried out and the systematic methods used led the Special Rapporteur on Rwanda appointed by the Commission on Human Rights to characterize the massacres as genocide. Hundreds of thousands were killed. Political assassinations of moderate Hutus also took place. Millions of Tutsis and Hutus were displaced, both within and outside the country. Hutu civilians in turn faced revenge killings as the Rwandan Patriotic Front (RPF), the Tutsi-led rebel force, invaded from Uganda and took control of the country.

2. Since massive displacement has been a long-standing problem in Rwanda, as in neighbouring Burundi (see E/CN.4/1995/50/Add.2), the Representative had

originally intended to visit both countries in April 1994, but because of the tragic events which began in early April, the mission was postponed until a certain degree of normalcy had been restored so that the objectives of the mission, of which dialogue with the Government was a major element, could be pursued in a constructive manner. The visit to Rwanda eventually took place from 7 to 11 December 1994.

3. The Representative would like to express his appreciation to the Government of Rwanda for having agreed to receive the mission on very short notice and for the candour and openness displayed by the authorities in their discussions with him.

4. While a report of the mission and its findings is being prepared, the present note highlights some of the critical problems to which the attention of the Commission should be drawn during its current session.

5. The main cause of displacement in Rwanda has been the political and ethnic conflict between the Hutu majority (approximately 85 per cent of the population) and the Tutsi minority (approximately 14 per cent prior to the 1994 genocide). Over the past 30 years, this conflict has resulted in egregious human rights violations, massacres and armed confrontations. The full report on the mission will examine in detail the origins of the crisis, of which internal displacement has become one of the more visible and desperate symptoms. Since 1990 there have been two major phases of internal displacement. Before 6 April 1994 around 1 million people from the northern part of the country were internally displaced as a result of the invasions of the RPF in 1990 and 1993 from Uganda. Some later returned to their areas of origin. The existing internally displaced population living in camps consists mainly of Hutu civilians from the southern part of the country who fled in front of the advancing RPF/RPA

(Rwandese Patriotic Army) forces in April 1994 and sought refuge in the "Turquoise Zone", established and controlled by the French army from 23 June until 22 August 1994 and then handed over to UNAMIR.

6. These camps are located in the prefecture of Gikongoro and accommodate more than 300,000 internally displaced persons. In mid-December 1994, the Human Rights Field Operation in Rwanda (HRFOR) reported that there were approximately 91 camps. The number of Rwandese dispersed throughout the country living outside the camps is not known but probably reaches several hundred thousand persons.

7. The objectives of the Representative's visit were (i) to look at conditions in the camps of the internally displaced in order to evaluate the extent to which protection and assistance needs were being met; (ii) to observe the closure of the camps, an operation which the Government had decided upon and begun prior to the visit, in order to ensure that it was carried out in accordance with international human rights standards and in cooperation with the international community; (iii) to determine the extent to which the return and reintegration process was proceeding with respect to basic human rights principles; and (iv) to hold discussions with the Government on these matters and other issues connected with the genocide and its consequences for justice, peace and national reconciliation.

8. The Representative met with the Prime Minister, the Minister of Justice, the Minister of the Interior, and senior officials from the Ministry for Rehabilitation and the Ministry of Defence. He also had meetings with the Special Representative of the Secretary-General for Rwanda, the Special Representative of the Organization of African Unity, officials from UNHCR, UNREO, and UNAMIR, representatives of local and international non-governmental organizations, and donor Governments.

9. During the mission, the Representative visited a camp of internally displaced persons in the prefecture of Gikongoro. He also visited one of the areas to which displaced persons had returned ("returnee sites") in Mugesera in the prefecture of Kibungo, and a church in Nyarabuye in the prefecture of Kibungo, where evidence of a massacre was still conspicuous. During his visits to these two provinces, he was received by civil and military authorities and spoke with persons who were currently or had been displaced.

10. Many of the displaced, in particular women and children, had been terrorized and subjected to inhuman treatment before taking refuge in the camps. Material conditions in the camps had substantially improved following the mobilization of international resources in response to the crisis. Although food seemed to be adequate and medical care was provided by NGOs, the water

supply, especially for personal hygiene, was insufficient. It was evident, however, that the current level of emergency relief assistance would not be maintained for long; food assistance in the camps was being gradually reduced to persuade people to move out of the camps which the Government wanted to close down.

11. The presence of UNAMIR had considerably improved the security situation in the camps although its troops were too few to patrol all areas and prevent all violent incidents. Criminal elements within the camps, for example, were reported to be robbing people on the way back to their homes from points of food distribution. Infiltration of the camps by Hutu militants (*Interahamwe*) pursuing political objectives contrary to those of the Government further increased the level of insecurity in and around the camps. These elements, some of whom were implicated in the genocide, were reported to be raiding the areas around the camps during the night in order to maintain a destabilizing climate of insecurity. On occasion, UNAMIR detained criminal elements within the camps, working together with government authorities and human rights field officers. RPF/RPA units, to their credit, were then refraining from entering the camps which helped to increase a sense of security among the Hutu civilians inside. These units, stationed outside the camps, also regularly addressed the population to reassure them concerning the objectives of the RPF/RPA, which helped to improve the security situation around the camps.

12. The Government's principal response to the problems connected with the camps was to close them down. In the Government's view, this would isolate and weaken the criminal elements in the camps and end the security threats to surrounding villages. Closure would also end the serious environmental damage being done by the displaced in the camps and would generally help restore the country to normalcy.

13. While dismantling the camps is a legitimate and understandable objective of the Government, displaced persons had compelling reasons for wanting to remain in the camps. The most serious reason was that the security conditions in the areas of return were not satisfactory. There were continuous reports reaching the camps of, for example, arbitrary arrests, detentions and executions by RPA soldiers of persons suspected of membership in the *Interahamwe* or participation in the genocide, with no recourse to formal judicial proceedings. There were also reports of arbitrary arrests and disappearances being carried out by militia and private persons. In addition, returnees were finding their homes occupied by former Tutsi refugees who had fled Rwanda over a period of 30 years and who had returned home after the RPF came to power. In such cases, the returnees had no recourse to justice, either because the judicial system did not exist or

because it was not functioning independently. The displaced, moreover, had very few resources and means by which to return home. The infrastructure of entire villages had been destroyed, and many homes levelled by warfare and looting. The local authorities had extremely limited resources to deal with the assistance and protection problems of the returnees.

14. None the less, despite such concerns, the Government initiated the forcible closure of camps before the mission, which has reportedly intensified since then. Understandable as the desire to close the camps is, it means that the right to return voluntarily to one's home and area of origin in conditions of safety and dignity, the right to choose one's own residence, freedom of movement, as well as the right to life and personal integrity are placed at risk in many cases where people have been forced to return to areas where conditions of insecurity prevail.

15. The United Nations and other international organizations have sought to mitigate the consequences of the forcible closure of the camps. The dilemma for them has been that on the one hand by participating in the dismantling of the camps they risk becoming associated with forcible returns to unsafe situations. On the other hand, if they do not participate, they lose the opportunity to make the returns more secure and sustainable. As a result, they have sought to work together with the Rwandese Government to try to foster safe return and encourage stability, security and development for returnees.

16. Specifically, a task force on internally displaced persons and an integrated operations centre were established by United Nations agencies, NGOs, donor Governments and the Rwandese Government. In addition, a set of principles was drafted concerning the return of the displaced, emphasizing humane treatment and safe and secure return (see annex I). UNAMIR and RPA officers have become involved in escorting returnee groups, and some of the check-points along the roads to returnee sites have been removed. Efforts are also being made to rehabilitate the rural economy by providing to the returnees food assistance and crop seeds for a short period upon return.

17. Operation Retour, which was organized in December 1994 by UNAMIR and UNREO, includes preparations in the camps and home communes prior to departure, assistance with and during the travel home, and support during the period immediately following return. Close to the camps and along the way home welcome centres have been set up to provide food and shelter and in the home areas open relief centres have been established for provisional assistance during the initial period of resettlement. It is not clear, however, to what extent these plans to promote safe return have been implemented in all areas.

18. In his meetings with the authorities, the Representative strongly urged that the Government should not proceed with forcible camp closures, especially where such activity would force people to move to unsafe areas or areas where they would be unable to sustain themselves. In the discussions he emphasized the importance of ensuring the safety and security of the civilians in the camps and the safety of those who wanted to return home, not only during the process of their return but also after their return. Close cooperation between the Government and the United Nations, particularly UNAMIR and human rights monitors, was strongly advocated to ensure adequate protection and assistance for the internally displaced. Increased human rights monitoring both in the camps and in returnee sites was advocated. It was also recommended that the local authorities be briefed regularly about human rights abuses and measures to promote rehabilitation. The importance of observing human rights and humanitarian standards as bases of cooperation between the Government and the international community was stressed. On the whole, the Government, while firm in its policy of closing the camps, was reassuring in undertaking not to use force or other form of coercion and to cooperate with the United Nations in the planning of returns.

19. It is important that the international community strongly urge the Government to adhere to the guidelines concerning the return of the displaced and that the Government realize that the response of the international community to its request for support could be significantly affected by its observance of human rights and humanitarian standards in this respect. The Government clearly needs international support to fulfil its goal of restoring normalcy in all sectors of public and social life. The genocide and the civil war have devastated the country. There has been social disintegration and the country is barely functioning administratively. Insecurity and instability prevail throughout Rwanda, not only because of fear of a possible new invasion, this time by the Hutu forces of the former Government now in refugee camps in Zaire, but also because of illegal occupation of homes and properties.

20. A key element in rebuilding the country will be the restoration of a functioning judicial system, responsible for investigating and prosecuting individuals for crimes against humanity and adjudicating the enormous caseload of conflicting property claims, in particular with regard to ownership of homes and land. Both tasks are linked to the return of internally displaced persons. Re-establishing the rule of law will require the Government's continued commitment to international human rights and humanitarian law, to restrain actions committed in

revenge and to ensure that perpetrators will not evade prosecution.

21. The principles adopted by the Government to solve the problem of illegal occupation of property are sound but difficult to implement in the absence of a functioning judicial and law enforcement system. Alternative methods of arbitrating property and land disputes may have to be sought and community-level initiatives on conflict resolution planned and initiated. In this regard the Customary Law Project of the Technical Cooperation Unit established by the programme of advisory services and technical assistance of the Centre for Human Rights appears promising in its pilot projects involving elders and other communal authorities. Customary legal traditions, which in the past constituted the traditional first and second instances of litigation (e.g. the institution of *Gacaca*), might be options worthy of developing, especially since a full-fledged judicial system is not yet fully operational (see the Executive Summary of the report of the Joint Mission 1/ to Evaluate Needs of the Justice System (17 November - 3 December 1994). United Nations agencies, Governments and NGOs could all be enlisted to help in the rebuilding of the judicial system.

22. At the same time, a balance must be struck between the pursuit of justice and the undertaking of steps towards national reconciliation. While the perpetrators of the genocide must be punished, the importance of the objective of healing the nation and mobilizing national resources for reconstruction and development should be given urgent attention. Human rights and peace education must be a major objective of the work of international agencies. Addressing the root causes of the conflict in Rwanda is essential to ending years of human rights abuses and humanitarian emergency situations and creating the conditions needed for solving the problem of internal displacement.

23. Because the situation in Rwanda is heavily influenced by the country's historical and political relationships with its neighbours, in particular Burundi, Uganda, the United Republic of Tanzania and Zaire, regional approaches are important and need to be explored. The influence that the political situation in Burundi has historically exerted on Rwanda, as well as the large numbers of Rwandese refugees on Burundi soil, must be examined. So too the role of Uganda, a country which has hosted large numbers of Rwandese refugees, many of whom were recruited into its army and later organized in the Rwandan Patriotic Front which invaded Rwanda. Zaire, which is currently hosting refugees from the former Rwandese army, is also influencing the situation in Rwanda. The constructive role Tanzania has been playing as a mediator in the conflict remains an important asset in the regional initiatives for peace and

reconciliation. The Organization of African Unity could play a pivotal role in developing regional approaches to the situation, including bringing together the affected countries to work out possible subregional arrangements.

24. The situation in Rwanda represents a particular challenge to the international community not only because of the shocking atrocities of the genocide, their equally shocking humanitarian and human rights repercussions and the need to bring the criminals to justice, but also because of the formidable quest for lasting peace, reconciliation and nation-building. Given the bitterness of the genocidal violence, the Government has been reasonably restrained in its response to the situation. However, it remains confronted with major challenges in the area of fundamental human rights, especially with respect to the closure of the internally displaced persons' camps. Certainly, Rwanda will continue to need the support of the international community in confronting its multiple challenges, which are both material and moral. Respect for the fundamental human rights of the population, of which the displaced are an especially vulnerable group, should provide a common ground for the cooperation of the international community with the Government of Rwanda.

Annex I Draft principles for settling the internally displaced

Stability, security and development are objectives of paramount importance to the people of Rwanda, their Government and the international community. Fundamental to these objectives is the return of hundreds of thousands of Rwandese who are displaced within their own nation. Towards this specific goal, the Government, with the support of the international community, will intensify its efforts to settle the displaced in an expeditious and humane manner. In pursuing this immediate goal, the Government and the international community are determined to ensure that the principles set out below will underpin all their efforts:

Immediate objectives

1. The immediate objective of the Government and the international community is to have the internally displaced people of Rwanda return home with dignity and in conditions of safety and security.

1/ The Mission was composed of representatives of the following organizations: United Nations Development Programme, United Nations Centre for Human Rights/High Commissioner for Human Rights, United States Agency for International Development, Swiss Cooperation, Association for Cultural and Technical Cooperation among Francophone Countries, International Commission of Jurists, International Peace Academy, Lisbon Forum (North-South Centre, Council of Europe), International Centre for Human Rights and Democratic Development.

2. In ensuring that these immediate objectives are upheld, it is agreed that there be:

(i) *Total political endorsement.* All plans established to support the IDP operation will have the full support and active cooperation of the Government of Rwanda;

(ii) *No enforced camp closure.* Camps will not be forcibly closed. That said, an environment in which the people are motivated to leave voluntarily will be created;

(iii) *Initial operations to create confidence.* It is essential to build confidence amongst the displaced population and momentum in the operation. Therefore, from the very outset full attention must be given to ensuring success along these lines;

(iv) *Secure environment.* Conditions in the Home Communes will be established to create a secure environment and provide essential social services which attract people home from the camps;

(v) *Confidence building.* Confidence-building measures, primarily concerning security and information dimensions, will be essential;

(vi) *Impartial information.* Information promulgated as part of confidence-building measures must be impartial;

(vii) *Return in safety.* All efforts must be made to ensure that people return in safety. While ensuring this principle, the Government maintains the right to bring to justice, consistent with the due process of law, those accused of perpetrating genocide;

(viii) *Cooperation.* The success of the operation will require the full cooperation of all contributing organizations, within the scope of their mandates;

(ix) *Flexibility.* All plans developed to support the settlement of IDPs must be flexible and lend themselves to modification. Mechanisms must be in place to ensure that any adjustments take place in a way that fulfils the aforementioned principles both at the policy and implementation levels.

[Editor's note: Annex II, map of Rwanda, is not reproduced here.]

Document 119

Security Council resolution deciding that the seat of the International Tribunal for Rwanda will be Arusha

S/RES/977 (1995), 22 February 1995

The Security Council,

Recalling its resolution 955 (1994) of 8 November 1994,

Having regard to its decision contained in paragraph 6 of resolution 955 (1994) that the seat of the International Tribunal for Rwanda shall be determined by the Council,

Having considered the report of the Secretary-General dated 13 February 1995 (S/1995/134) and *noting* the recommendation of the Secretary-General that, subject to appropriate arrangements between the United

Nations and the Government of the United Republic of Tanzania acceptable to the Council, Arusha be determined as the seat of the International Tribunal for Rwanda,

Noting the willingness of the Government of Rwanda to cooperate with the Tribunal,

Decides that, subject to the conclusion of appropriate arrangements between the United Nations and the Government of the United Republic of Tanzania, the International Tribunal for Rwanda shall have its seat at Arusha.

Document 120

Security Council resolution urging States to arrest and detain persons within their territory against whom there is sufficient evidence of responsibility for acts of violence within the jurisdiction of the International Tribunal for Rwanda

S/RES/978 (1995), 27 February 1995

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolutions 935 (1994) and 955 (1994),

Expressing once again its grave concern at the reports indicating that genocide and other systematic, widespread and flagrant violations of international humanitarian law have been committed in Rwanda,

Noting that these reports were confirmed in the final report of the Commission of Experts submitted pursuant to resolution 935 (1994) (S/1994/1405, annex),

Recalling the obligations contained in resolution 955 (1994), which created the International Tribunal for Rwanda,

Concerned by the conditions in the refugee camps outside Rwanda, including reports of violence directed against refugees who voluntarily wish to return to Rwanda,

Determined to put an end to violations of international humanitarian law and serious acts of violence directed against refugees, and that effective measures be taken to bring to justice the persons who are responsible for such crimes,

Noting the reports of the Secretary-General on security in the Rwandese refugee camps of 18 November 1994 (S/1994/1308) and 25 January 1995 (S/1995/65),

Welcoming the report of the Secretary-General (S/1995/134) dated 13 February 1995 and *stressing* the importance of taking all measures for the early and effective functioning of the International Tribunal for Rwanda,

Stressing the need for States to take as soon as possible any measures necessary under their domestic law to implement the provisions of resolution 955 (1994) and of the Statute of the International Tribunal for Rwanda,

1. *Urges* States to arrest and detain, in accordance with their national law and relevant standards of international law, pending prosecution by the International Tribunal for Rwanda or by the appropriate national authorities, persons found within their territory against whom there is sufficient evidence that they were responsible for acts within the jurisdiction of the International Tribunal for Rwanda;

2. *Urges* States who detain persons referred to in paragraph 1 above to inform the Secretary-General and the Prosecutor of the International Tribunal for Rwanda of the identity of the persons detained, the nature of the crimes believed to have been committed, the evidence providing probable cause for the detentions, the date when the persons were detained and the place of detention;

3. *Urges* States who detain such persons to cooperate with representatives of the International Committee of the Red Cross, as well as investigators for the International Tribunal for Rwanda, in order to secure unimpeded access to those persons;

4. *Condemns* all attacks against persons in the refugee camps near the borders of Rwanda, *demanding* that such attacks immediately cease, and *calls upon* States to take appropriate steps to prevent such attacks;

5. *Urges* States, on whose territory serious acts of violence in the refugee camps have taken place, to arrest and detain, in accordance with their national law and relevant standards of international law, and submit to the appropriate authorities for the purpose of prosecution persons against whom there is sufficient evidence that they have incited or participated in such acts and further urges the States concerned to keep the Secretary-General informed of the measures they have taken to this effect;

6. *Decides* to remain actively seized of the matter.

Document 121

Report of the Security Council mission to Rwanda (12-13 February 1995) for consultations with the Government regarding its efforts towards national reconciliation and reconstruction and the problem of the return of refugees

S/1995/164, 28 February 1995

We have the honour to transmit herewith the report of the Security Council's mission to Rwanda, which took place on 12 and 13 February 1995. The report is submitted to the Council in accordance with the terms of reference for the mission agreed upon by the Council during informal consultations on 6 February 1995.

(Signed) Ibrahim A. GAMBARI (Nigeria)

Chairman of the Mission

(Signed) Li Zhaoxing (China)

(Signed) Karel KOVANDA (Czech Republic)

(Signed) Gerhard HENZE (Germany)

(Signed) Julio RENDON BARNICA (Honduras)

(Signed) Nugroho WISNUMURTI (Indonesia)

(Signed) Karl F. INDERFURTH (United States of America)

Annex

Report of the Security Council mission to Rwanda on 12 and 13 February 1995

I. *Introduction and activities of the mission*

1. On 6 February 1995, the Security Council decided that its mission to Burundi would make a stopover in Rwanda on 12 and 13 February 1995 before its return to New York. According to the terms of reference (S/1995/112) for the visit, the mission would hold consultations with the Rwandese Government regarding its efforts towards national reconciliation and reconstruction and the problem of the return of refugees. It would also hold consultations with the Special Representative of the Secretary-General, United Nations agencies, United Nations Assistance Mission in Rwanda (UNAMIR) personnel, members of the diplomatic corps and non-governmental organizations (NGOs) in Kigali and, upon its conclusion, submit a report to the Security Council.

2. The mission arrived at Kigali on 12 February, from Bujumbura. It was led by H.E. Mr. Ibrahim A. Gambari, Permanent Representative of Nigeria to the United Nations, and comprised H.E. Mr. Li Zhaoxing (China), H.E. Mr. Karel Kovanda (Czech Republic), H.E. Mr. Gerhard Henze (Germany), H.E. Mr. Julio Rendon Barnica (Honduras), H.E. Mr. Nugroho Wisnu-

murti (Indonesia) and Mr. Karl F. Inderfurth (United States of America).

3. It emerged from recent reports by the Secretary-General (S/1995/65 and S/1995/107) that, while significant progress has been made towards restoring normality and stability to Rwanda, more needed to be done. In the letter of 10 February from its President addressed to the Secretary-General (S/1995/130) and its presidential statement of 10 February (S/PRST/1995/7), the Security Council demonstrated its continued concern and, above all, its readiness to support additional practical measures and efforts that would lead to a more peaceful and stable Rwanda. While acknowledging the achievements of the Government of Rwanda, despite the difficulty of the task and the limited resources available to it, the Security Council expects the Government to intensify its efforts to repatriate refugees, to promote national reconciliation and to reinvigorate the political process, including the creation of an appropriate mechanism for sustaining dialogue between the Government, the refugee community and the United Nations.

4. During its stay in Rwanda, the mission held meetings with Mr. Pasteur Bizimungu, President of the Republic of Rwanda (with Mr. Anastase Gasana, Minister for Foreign Affairs, and Mr. Jacques Bihozagara, Minister for Rehabilitation and Social Reintegration, in attendance), Major General Paul Kagame, Vice-President and Minister of Defence of Rwanda, and Mr. Faustin Twagiramungu, Prime Minister of Rwanda. In addition, the mission held consultations with Mr. Shaharyar M. Khan, Special Representative of the Secretary-General for Rwanda, Brigadier General Henry Anyidoho, Deputy Force Commander of UNAMIR, representatives of United Nations agencies and offices in Rwanda, members of the diplomatic corps and representatives of NGOs. The mission visited a camp for internally displaced persons in Kibeho, in south-western Rwanda. The mission's programme of work in Rwanda, and a list of participants in its various meetings, are attached to the present report (see annexes I and II).

II. *Observations*

5. Several perspectives were heard on how best to move forward to stabilize the situation in Rwanda. While

it was generally agreed that the most important goal was to prevent the recurrence of the tragedy that had recently befallen Rwanda, the specific issues of repatriation, reconciliation, reconstruction and the need for justice were seen as interrelated, although differences were evident as to the priorities in addressing those concerns.

6. The return and resettlement of internally displaced persons and refugees was seen as a prerequisite for long-term stability and progress. The Prime Minister emphasized that, without reconciliation, peace would not be possible. Bringing to justice those responsible for genocide and other serious violations of international humanitarian law in Rwanda constituted another priority.

7. The mission was informed of progress in facilitating the return and resettlement of internally displaced persons, especially through "Opération Retour". This programme, coordinated jointly by UNAMIR and United Nations agencies, in cooperation with the Government and supported also by NGOs, was launched on 29 December 1994.

8. Fear remains the single most important factor impeding the return of internally displaced persons and refugees. Government officials informed the mission of progress made in safeguarding the rights of innocent citizens and stressed the urgent need for assistance in order to restore an effective judiciary and a trained police force. Government officials explained their concerns with regard to the International Tribunal for Rwanda, but reaffirmed Rwanda's readiness to cooperate with the Tribunal and expressed the hope that it would begin its work as soon as possible.

9. Regarding reconciliation, progress has been marginal so far. While recognizing that national reconciliation was a continuous process, the view was stressed that a number of immediate steps and measures were called for, such as active repatriation, the creation of a political and psychological climate conducive to reconciliation and the restoration of an effective and functioning judiciary. Concern was expressed, on the other hand, that many of those accused or suspected of carrying out atrocities had so far shown no remorse or contrition, a situation that was seen as discouraging efforts towards reconciliation, by making forgiveness difficult.

10. Government officials also emphasized that they respected, and indeed accepted the spirit of an inclusive and broad-based Government, as provided for under the Arusha peace agreement, to which their Government remained fully committed. It was pointed out that the Arusha accords were part of Rwanda's fundamental or basic law ("*loi fondamentale*"). They further pointed out, however, that returning to the country was the precondition for participating in the political process. Officials also indicated that the Government had recently

commenced dialogue with representatives of Rwandese refugee communities in Burundi. They explained that dialogue with the refugee community in Zaire was not yet feasible in view of the insecurity and intimidation to which those refugees were subjected by armed elements in their midst.

11. The role of civic education and sensitization programmes emphasizing the respect for human rights, the rule of law and tolerance, was underlined. In this connection, Radio UNAMIR will make a positive contribution by providing Rwandese, both inside the country and in refugee camps, with factual and objective information.

12. Concerning rehabilitation and reconstruction, the mission was informed that the emergency phase was largely over and that emphasis was increasingly being placed on longer-term measures to rebuild the country. In this connection, the response of the international community to the January 1995 round-table meeting in Geneva and to the consolidated inter-agency appeal was encouraging. The importance of setting up an effective mine-clearance programme in Rwanda was also emphasized. Such a programme was considered particularly urgent in view of the need to ensure the proper resettlement of large numbers of internally displaced persons and refugees and to revive agricultural and reconstruction activities.

13. The Government expressed appreciation for the support provided by the international community for its programme of development and recovery. It also welcomed the role of United Nations agencies and operations, in particular UNAMIR, whose presence in the country was viewed as a most valuable factor for confidence-building and security in Rwanda.

14. The mission was encouraged by the progress made towards returning to normalcy in Rwanda; yet the country's problems are far from over. In fact, the critical challenges of social and political accommodation, on which genuine stability and long-term healing depend, are still to be addressed. During its visit to the Kibeho camp for internally displaced persons, the mission noted that the population in the camp was increasing rather than decreasing even as other camps in the area were apparently "melting away". The mission also heard from its residents that, despite the availability of basic relief supplies and other services provided by the United Nations and the humanitarian agencies, most internally displaced persons would rather return to their homes and farms but were held back by fear.

15. The gravity of the horrendous crimes committed recently in Rwanda is recognized by the international community which, through the Security Council, has established an International Tribunal to bring to justice

those responsible. At the same time, it is imperative to move forward to re-establish order and, above all, to prevent a new cycle of injustices or atrocities. In other words, while trying to cope with the tragic consequences of its recent problems, Rwandese society must be enabled to rebuild and to continue to function. Clearly, the primary responsibility in this regard rests with the Rwandese themselves, who must determine how to come to terms with each other. For healing to succeed and to endure, it should, above all, be indigenous and deliberate. It cannot be imposed.

16. The role of the international community has, to date, been to assist Rwanda's own efforts towards peace and progress. During its stay in Rwanda, therefore, the mission made it clear, especially in its discussions with government officials, that its purpose was to learn and to exchange ideas in order to enhance cooperation between Rwanda and the Security Council with a view to finding solutions to the problems at hand. The visit and the discussions held convinced the mission of the continuing validity of the Security Council's approach to date, based essentially on the sharing of responsibilities between the Government and the international community, especially in the areas of repatriation, reconstruction and reconciliation.

17. On repatriation, the mission believes that as long as 2 million Rwandese remain in camps in and outside their country, the situation in Rwanda will remain inherently unstable. It therefore considers their return home as a matter of highest priority in the interest of lasting and sustainable peace and progress. The mission agrees that ensuring security in the refugee camps is vital for the success of efforts to accelerate repatriation. In this regard, it reaffirms the Security Council's endorsement of recent arrangements made by the Office of the United Nations High Commissioner for Refugees (UNHCR) with the Governments of Zaire and the United Republic of Tanzania to enhance security in the Rwandese refugee camps in these countries and supports the Council's request to the Secretary-General to continue to explore all options and to make any further recommendations necessary to realize effective security in the camps.

III. *Recommendations*

18. The mission believes that the Government of Rwanda should intensify its efforts to create favourable conditions and an auspicious climate inside the country to encourage and facilitate repatriation. In this connection, it is considered that the Government's action in the following areas could be particularly helpful: (a) reinvigorating the political process, including the creation of a framework for dialogue between the Government, refu-

gee representatives and the United Nations; (b) launching, in cooperation with civic associations, religious leaders, the United Nations and NGOs, a civic education programme within the country, including in internally displaced persons camps, and directed also at refugee camps through radio, to promote harmony among all Rwandese; (c) moving expeditiously to put in place an effective mechanism to protect property rights; (d) establishing a transparent and effective judiciary; (e) setting up and deploying nationwide a trained police force; (f) establishing an effective civil administration throughout the country; and (g) continuing to allow unimpeded access throughout the country to UNAMIR, humanitarian personnel and human rights monitors. The mission recommends furthermore that the international community support the Government's efforts.

19. The mission reaffirms the call by the Security Council contained in its presidential statement of 10 February 1995 for the full implementation of the agreement reached between the Governments of Zaire and Rwanda on the return of refugees and property.

20. The mission believes that the generous response of the international community to the recent round-table meeting in Geneva and the consolidated inter-agency appeal will make a major contribution towards the rehabilitation and reconstruction of Rwanda.

21. The mission recommends the setting up as soon as possible in Kigali of a United Nations inter-agency mine-clearance programme and expresses the hope that the international community will contribute generously to the programme.

22. The mission is of the view that national reconciliation is a continuous process. It could be facilitated by efforts to promote repatriation and rehabilitation, including the measures outlined above. It could also be aided by concrete movement in the area of justice. The mission therefore recommends that the International Tribunal become operational as soon as possible in close cooperation with the Government of Rwanda. In the meantime, and in view of the fact that both the Prosecutor and Deputy Prosecutor have been appointed and are supported by several staff members, the mission recommends that the Prosecutor's office also commence its work in Rwanda. In this connection, it hopes that a list of persons sought for questioning in connection with the violations of international humanitarian law concerning recent events in Rwanda, will soon be established and made public.

23. The mission considers that national reconciliation is principally a task for the Rwandese themselves. The Government should continue to play a leading role, including finding effective ways of broadening the political process to cover all sectors of the Rwandese society.

In this connection, the mission welcomes the reaffirmation by the Rwandese Government of its commitment to the Arusha Peace Agreement.

24. The mission welcomes the commencement, as approved by the Government of Rwanda, of Radio UNAMIR and shares the view that it will make an important contribution towards repatriation and reconciliation efforts.

25. The mission notes the Security Council's recent agreement with the Secretary-General's recommendation to increase the strength of UNAMIR's civilian police component from 90 to 120 police observers. It stresses the importance of having a qualified team of civilian police observers and their deployment at the earliest possible time in order to enable UNAMIR to fulfil its mandated task to assist in the training of a new, integrated national police force for Rwanda.

26. The mission commends UNAMIR and other United Nations staff as well as NGO personnel in Rwanda for their dedication and commitment in the service of peace and supports their activities in Rwanda.

27. The members of the mission would like to express their gratitude and appreciation to the Special Representative of the Secretary-General and his staff for the valuable support and assistance rendered to them during the mission.

*Annex I
Programme of work*

Sunday, 12 February 1995

- 0845 hours Arrival at Kigali
- 1000 hours Meeting with United Nations agencies
- 1130 hours Meeting with NGOs
- 1300 hours Briefing by the Special Representative of the Secretary-General and the Deputy Force Commander of UNAMIR
- 1600 hours Meeting with the diplomatic corps
- 1700 hours Meeting of H.E. Mr. Gambari (Chairman) with the Nigerian contingent serving with UNAMIR
- 1930 hours Buffet dinner offered by the Special Representative of the Secretary-General

Monday, 13 February 1995

- 0800 hours Visit to Kibeho camp for internally displaced persons and Rukondo
- 1200 hours Meeting with the Prime Minister
- 1500 hours Meeting with the Vice-President and Minister of Defence
- 1700 hours Meeting with the President

- 1900 hours Press conference at Kigali airport
- 2010 hours Departure from Kigali

*Annex II
Participants in meetings with the
Security Council mission*

1. *Meetings with officials of the Government of Rwanda*

- Mr. Pasteur Bizimungu, President
- Maj. Gen. Paul Kagame, Vice-President and Minister of Defence
- Mr. Faustin Twagiramungu, Prime Minister
- Mr. Anastase Gasana, Minister for Foreign Affairs
- Mr. Jacques Bihozagara, Minister of Rehabilitation and Social Integration

2. *Meetings with representatives of United Nations agencies and offices in Rwanda*

- Mr. Shaharyar M. Khan, Special Representative of the Secretary General for Rwanda
- Brig. Gen. Henry Anyidoho, Deputy Force Commander, UNAMIR
- Mr. Sukehiro Hasegawa, Resident Representative, United Nations Development Programme (UNDP)
- Mr. Babacar Cisse, Deputy Resident Representative, UNDP
- Mr. Roman Urasa, representative, UNHCR
- Mr. Julio Gamba, Resident Representative, World Bank
- Mr. Daniel Toole, representative, United Nations Children's Fund (UNICEF)
- Mr. Carol Jaenson, Chief, Children in Difficult Circumstances Section, UNICEF
- Mr. Randolph Kent, Humanitarian Coordinator in Rwanda, UNREO
- Ms. Patricia Banks, Deputy Humanitarian Coordinator in Rwanda, UNREO
- Mr. Techeste Zergaber, Country Director, World Food Programme (WFP)
- Mr. Zlatan Milisic, Reports Officer, WFP
- Mr. William Clarence, Head, United Nations Human Rights Field Operation in Rwanda
- Mr. Paul Howard, Chief of Mission, Intergovernmental Organization for Migration
- Mr. Mahamane Maiga, Acting Coordinator, World Health Organization
- Mr. Ibrahima Kaba, Officer-in-Charge, Food and Agriculture Organization of the United Nations
- Ms. Alana Armitage, Programme Officer, United Nations Population Fund (UNFPA)

Mr. Abdoulaye Mar Dieye, Interregional Adviser,
Department for Development Support and Man-
agement Services, United Nations
Mr. Sidique Dao, Officer-in-Charge, Humanitarian
Affairs, Office of the Special Representative of
the Secretary-General, UNAMIR

Mr. Siguar Schelstraete, Belgium
Mr. Claude Latulippe, Canada
Père Henri Hoser, Holy See
Ms. Lilian Wong, Foreign and Commonwealth
Office, United Kingdom of Great Britain and
Northern Ireland

3. *Meeting with members of the diplomatic corps*

Ms. Lucy Edwards, Ambassador, Canada
Mr. Huang Shejiao, Ambassador, China
Mr. Jacques Courbin, Ambassador, France
Mr. August Hummel, Ambassador, Germany
Mr. David Rawson, Ambassador, United States of
America
Mr. Sylvain Ndayikengurukiye, Chargé d'affaires
a.i., Embassy of Burundi
Père Nguyen Van Tot, Chargé d'affaires, Holy See

4. *Meeting with the Steering Group of the NGO com-
munity in Rwanda*

Mr. Teferra Shiawl, Africa Humanitarian Action
Mr. Askale Binga, Africa Humanitarian Action
Mr. Steven Rifkin, Save the Children
Mr. Tom Walker, Médecins sans Frontières
Ms. Barbara Kerstiens, Médecins sans Frontières
Mr. Yvan M'Bomo, Équilibre
Mr. Mungwakuzwe Canisius, Forum des ONG
rwandaïses (Forum of Rwandese NGOs)

Document 122

Statement by the Secretary-General on the occasion of the anniversary of the genocide in Rwanda

UN Press Release SG/SM/5606, 6 April 1995

Today, I share with the Government and people of Rwanda the pain of commemorating the first anniversary of the genocide that has gravely shaken the foundation of your nation.

On behalf of the United Nations family, I wish to convey my deepest sympathy and condolences to the survivors of this tragic nightmare that has left a deep scar on the conscience of mankind. Never should the world allow such a tragedy on our planet. Never should the perpetrators of such crimes be permitted to get away with impunity.

While there has been no world war in the half century since the United Nations was created, today's ceremony reminds us, sadly, that humanity continues to see much sorrow, violence and injustice. Let us, therefore, recommit ourselves and rededicate our efforts to the objective of a better world as envisaged in the Charter of the United Nations and, to this end, reaffirm our collec- tive faith "in the dignity and worth of the human person".

The deep expression of grief and the demonstration of solidarity with the people of Rwanda constitute a ray of hope for the future. The international community, including non-governmental organizations and United Nations agencies and the United Nations Assistance Mis- sion for Rwanda (UNAMIR), have been working side by side with the Government and people of Rwanda, to rebuild a society torn apart emotionally, morally and physically by the tragic events we are today remembering.

The tasks for reconstruction and reconciliation are formidable and demanding, but we must intensify our efforts to that end. This effort would be the most fitting and enduring tribute that we can pay in memory of those who lost their lives. As Secretary-General of the United Nations, I pledge the continued support of the Organiza- tion to all endeavours aimed at building a new Rwandese society based on tolerance, harmony and justice.

Document 123

Letter dated 13 April 1995 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, transmitting a statement dated 6 April 1995 by the Government of Rwanda indicating actions it has taken to facilitate the return of refugees

S/1995/310, 18 April 1995

I have the honour to enclose herewith the statement by the Rwandese Government on refugees dated 6 April 1995.

This statement demonstrates the good will of the Rwandese Government in encouraging the return of the refugees.

I should be grateful if you would have the text of this letter and its annex distributed as a document of the Security Council.

(Signed) Manzi BAKURAMUTSA
Ambassador
Permanent Representative of Rwanda to the
United Nations

Annex **Statement by the Rwandese Government** **on refugees dated 6 April 1995**

The war, the massacres and the genocide which plunged Rwanda into mourning, especially during the period from April to July 1994, gave rise to hundreds of thousands of displaced persons and caused millions of refugees to flee beyond our frontiers.

These, regrettably, were in addition to more than 1 million former Rwandese refugees which the turbulent history of our country had forced to flee and to remain in exile.

Immediately after the war, the genocide and the massacres, the total number of refugees—both former and new refugees—as well as internally displaced persons had been estimated at about 3.5 million, or the equivalent of 50 per cent of the population of this country before April 1994.

On 19 July 1994 a government of national unity, incorporating all the political parties which were not involved in the massacres and the genocide, was formed. It immediately undertook a broad awareness campaign aimed at the return of the displaced persons and refugees.

The Rwandese Government considers that the return of the refugees—both former and new—is an inalienable right and constitutes a factor for peace, unity and national reconciliation.

Currently, about 1.2 million refugees, 50 per cent of whom are new refugees, have returned. Nevertheless, Rwanda estimates that there are still more than 2 million persons in exile and about 300,000 internally displaced persons.

Despite the appeal repeatedly made by the central authorities of the country, the agents of these crimes against humanity continue to engage in acts of intimidation against the Rwandese refugees who wish to return to their country. They clearly want to keep them hostage and utilize them in an attempt to escape justice.

The Rwandese Government considers that the return of the Rwandese refugees remains one of its priorities. It has therefore decided on a number of actions, including the following:

1. Continuation of contacts with responsible officials in the countries in which our compatriots took refuge in order to facilitate their return.

In this context, the Government has negotiated and concluded tripartite agreements with the Office of the High Commissioner for Refugees and the countries which are sheltering the refugees. Such agreements already exist with Zaire and Burundi. Contacts are currently in progress with the United Republic of Tanzania with a view to the signing of a similar agreement.

2. A request to the host countries to segregate innocent persons from those responsible for genocide and massacres.

The people who are free from any wrongdoing wish to return to their country. Their segregation from the criminals would greatly facilitate the speedy return to Rwanda of hundreds of thousands of innocent people currently being held hostage by the criminals.

3. Continuation of the policy of promoting awareness both within and beyond our frontiers concerning the need for the return of the refugees.

A campaign for reception and national reconciliation is being conducted by the authorities and the government mass media in order to support and facilitate the return of the refugees.

4. Promotion of the return of the refugees. The Rwandese Government has set up an interministerial commission entrusted with settling lawsuits over properties

which were abandoned by the refugees and temporarily occupied by other persons. The Rwandese Government reaffirms the constitutional right to private property.

It is moreover the responsibility of the Government to find sites where refugees who have nowhere to go can settle and also to help them in resettlement and reintegration into society with the assistance of the international community.

5. Identification of sites for resettlement and areas for the settlement of former refugees.

The Rwandese Government has already defined several resettlement sites both in the countryside and in towns in order to receive the refugees. Instructions have been issued for finding other resettlement sites.

6. Integration of the members of the former government forces.

The first elements of the Rwandese armed forces who broke ranks with their colleagues and who are not guilty of massacres and genocide have received ad hoc training and have been reintegrated into the national army.

7. Pursuit of operations for assistance to the displaced persons and to the refugees once they have been repatriated or in connection with their property.

These provisions have been supplemented by the setting up of the commission for repatriation of the refugees provided for in the Arusha Peace Agreement and the establishment of a unit for coordination of humanitarian assistance attached to the Ministry of Rehabilitation and Social Integration, and by the gradual strengthening of security conditions, which will, *inter alia*, take the form of:

- Acceleration of the process of setting up the local administration;
- The deployment of international human-rights observers in the field;
- Reorganization of the judicial system;
- Eradication of any temptation to take personal revenge;
- Respect for procedures concerning the arrest and detention of those suspected of involvement in the genocide and the massacres;
- The effective establishment of the International Criminal Tribunal for the prosecution of crimes against humanity and genocide committed in Rwanda;
- The speedy and equitable trial of those responsible for the genocide and the massacres.

The Rwandese Government also intends to set up, with the support of the international community, centres for the reception and transit of refugees who return to Rwanda with a view to inspiring their self-confidence,

caring for and identifying them, and subsequently organizing transport and assistance in terms of food, building materials and agricultural inputs.

These transit centres will comprise a service for the registration of persons repatriated and of their property, a service for the distribution of humanitarian assistance, an orientation service to determine sites for resettlement of those repatriated who do not possess land and the regions from which the new refugees originated. Transit through these centres will have to be brief, with a maximum stay of one week.

The refugees who require resettlement will pass through a reception centre situated near their resettlement site.

This centre will serve as a place for registration, distribution of food aid, medicines and building materials until such time as each family can complete the building of its dwelling on a parcel of land allocated to it by the Administration.

The Rwandese Government would like to urge the neighbouring countries which are sheltering refugees and also the international community to take note of the following:

1. Innocent persons in the camps should be segregated from criminals guilty of massacres and genocide in order to enable the former to return to Rwanda;

2. Refugees who do not wish to return to the country should be kept at a distance from the frontiers of Rwanda;

3. There should be collaboration with the Rwandese tribunals and the International Criminal Tribunal in the arrest and transfer of those guilty of the massacres and genocide, wherever they may be;

4. Humanitarian, technical and financial assistance in behalf of Rwandese refugees should be continued.

In this regard, the Rwandese Government welcomes the success of the consolidated appeal launched on 20 January 1995 in Geneva for the benefit of Rwandese refugees at the initiative of the United Nations system.

The Rwandese Government, as it has constantly been doing, once again launches a solemn appeal to all Rwandese refugees to return to their motherland with a view to participating in the reconstruction of the country.

It is inadmissible that Rwandese should be forced to leave the country which had sheltered them in order to take refuge once again in another neighbouring country rather than to re-enter Rwanda. This is with particular reference to those Rwandese citizens who have been held up in recent days at the frontier between Burundi and the United Republic of Tanzania.

The Rwandese Government takes this opportunity to reiterate its gratitude to the countries which are sheltering its refugees and to the international community,

especially the Office of the High Commissioner for Refugees, while at the same time urging them to pursue this humanitarian action with a view to enabling the Rwan-

dese refugees to return, resettling them and contributing to their social and economic reintegration.

Document 124

Progress report of the Secretary-General on UNAMIR for the period from 7 February to 9 April 1995, calling attention to renewed tensions in refugee camps and in Rwanda

S/1995/297, 9 April 1995

I. Introduction

1. The present report is submitted in response to Security Council resolution 965 (1994) of 30 November 1994, by which the Council extended the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) for a period of six months, until 9 June 1995. Under that resolution, the Council requested me to report by 9 February and 9 April 1995 on the implementation of UNAMIR's mandate, the safety of populations at risk, the humanitarian situation and progress towards the repatriation of refugees. The present report covers developments since my report of 6 February (S/1995/107).

2. During the reporting period, a mission of Security Council members visited Rwanda on 12 and 13 February 1995 and submitted its findings to the Council in a report of 28 February (S/1995/164). The Mission stressed that, as long as 2 million Rwandese remained in camps in or outside their country, the situation in Rwanda would remain inherently unstable. In this connection, it underlined the interrelated issues facing the Government: repatriation, reconciliation, reconstruction and the need for justice. It called on the Government to intensify its efforts to create favourable conditions and an auspicious climate inside the country to encourage and facilitate repatriation.

II. Political aspects

3. It has been a year since Rwanda was engulfed in a genocide that left at least 500,000 people dead. In the message I sent to the Government and people of Rwanda on the first anniversary of those horrors, I conveyed my deepest sympathy and stressed that never again should the perpetrators of such crimes be permitted to get away with impunity. I also pledged the continued support of the United Nations to the building of a new Rwandese society based on tolerance, harmony and justice.

4. In the nine months since the new Government of Rwanda assumed office, the overall situation in the coun-

try has improved considerably. The private sector has revived in an atmosphere of relative security; markets, shops and small businesses have sprung up, agricultural activities have restarted and schools have reopened.

5. Radio UNAMIR commenced broadcasting on 16 February and is on the air seven days a week in three languages, in an effort to present objective information to the Rwandese people at home and in refugee camps abroad. Plans are in hand to increase Radio UNAMIR's broadcast time.

6. In my report of 6 February, I noted that, while Rwanda continued to face problems in regard to repatriation, reconciliation and rebuilding its administrative structures, the overall situation was evolving positively. Over the past two months, however, tensions and frustrations have surfaced and the security situation in the country has deteriorated. The Prefect of Butare was murdered in an ambush on 4 March; armed saboteurs have reportedly entered Rwanda; and more and more people are being detained by the Government.

7. These developments have contributed to a considerable decline in the repatriation of Rwandese refugees from Zaire, the United Republic of Tanzania and Burundi. In addition, over 200,000 internally displaced persons remain in camps because they fear insecure conditions in their home communes or because of intimidation by extremist elements in the camps.

8. There are reports that the armed forces of the former Rwandese Government are training and rearming. Over the past two months, soldiers of the forces of the former Government have reportedly been apprehended in Rwanda, carrying arms, grenades and anti-personnel mines. As a result, the Rwandese Patriotic Army has tightened security and strengthened its border patrols.

9. These measures against possible infiltrators have also led to incidents involving United Nations and international staff. United Nations vehicles and staff have been searched and supplies of goods and equipment have

been stopped at Kigali airport. In addition, government authorities at the middle and lower levels are often uncooperative. Last month, Radio Rwanda initiated a propaganda campaign of surprising virulence and broadcast unfounded allegations of misconduct by UNAMIR personnel. After a protest by my Special Representative, however, Radio Rwanda has reverted to a more balanced attitude towards UNAMIR.

10. The relationship between UNAMIR and the Rwandese Patriotic Army has been discussed by my Special Representative with the President of Rwanda, Mr. Pasteur Bizimungu, and with the Vice-President and Minister of Defence, Major-General Paul Kagame. Both the President and the Vice-President reaffirmed their Government's support for UNAMIR and said minor incidents should be cleared up at fortnightly joint staff meetings. The Vice-President added that some of the frustrations, especially at the lower level, were the result of the perception that the Government could not exercise complete sovereign authority in Rwanda as long as there was a large UNAMIR military presence in the country. In this connection, both the President and the Vice-President felt that, at an appropriate time, UNAMIR's mandate and its possible phase-out from Rwanda should be discussed.

III. Legal and human rights aspects

11. In response to the rise in tension in parts of the country, the Human Rights Field Operation in Rwanda strengthened its monitoring activities during the reporting period. As of 1 April 1995, the Field Operation was composed of 113 staff in 11 field offices, including 55 short-term staff; 30 United Nations Volunteers (UNVs); 12 human rights officers from the European Union and 8 experts provided by the Governments of the Netherlands, Norway and Switzerland. It is expected that a further contingent of some 28 human rights officers contributed by the European Union, as well as additional UNVs, will be deployed on 19 April.

12. The human rights officers work directly with the population, as well as with government officials and civic leaders throughout the country. They seek to promote respect for the rights of individual citizens and a sense of confidence and stability.

13. The establishment of an effective judicial system is one of the most pressing problems facing the Government. Although efforts are often made by the Government and its security forces to follow correct procedures, arrests are sometimes arbitrary. Many individuals are held without hope of timely trial proceedings. There are approximately 27,000 people in Rwanda's desperately overcrowded prisons. Kigali prison, for example, built to accommodate 1,500 detainees, currently

houses over 7,000. On 16 March, 24 people died in a police detention cell.

14. The Technical Cooperation Unit of the Field Operation recently issued a comprehensive programme addressing the needs of the Government in establishing a civil society based on respect for human rights. This programme, which was developed in close consultation with the relevant government ministries, includes recommendations on measures to facilitate the prosecution of suspects accused of serious human rights violations. It also proposes a strategy for introducing human rights education in Rwandese schools and government institutions.

15. The United Nations High Commissioner for Human Rights, Mr. José Ayala-Lasso, has launched an international appeal with a view to assisting the Government of Rwanda to re-establish the judicial system. He has also appealed for funds to recruit more human rights monitors who, as part of their duties, would work closely with the judiciary. During his visit to Rwanda from 1 to 3 April, the High Commissioner had the opportunity to discuss many of the above issues with government officials.

IV. International tribunal

16. By its resolution 977 (1995) of 22 February 1995, the Security Council decided that the International Tribunal for Rwanda would have its seat at Arusha (United Republic of Tanzania). A team composed of experts from the United Nations Secretariat and the International Tribunal for the Former Yugoslavia will visit the United Republic of Tanzania shortly to secure premises for the International Tribunal for Rwanda and to negotiate the necessary agreements with the Tanzanian authorities.

17. On 7 March, I addressed a letter to all States Members of the United Nations, as well as to non-member States maintaining permanent observer missions at United Nations Headquarters, inviting them to nominate judges for the Tribunal. I requested that these nominations be made by 7 April 1995.

18. The Office of the Prosecutor for the International Tribunal was established in Kigali in January 1995 and the Deputy Prosecutor, Mr. Rakotomanana, took office on 20 March. In a statement issued by the Chief Prosecutor, Judge Goldstone, on 5 April, it was announced that the Tribunal was processing about 400 cases and that the first case for trial was expected in the second half of the year. Since January, Tribunal staff have been gathering information and evidence in Rwanda and other countries. In view of the importance and volume of the work involved, more expert personnel are required and efforts to secure the necessary staff are under way. I

welcome the voluntary contributions pledged by some Member States to support the activities of the Tribunal and I appeal for more such assistance to enable the Tribunal to carry out its tasks.

V. Military aspects

19. As at 1 April, UNAMIR's force strength stood at 5,529 troops and 297 military observers (see annex). Since my report of 6 February, an Indian signals company has been deployed, the inter-African battalion has been replaced by a Senegalese battalion of 241 all ranks, the Malawi company of 181 and the Australian medical support group of 293 have both been rotated and the Canadian logistics support group of 95 has been fully deployed.

20. UNAMIR has been working under additional pressure as a result of the recent deterioration in security. Instances of harassment and intimidation directed at UNAMIR and other United Nations personnel, property and installations have, as noted earlier, increased during the reporting period.

21. On 15 February, UNAMIR headquarters at Mutura, east of Gisenyi, where the Tunisian battalion is located, was hit by grenades and small arms fire in a deliberate and unprovoked attack against a UNAMIR signals installation. The following day, while investigating the circumstances surrounding the attack, eight members of a UNAMIR patrol were injured by a land-mine probably planted by the attackers. On 5 March, three grenades were thrown at the Nigerian contingent's guard-post at Byumba, injuring two soldiers, one of them seriously.

22. These are the first incidents since the end of the civil war in which United Nations troops appear to have been deliberately targeted. My Special Representative and the Force Commander have informed the authorities of their serious concern and members of the Government have expressed regret for these attacks, indicating that they were isolated acts. Investigations are under way to determine the circumstances and the identities of those involved.

23. Mechanisms have been put in place to enable UNAMIR and the Rwandese Patriotic Army to liaise and exchange views at both the command and the staff officer levels. These arrangements facilitate the resolution of complaints and enhance cooperation and coordination. However, the worsening security situation has strained relations between UNAMIR and the Rwandese Patriotic Army. Indeed, the Rwandese Patriotic Army has frequently restricted the movement of UNAMIR personnel and denied it access to certain areas. This has affected UNAMIR's ability to discharge its mandated tasks fully and effectively.

24. Difficulties have also been encountered on the occasion of troop rotations, when UNAMIR personnel have been held up or denied entry at Kigali airport. It should be recalled, in this connection, that the Model Status of Forces Agreement (A/45/594), which reflects the customary principles and practices of United Nations peace-keeping operations, contains provisions regulating the entry, residence and departure of personnel of peace-keeping operations. The agreement on the status of UNAMIR and its personnel, concluded on 5 November 1993, contains identical provisions. Following the modification of UNAMIR's mandate under Security Council resolution 918 (1994) of 17 May 1994 and the installation of the present Government in July 1994, an exchange of letters to constitute an agreement between the United Nations and the Government of Rwanda was initiated. The purpose of this was not to reaffirm the applicability of the agreement concluded on 5 November 1993, which in accordance with well-established principles of international law is not in doubt, but to supplement it by reflecting the changes in UNAMIR's mandate. However, despite several reminders, the Government has not yet replied. It is my hope that this matter will be promptly resolved and that the Government will agree to honour its obligations under the agreement.

25. There is a pressing need for a comprehensive mine-clearance programme. However, the Government of Rwanda has not yet responded to the offers of the United Nations for assistance in mine clearance and minefield survey and marking. Such a programme would, among other things, open up many areas to returnees, including agricultural fields. A team of mine experts from the United States Department of Defense recently visited Rwanda and held discussions with UNAMIR concerning a possible plan of action in this area. In the meantime, UNAMIR explosives demolition teams continue to carry out limited mine-clearing operations, especially in urban areas.

VI. Civilian police

26. In my report of 6 February, I noted that UNAMIR was pursuing its efforts to assist the Government of Rwanda in training a new integrated national police force. The training of 300 gendarmes and 20 instructors, which started on 19 December 1994, is expected to conclude by the end of April. The Government has requested that UNAMIR train an additional 400 gendarmes before beginning the training programme for 100 instructors, which was scheduled to commence in June.

27. Following a request from the Government, a UNAMIR civilian police observer has been assigned to assist the Chief of Staff of the National Gendarmerie in

determining operational requirements to ensure that, upon completion of their training, gendarmes are ready and properly equipped for deployment.

28. Owing to financial and material constraints, the training programme for communal police, which was scheduled to begin in February, has been delayed. The Government has informed UNAMIR that it is intensifying its efforts to obtain the necessary resources to permit training to begin at the earliest opportunity. Once funding is secured, UNAMIR will begin a training programme for approximately 1,500 communal police.

29. As part of its monitoring and investigatory activities, the UNAMIR civilian police component has teams of 3 to 4 observers in each of the 11 prefectures in the country. These observers work in close cooperation with local authorities, United Nations agencies and non-governmental organizations, and assist human rights monitors and UNAMIR personnel in the performance of their respective duties.

30. UNAMIR continues to face an acute shortage of civilian police personnel, a situation which seriously impairs the discharge of its expanded tasks. While, in accordance with resolution 965 (1994), the strength of UNAMIR's civilian police component was increased to 120 police observers, only 58 are currently deployed. These observers are from Djibouti (7), Germany (9), Ghana (10), Guinea-Bissau (8), Mali (10), Nigeria (10) and Zambia (4).

31. As stressed in previous reports, there is a particularly urgent need for additional French-speaking civilian police observers. In this connection, on 22 February, I again approached Member States, including 13 French-speaking countries, to ascertain their interest in providing additional civilian police observers. I have not, so far, received any positive responses.

VII. Humanitarian aspects

32. At the United Nations Development Programme (UNDP) round-table conference, held at Geneva on 18 and 19 January 1995, the international donor community pledged some \$587 million to support the Government's rehabilitation and reconstruction programme. The slow process of turning donor pledges into actual support, however, has led to problems and growing frustration on the ground.

33. The humanitarian programme in Rwanda maintains its emphasis on the provision of emergency relief to the affected population, as well as on activities aimed at enabling the Government to function effectively. Progress in these areas, however, has been affected by the paucity of resources available. To date, a relatively small portion of the contributions pledged at the UNDP round-table conference has been converted into actual disburse-

ments. This is also true of the response to the 1995 consolidated inter-agency humanitarian assistance appeal launched in January 1995. The Trust Fund for Rwanda totalled \$4,710,857 as at 1 April, most of it being disbursed to support the national judicial system.

34. There are substantial food shortages within the country and the subregion. The recent Food and Agriculture Organization of the United Nations (FAO)/World Food Programme (WFP) crop assessment indicates that the January 1995 harvest was significantly smaller than in previous years. If the threat of starvation and malnutrition is to be averted for some 3 million refugees and internally displaced persons from Rwanda and Burundi, rapid and substantial food aid from the international community is required. In the meantime, United Nations non-governmental organizations are distributing seeds and tools to the affected population. There is also a programme of seed and livestock protection for the benefit of vulnerable groups. The WFP food-for-work programmes seek to promote the rehabilitation of infrastructure and the strengthening of food security.

35. Problems affecting children continue to receive special attention. United Nations and non-governmental organizations are registering unaccompanied minors and attempting to reunite families. So far, approximately 3,000 children have been reunited with their families and psychosocial counselling and trauma recovery programmes are expected to be enlarged in the near future. Agreement has been reached with the Ministry of Justice to permit 400 children between the ages of 11 and 17, imprisoned for alleged involvement in the genocide, to be moved to a separate location for children only. As a result of consultations with the Ministry of Defence, some 4,000 "child soldiers" are expected to be demobilized shortly.

36. There have been some improvements in the health sector. Nearly half of the 280 vaccination centres which were operational before April 1994 have reopened and a programme to equip them has begun. Some 26 nutritional centres for unaccompanied children have reopened and receive supplementary food aid. It is planned to have 100 nutritional centres operational during 1995. Projects relating to family planning, maternal care and the human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) are being promoted vigorously.

37. The humanitarian agencies have intensified their efforts to ensure wider access to education. This has included the distribution of basic classroom resources and supplies and an emergency curriculum for over 140,000 primary schoolchildren. Teacher emergency packages have been distributed to over 7,000 teachers serving about 600,000 children in Rwanda. Moves are

under way to adapt the packages for young people in prisons and for literacy and basic skill-training programmes, especially for youth and women. A pilot project for implementing teacher emergency packages in refugee camps was launched in February.

38. Activities are taking place, within the context of *Opération Retour*, to expedite the voluntary return of internally displaced persons. Six camps for internally displaced persons have been closed and some 40,000 people have been resettled in their home communities, where agencies are implementing rehabilitation projects. The remaining camps hold more than 200,000 displaced people. In certain quarters in Rwanda, these camps are viewed as breeding grounds for destabilization activities and the Government is anxious to close them as soon as possible.

39. The recent deterioration in the security situation, together with the lack of resources, has had a negative impact on the resettlement of returnees. The increased screening of them by the Rwandese authorities has also inhibited progress towards a faster rate of refugee repatriation. Recent arrangements made by the Office of the United Nations High Commissioner for Refugees with the Governments of the United Republic of Tanzania and Zaire, aimed at assuring security in Rwandese refugee camps in those countries, were expected to help reduce intimidation and thus permit a higher rate of repatriation. However, most of the estimated 60,000 refugees who returned to Rwanda during the first two months of the year were from the 1959 case-load. Most of the more recent refugees who have returned so far are women and children. United Nations organizations are facilitating their repatriation through reception and transport facilities.

40. Returnees from the 1959 case-load are currently estimated at over 600,000. Their resettlement has become a major problem for the authorities, since many of them have illegally occupied the homes and land of recently departed refugees, some of whom have also begun to return home. The Government urgently needs resources to accommodate both groups of returnees in a manner that ensures justice and promotes reconciliation. To facilitate their reintegration, returnees will have to be provided with assistance in education, housing and job training. A grave concern associated with the returnees from the 1959 case-load is the large number of cattle (estimated at 500,000) that they have brought with them. Lack of adequate grazing areas and water for these herds, combined with livestock diseases, threaten an ecological disaster.

41. Solutions to the humanitarian challenges faced by Rwanda are a vital element in international efforts to contribute to national reconciliation and economic recov-

ery. Continued assistance is indispensable if progress is to be achieved, particularly in view of the disastrous consequences of the war and the continuing lack of resources available to the Government.

VIII. Administrative and financial aspects

42. The General Assembly, by its resolution 49/20 of 29 November 1994, authorized me to enter into commitments for a four-month period from 10 December 1994 to 9 April 1995, at a monthly rate not to exceed \$15 million gross, in connection with the maintenance of UNAMIR. This amount was based on the then authorized strength of 320 military observers, 5,500 troops, 90 civilian police and 398 civilian personnel. Subsequently, the Security Council authorized an increase in the strength of the civilian police component from 90 to 120 police observers. My report on the financing of UNAMIR for the period from 10 December 1994 to 9 June 1995 and for the maintenance of the mission on a monthly basis after 9 June 1995 (A/49/375/Add.2) has been submitted to the General Assembly for consideration at its current session.

43. As at March 1995, unpaid assessments to the UNAMIR Special Account amounted to \$46.5 million, and the total amount of outstanding assessed contributions for all peace-keeping operations was \$1,662.8 million.

IX. Observations

44. The progress achieved in Rwanda over the past nine months is threatened by renewed tensions. It is incumbent on the Government and the international community to take the steps necessary to put Rwanda back on the road to stability, national reconciliation and reconstruction.

45. These goals are likely to remain elusive, however, as long as 2 million Rwandese remain in camps outside their country. The indignation and deep sense of injustice felt by many Rwandese after the genocide is certainly understandable, but it cannot be allowed to frustrate the healing process that must take place if Rwanda is to be restored to peace and harmony. The Government is therefore urged to make more determined efforts to foster a climate of trust and confidence and to create conditions that will encourage refugees and displaced persons not suspected of involvement in the genocide to believe that they can return to their homes in safety. At the same time, steps must be taken to bring to trial, at the earliest opportunity, those who are guilty of genocide.

46. I therefore welcome the adoption by the Security Council on 27 February of resolution 978 (1995), in which it called on Member States to arrest persons against whom

sufficient evidence existed of criminal responsibility for genocide. It is my hope that Member States will take the necessary follow-up action and help ensure that the International Tribunal for Rwanda becomes operational as soon as possible. The need for such steps is underlined by the recent disturbing reports of military training and an arms build-up by elements of the armed forces of the former Government of Rwanda in neighbouring countries. The Governments on whose territory such activities may be taking place must ensure that their countries do not become bases for incursions into Rwanda.

47. Rwanda's needs with regard to the rehabilitation of its administrative structures and social and economic reconstruction are great. It is clear that limited resources mean that the Government cannot by itself address all the problems facing the country. It needs the assistance and cooperation of its neighbours and the international community. I therefore urge donors to do all they can to accelerate the flow of aid to Rwanda. In this connection, Member States may wish to consider channelling funds through the Trust Fund for Rwanda, which can disburse assistance quickly and effectively.

48. The increasing harassment of United Nations and international staff serving in Rwanda is another source of serious concern. UNAMIR remains an essential confidence-building mechanism and its presence adds an important dimension to the Government's efforts to promote a climate of stability, trust and security. UNAMIR's presence also helps to create conditions conducive to the resettlement of refugees and displaced persons and to the provision of reconstruction assistance. I therefore urge the Government to extend to UNAMIR the necessary cooperation without which the Mission will not be able to carry out its mandate and the international community will find it more difficult to respond to Rwanda's rehabilitation needs. I should also like to remind the Government of its responsibility for the safety and security of all UNAMIR personnel, as well as for ensuring that their freedom of movement and access throughout the country is respected.

49. UNAMIR's present mandate, as defined under Security Council resolutions 918 (1994) and 965 (1994), will expire on 9 June. Senior Rwandese officials have pointed out that the situation in the country has changed since last July and that, at the appropriate time, the mandate and role of UNAMIR should be reviewed. I have, accordingly, requested my Special Representative to consider, in consultation with the Government, adjustments which could be made to the Mission's mandate. On the basis of his advice, I will, in my next report, submit to the Security Council recommendations on the role which UNAMIR could play in Rwanda after 9 June 1995.

50. The Council has emphasized the need for an international conference on security, stability and peace

in the region. In accordance with the Council's most recent call for States of the region to organize such a conference, I intend to carry out necessary consultations with those States with a view to determining the type of assistance they may require in this regard.

51. In closing, I should like to thank my Special Representative, Mr. Shaharyar M. Khan, the Force Commander, Major-General Guy Tousignant, and all UNAMIR civilian, military and civilian police personnel, for their contribution to peace and stability in Rwanda under very trying circumstances.

Annex

Composition of the United Nations Assistance Mission for Rwanda as at 31 March 1995

| Country | Military personnel | | | Civilian police | Grand total |
|--------------------|--------------------|------------|--------------|-----------------|--------------|
| | Troops | Observers | Total | | |
| Argentina | | 1 | 1 | | 1 |
| Australia | 302 | | 302 | | 302 |
| Austria | | 15 | 15 | | 15 |
| Bangladesh | 1 | 33 | 34 | | 34 |
| Canada | 105 | 20 | 125 | | 125 |
| Chad | 2 | | 2 | | 2 |
| Djibouti | | | - | 7 | 7 |
| Ethiopia | 811 | | 811 | | 811 |
| Fiji | | 1 | 1 | | 1 |
| Germany | | | - | 9 | 9 |
| Ghana | 842 | 35 | 877 | 10 | 887 |
| Guinea | | 17 | 17 | | 17 |
| Guinea-Bissau | | | - | 5 | 5 |
| India | 833 | 17 | 850 | | 850 |
| Jordan | | | - | 3 | 3 |
| Malawi | 185 | 14 | 199 | | 199 |
| Mali | 199 | 31 | 230 | 10 | 240 |
| Nigeria | 333 | 17 | 350 | 10 | 360 |
| Poland | | 2 | 2 | | 2 |
| Russian Federation | | 17 | 17 | | 17 |
| Senegal | 241 | | 241 | | 241 |
| Tunisia | 840 | 10 | 850 | | 850 |
| United Kingdom | 2 | | 2 | | 2 |
| Uruguay | | 23 | 23 | | 23 |
| Zambia | 833 | 20 | 853 | 4 | 857 |
| Zimbabwe | | 24 | 24 | | 24 |
| Total | <u>5 529</u> | <u>297</u> | <u>5 826</u> | <u>58</u> | <u>5 884</u> |

[Editor's note: Map of UNAMIR Sectors of Operation and Deployment as of 31 March 1995 is reproduced on page 93.]

Document 125

Third report of the Secretary-General on security in the Rwandan refugee camps, noting heightened tensions

S/1995/304, 14 April 1995

I. Introduction

1. The present report is submitted in response to the statement by the President of the Security Council of 10 February 1995 (S/PRST/1995/7), which followed the Council's consideration of my second report, dated 25 January, on security in the Rwandese refugee camps (S/1995/65) and my letter of 1 February (S/1995/127). In paragraph 7 of that statement, the Council requested me to continue my exploration of options and to make further recommendations necessary for ensuring security in the camps. It also requested me to submit a further report on this subject in the light of the outcome of the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, hosted by the Organization of African Unity (OAU) and the Office of the United Nations High Commissioner for Refugees (UNHCR) in Bujumbura.

2. In my report of 25 January (S/1995/65), I informed the Council of my consultations with the United Nations High Commissioner for Refugees, Mrs. Sadako Ogata, regarding security in the refugee camps, especially those in Zaire. It was then decided that UNHCR would follow up with the Government of Zaire on the latter's earlier discussions with my Special Representative for Rwanda with a view to concluding appropriate arrangements, under UNHCR's mandate for refugee protection and humanitarian assistance, to enhance security in the camps.

3. On 27 January 1995, an aide-mémoire was signed between the Government of Zaire and UNHCR outlining specific measures to improve security in the camps in Zaire. Under the agreement, the Government of Zaire was to deploy a contingent of 1,500 military and police personnel—the Zairian Camp Security Contingent—to provide security in the camps, including measures to prevent violence, escort repatriation convoys, maintain law and order and control the crowds at food distribution sites.

4. In early February 1995, the first group of 100 personnel of the Zairian Camp Security Contingent arrived in Goma. As of 11 April, the Contingent stood at 913 troops operating in Kibumba, Katalé/Kahindo and Mugumba/Lac Vert. Deployment sites are being prepared in south Kivu and are expected to be ready by the end of the month. UNHCR has assessed the performance of the Contingent as very satisfactory and cooperative.

5. In addition to the Zairian Contingent, UNHCR requested Governments to provide 35 to 60 international experts to serve in the Civilian Security Liaison Group. On 24 February, an advance group of 12 experts from the Netherlands arrived in Goma, where a total of 16 Netherlands experts have been deployed to date. The Government of Switzerland has provided one expert and the Governments of Benin, Burkina Faso and Cameroon have each offered to provide between 10 and 20 experts to serve in the Liaison Group. UNHCR also requested the Department of Peace-keeping Operations to select a senior military officer to serve as the Commander of the Liaison Group, under the authority of the UNHCR civilian official who is heading the Group. On the recommendation of the Department of Peace-keeping Operations, UNHCR appointed Brigadier-General (retired) Ian Douglas of Canada, who has served in several peace-keeping operations. General Douglas took up his duties in Goma on 27 March 1995. The total cost of the security operation in Zaire, through the end of June, is estimated at \$9.7 million.

II. Present situation in the refugee camps

A. *Refugees in Burundi*

6. In early April 1995, there were 240,000 refugees in Burundi, mostly from southern Rwanda. The deteriorating security situation in Burundi has affected the refugees inside and outside the camps. In the northern part of the country, where all seven refugee camps are located, there are constant movements of refugees fleeing to and from neighbouring countries at great risk to themselves. The strict border control by the army and the presence of uncontrolled armed groups in border areas have resulted in acts of violence, which have claimed several lives outside the camps. Although the refugee camps are guarded by the army and movements of refugees are restricted, incidents have also taken place inside the camps.

7. In view of the general insecurity in recent weeks, several thousand Rwandese refugees and a large number of Burundians have left Burundi for the United Republic of Tanzania. Between 17 February and 10 March, 16,000 Burundians and 8,000 Rwandese arrived in the United Republic of Tanzania from Burundi as refugees. In the last days of March, violence in Bujumbura unleashed a

new exodus of refugees and sparked an outflow of 24,000 persons into Zaire. During the same period, some 70,000 Rwandese refugees left camps in northern Burundi for the United Republic of Tanzania; several thousand had slipped across the border before it was ordered closed by the Tanzanian Government. As of 5 April, 15,000 had been trucked back to two camps; the rest are scattered at various sites in northern Burundi.

B. *Refugees in the United Republic of Tanzania*

8. As of 26 March 1995, 600,000 refugees were in camps in the United Republic of Tanzania. The security situation in these camps remained relatively stable during the first two months of this year. In February, a joint UNHCR/United Republic of Tanzania/Netherlands mission made an assessment of the security requirements for the camps and estimated the total cost at \$3 million. It recommended an increase of police personnel by 90, bringing the total to 400; an improvement in transport and logistics capacity; and arrangements for the maintenance of security in the camps.

9. In February, Tanzanian police escorted 200 returnees under tight security from the Benaco camp to the border town of Rusumo. Incidents within the camps, mainly of a criminal nature, against aid workers, the local population and the police increased in March and registration for repatriation virtually stopped.

C. *Refugees in Zaire*

10. In early April, there were 1.1 million refugees in the camps in Zaire. The immediate effect of the deployment of the security forces (the Zairian Camp Security Contingent and the Civilian Security Liaison Group) was to facilitate organized repatriation. The number of refugees departing from the Goma camps rose from 2,000 in January 1995 to 10,000 a month later. Repatriation declined substantially in March, however, partly as a result of reports reaching the refugees about increased arrests and detentions inside Rwanda.

11. Further contributing to that decline was the reduction of rations in the camps, necessitated by overall shortages of relevant food items in the region, although it was perceived by the refugees as a deliberate measure to force their repatriation. On 31 March, the food situation in the Goma camps was described by the World Food Programme (WFP) as critical. Surveys indicated that malnutrition in these camps was increasing. Acute food shortages continue, but positive changes are expected by UNHCR in the coming weeks following a regional meeting on logistics in Nairobi. The militia of the former Rwandese Government are exploiting the

food shortage to incite the refugee population and reinforce their campaign against repatriation.

III. *Regional conference on assistance to refugees, returnees and displaced persons in the Great Lakes region*

12. The OAU/UNHCR Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region took place from 15 to 17 February 1995 in Bujumbura. It adopted a plan of action with a primary focus on voluntary repatriation as the preferred durable solution to the refugee problem. To achieve that goal, it underscored the roles to be played by the countries of origin, the countries of asylum and the international community. It also outlined specific measures to be taken in that regard.

13. In my message to the Conference, I stressed that there were both short-term and long-term solutions to the refugee problem. Security in the camps and eradication of intimidation and blackmail of refugees are among the short-term measures. I stated further that solving the refugee problem in the long term would require the combined efforts of African Governments and the international community with the full involvement of the civil society.

14. Among other short-term actions, the Conference urged the earliest possible implementation of the Zaire/UNHCR agreement of 27 January 1995, which is now being successfully implemented. The Conference expressed the hope that a broader United Nations conference on peace, security and stability, as called for by the Security Council, would soon be held. Consultations on the holding of such a conference are continuing.

15. In addition, the Conference recognized that the problem of refugees, returnees and displaced persons was a global responsibility and it emphasized the need for equitable burden-sharing, taking into consideration that the asylum countries and the countries of origin are among the least developed. The international community was therefore urged to assist them through the adoption of concrete measures aimed at alleviating and redressing the negative impact on the local communities directly caused by the presence of refugees and displaced persons. To this end, the Conference requested the United Nations Development Programme to convene a round-table meeting of donors on the countries of the region, in order to coordinate the actions to be undertaken. Active preparations for such a meeting are already under way.

16. I am concerned that recent developments, such as the closure of borders and attacks on refugee camps, are in blatant disregard of the agreement reached in

Bujumbura. I believe that the early implementation of some of the key recommendations of the Bujumbura Conference will contribute to resolving the refugee problem in the region. I appeal to all States to act in accordance with those recommendations.

IV. Observations

17. At the beginning of the month, UNHCR warned that only half of the food needs of the Rwandese refugees were available for distribution in April. The reduction of rations has led to the beginnings of malnutrition among women and children, as well as to the belief on the part of refugees that the international community is using food as a weapon to force them to return to their country.

18. The deteriorating food situation in the camps is a sign of serious fatigue on the part of donors faced with an increasing number of refugees and displaced persons around the world. I appeal to donor nations to reverse this situation so as not to worsen the plight of these refugees.

19. Both the Government of Rwanda and the international community are seriously concerned by persistent reports about arms shipments into Goma airport, allegedly for arming the former Rwandese government forces, as well as about the training of these forces on Zairian territory. These allegations have been rejected by the Chargé d'affaires of the Permanent Mission of Zaire to the United Nations in a communication transmitted to the Security Council on 6 April 1995. During the Bujumbura Conference, the Minister for Foreign Affairs of Zaire requested that an independent commission of inquiry be established to investigate and report on the matter. I therefore intend to hold consultations with the Governments of the countries concerned, as well as with OAU, on measures to respond to that request.

20. The deployment of the Zairian Camp Security Contingent and the Civilian Security Liaison Group in the refugee camps has so far proved to have had a positive effect. It is hoped that full deployment of the Zairian Contingent will further improve security conditions. Although this is strictly speaking beyond its mandate, its presence may also help in preventing unfortunate incidents such as the one that occurred on 11 April 1995, when unidentified men attacked the Birava camp, where

the Zairian Contingent was about to be deployed. A total of 31 Rwandese refugees were killed in that attack.

21. However, the improvement of security conditions in the camps is not enough to ensure the voluntary repatriation of all the refugees. Ultimately, voluntary repatriation will depend on the efforts of the Government of Rwanda to promote genuine national reconciliation among all segments of Rwandese society and to ensure that refugees can return to their communities without fear of persecution. In that regard, I should like to stress once again that, in order to achieve that goal, more rapid and effective assistance from the international community is required.

22. Reports about numerous arrests and the overcrowded prisons in Rwanda have raised fears among the refugees and hindered the process of voluntary repatriation. This has resulted in the decline in the number of returnees from 200 persons a week to 200 a month.

23. Rebuilding the Rwandese justice system remains an important factor in contributing to the creation of conditions conducive to the return of refugees, and efforts by the Government of Rwanda in that direction should be supported. The international community has already pledged \$618 million to support the Government's rehabilitation and reconstruction programme, including rebuilding the justice system. Most of these pledges, however, have not yet been translated into actual assistance. Meanwhile, most of the contributions to the Trust Fund for Rwanda, amounting to \$4,710,857 as at 1 April, are being disbursed to support the Rwandese justice system.

24. In its resolution 978 (1995) of 27 February, the Security Council urged Member States to arrest and detain persons found within their territory against whom there was sufficient evidence of responsibility for acts within the jurisdiction of the International Tribunal for Rwanda. Implementation of that resolution by Member States will also enhance the process of national reconciliation and an early return of the refugees.

25. Only the combined efforts of the countries of origin, the countries of asylum and the international community can achieve the enormous task of ensuring that all the refugees and the displaced persons in the Great Lakes region voluntarily return to their homes and communities. I appeal to all Member States to take the actions that are so urgently required.

Document 126

Letter dated 17 April 1995 from the Secretary-General to the Minister for Foreign Affairs of Zaire concerning efforts to address problems related to the large number of Rwandan refugees still in Zaire

Not issued as a United Nations document; translated from French

Thank you for your letter of 28 March 1995 in which you indicate the concerns of the Zairian Government with respect to the refugee movements in your region.

The United Nations is aware of the seriousness of the problems caused by the massive influx of Rwandan refugees into your country. Since April 1994 I have been continually seeking a solution to these problems. I am continuing to encourage the authorities in Kigali to redouble their efforts to promote the return of these refugees.

Meanwhile, the international community has shown its receptiveness to the difficulties the host countries in the Great Lakes region are experiencing by calling for the holding of a round table. At the Conference on assistance to refugees, returnees and displaced persons in the Great Lakes region, held in Bujumbura from 15 to 17 February by the Organization of African Unity and the Office of the United Nations High Commissioner for Refugees, the participants requested the United Nations Development Programme to invite donor countries to a round table in order to assist the countries of the region that had been seriously affected by the damage resulting from a massive presence of refugees and displaced persons.

UNDP is currently considering this request in close consultation with UNHCR. It has just sent a consultant

to the region to study, with all the parties concerned, the best way of organizing such a round table. This consultant will be in Kinshasa before the end of this month, and will contact your Ministry in order to obtain your Government's views on the subject. As soon as he has reported on the results of his mission, which should in principle be over by the end of May, UNDP will be able to propose dates for the holding of the round table.

In the meantime, I can assure you that I am pursuing my efforts to find a lasting solution to the crisis in Burundi. In this difficult quest, I am pleased to be able to count on the support of Zaire.

My Special Representative in Burundi is constantly advocating dialogue and coexistence. Thanks to his efforts and those of UNHCR, thousands of refugees have already returned to the camps from which they came. We therefore hope that your country will not have to bear the burden of a new influx of refugees, this time coming from Burundi.

Please accept, Mr. Minister, the assurances of my highest consideration.

(Signed) Boutros BOUTROS-GHALI

Document 127

Statement by the President of the Security Council condemning the killing of numerous civilians in the Kibeho camp for displaced persons on 22 April 1995, welcoming the decision by the Government of Rwanda to establish an independent inquiry into the killings and expressing the Council's concern over the deteriorating security situation within Rwanda

S/PRST/1995/22, 27 April 1995

The Security Council has considered the Secretary-General's progress report on the United Nations Assistance Mission for Rwanda (UNAMIR) (S/1995/297, of 9 April 1995) and his third report on security in the Rwandese refugee camps (S/1995/304, of 14 April 1995), as well as the oral briefings from the Secretariat on the

tragic events on 22 April 1995 at the Kibeho camp for internally displaced persons.

The Security Council condemns the killing of numerous civilians in the camp and is encouraged by the decision of the Government of Rwanda to carry out a full investigation of these events without delay and to bring

to justice those responsible. In this regard it welcomes the decision of the Rwandese authorities to establish an independent inquiry with United Nations and other international participation to carry out this investigation of the events. The Council also requests the Secretary-General to report to it, without delay, on these events and on the role of UNAMIR.

The Security Council is concerned by the generally deteriorating security situation in Rwanda. It underlines that the Government of Rwanda bears primary responsibility for maintaining security throughout the country and for the safety of internally displaced persons and returnees, as well as for ensuring respect for their basic human rights. In this context it reaffirms the need for coordination between the Government of Rwanda and UNAMIR and other agencies on these matters. The Council does, however, note with satisfaction that the Government of Rwanda has in previous months made considerable efforts directed at national reconciliation, rehabilitation and reconstruction, which are of crucial importance. The Council calls on the Government of Rwanda to intensify these efforts and on the international community to continue to support those efforts, in order to bring about a climate of trust and confidence which would assist in the early and safe return of refugees. In this context, it underlines the importance it attaches to demining, including the United Nations proposal.

The Security Council notes with deep concern disturbing reports of increased incursions into Rwanda from neighbouring countries, allegations of arms shipments into the Goma airport and of elements of the former Rwandese Government forces being trained in a neighbouring country. It calls upon all States, especially those neighbouring Rwanda, to refrain from any action that would further exacerbate the security situation in that country and to prevent incursions into Rwanda from their own territories. The Council invites States and organizations which have information on the transport of arms into countries neighbouring Rwanda for the purpose of their use in Rwanda in contravention of resolution 918 (1994) to pass that information to the Committee established under resolution 918 (1994) and requests the Committee to consider that information as a matter of urgency and to report thereon to the Security Council.

The Security Council notes with satisfaction that the deployment of the Zairian Camp Security Contingent and the Civilian Security Liaison Group has had a positive effect on the security situation in refugee camps in Zaire.

The Security Council pays tribute to all members of UNAMIR. It reaffirms that UNAMIR constitutes one essential factor for creating a climate of confidence and for promoting stability and security. In this context, it

underlines the responsibility of the Government of Rwanda for the safety and security of all UNAMIR personnel and other international staff serving in the country. It urges the Rwandese authorities to proceed with the exchange of letters supplementing the agreement on the status of UNAMIR and its personnel, reflecting the changes in UNAMIR's mandate following from Security Council resolution 918 (1994). The Council calls for increased cooperation and collaboration between the Government of Rwanda, its neighbouring countries and UNAMIR as well as other agencies, including in the humanitarian field.

The Security Council expresses grave concern at the situation created by the overcrowded prisons in Rwanda which has resulted in the death of numerous persons in custody and requests the Secretary-General to consider urgently measures which could be taken quickly in conjunction with the Government of Rwanda and humanitarian agencies to improve the conditions of those in detention or under investigation. The Council emphasizes that the development of the Rwandese justice system continues to be an important factor in creating conditions of security, law and order, conducive to the return of refugees from abroad and of displaced persons to their homes. The Council calls on the international community to assist the Government of Rwanda in re-establishing the justice system as a contribution to confidence-building and the maintenance of law and order.

The Security Council expresses its appreciation for the action of those States which have arrested and detained persons following the adoption of resolution 978 (1995). It urges States, in accordance with that resolution, to arrest and detain persons against whom there is sufficient evidence of responsibility for acts within the jurisdiction of the International Tribunal for Rwanda. It requests the Secretary-General to facilitate the rapid establishment of the Tribunal.

The Security Council requests the Government of Rwanda to facilitate the delivery and distribution of humanitarian assistance to refugees and displaced persons in need, in conformity with the principles and current practice of UNHCR. It invites States and donor agencies to deliver on their earlier commitments and to further increase their assistance. It urges all Governments in the region to keep their borders open for this purpose.

The Security Council appeals to all States to act in accordance with recommendations adopted in the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region held in Bujumbura in February 1995, in order to contribute to facilitate the return of refugees. The Council welcomes the Dar-es-Salaam trilateral agreement of 12 April 1995,

on the voluntary repatriation of Rwandese refugees from Tanzania.

The Security Council reaffirms the view that an international conference would contribute substantially to peace and security in the subregion. It welcomes the

intention of the Secretary-General to carry out consultations with all concerned so that such a conference can be held at the earliest possible date.

The Security Council will remain seized of the matter.

Document 128

Letter dated 19 May 1995 from the Secretary-General to the President of the Security Council, transmitting the report, dated 18 May 1995, of the Independent International Commission of Inquiry which reviewed events at Kibeho in April 1995

S/1995/411, 23 May 1995

You will recall that in its Presidential statement of 27 April 1995 (S/PRST/1995/22), the Security Council welcomed the decision of the Rwandan authorities to establish an independent inquiry with United Nations and other international participation to carry out an investigation of the events at Kibeho and requested the Secretary-General to report to it on these events and on the role of the United Nations Assistance Mission for Rwanda (UNAMIR).

The Independent International Commission of Inquiry commenced its work in Rwanda on 8 May 1995 and concluded it on 18 May 1995, on which day it completed its report. Since the Commission made the report public in Kigali, it also was made available to the media here today.

(Signed) Boutros BOUTROS-GHALI

Annex

Report of the Independent International Commission of Inquiry into the events at Kibeho in April 1995

1. An outbreak of violence at the camp for internally displaced persons in Kibeho (south-western Rwanda) on 22 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.

2. In a speech on 27 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 (OAU) 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.

3. The Commission was formally established in Kigali on 3 May 1995 and it held its first working session on 8 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 of Great Britain and Northern Ireland)

Mr. Maurice NYBERG, lawyer (United States of America)

Colonel-Major Abdelaziz SKIK, military expert (OAU)

Ms. Christine UMUTONI, lawyer (Rwanda)

Mr. Ernst WESSELIUS, Prosecutor (Netherlands)

4. At 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.

5. The Commission was assisted in its work by:

Mr. Claude Cozar, Prosecutor (France)

Mr. Ron Newman, criminologist (Canada)

Mr. Jan Wilken, criminologist (Netherlands)

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

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

I. Closure of the camps

Questions

- (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?*

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

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

9. 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 restart 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 the refugees and displaced persons were not reintegrated into

Rwandan society, they would constitute a threat to the security of Rwanda and a permanent social burden.

10. 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 for 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 neighbouring countries, OAU, the United Nations and particularly the Office of the United Nations High Commissioner for Refugees (UNHCR) in order to organize a conference on refugees and displaced persons. Studies were also begun jointly by Rwandan and international experts with a view to preparing a national plan of action that could be supported by donors. The plan in question was submitted in January 1995 at Geneva and the international community responded by pledging some US\$ 600 million of the US\$ 780 million requested.

11. 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 sizeable 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 internally displaced persons 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 militiamen and regrouped military. There was fear of eventual rearming; military training was observed to take place. Another factor was that refugees and internally displaced persons gradually became dependent on living conditions provided in the camps.

12. In December 1994, there still remained within the country 38 internally displaced persons camps and Kibeho camp appeared to be a centre of hostility and a threat to internal security.

13. 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 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 Govern-

ment as well as the international community would not accept subversion at Kibeho camp.

14. There was still an urgent need to close the internally displaced persons 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.

15. With a view to supporting Operation Return, a working group was established with the assistance of UNAMIR, including government authorities, United Nations agencies and non-governmental organizations (NGOs), for the purpose of defining and developing policies and strategies concerning internally displaced persons 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 Operations Centre was established and in March 1995, 21 persons were employed there full time and 38 persons part time.

16. The first formal meeting of the Integrated Operations Centre working group was held on 6 February 1995. Operation Return was reviewed and it was agreed as of then to launch phase II, as the initial operation had had some success but was beginning to run out of steam.

17. 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, 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 12 to 17 February 1995. A plan of action was adopted at the end of the Ministerial Conference. Those components concerning Rwanda were as follows:

(a) *Measures to be taken by Rwanda:*

- (i) 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 (para. 23 (b));
- (ii) To continue to cooperate fully in the context of a coordinated humanitarian strategy and making good use of functions of the Integrated Operations Centre, with the United Nations agencies and the NGOs in order to facilitate the voluntary return of persons displaced within its national borders (para. 23 (d));

(b) *Measures to be taken by the international community:*

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 (para. 30 (a)).

18. On 20 February 1995, the Integrated Operations Centre working group could but observe that very few internally displaced persons had returned to their communes in the preceding week, and on 27 February 1995, the working group noted that Operation Return was no longer yielding satisfactory results, that internally displaced persons 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 internally displaced persons return home.

19. 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.

20. On 6 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 per cent had stayed home. Finally, it was noted that there remained 250,000 internally displaced persons and, of that number, 120,000 were then in Kibeho.

21. In view of the new importance of Kibeho camp, the insecurity, the continued dependency of the internally displaced persons on relief and 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 6 March 1995; more specifically, the following five possibilities were considered:

- (a) Closure, as soon as possible and by all possible means;
- (b) Voluntary return and the closure of some camps while keeping one or two;
- (c) Moving the displaced persons to smaller camps in the vicinity of their home communes;
- (d) Reorganization of existing camps by grouping people from the same home commune together;
- (e) Photographic record of all displaced persons and regrouping in four permanently patrolled camps.

22. At its meeting on 9 March 1995, the Integrated Operations Centre agreed on the need to close the camps and the five options were reviewed.

23. On 15 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 internally displaced persons, to have them move by foot and by vehicle and to end the distribution of food. The operation would end after four 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.

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

25. On 27 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.

26. In its information bulletin of 27 March 1995, the Integrated Operations Centre stated that the Government had reiterated its desire to see internally displaced persons 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.

27. At the time of that Integrated Operations Centre meeting, the representative of the Integrated Operations Centre declared that it would be unfortunate to begin the operation as decided within a fortnight because it would coincide with 6 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.

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

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

30. 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 and Minister of Defence decided to deploy the armed forces to surround the remaining eight internally displaced persons camps, including Kibeho.

31. 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. *Conduct of the operation*

Question

How was the operation carried out since 18 April and what actually happened on 22 and 23 April 1995?

32. During the night of 17-18 April 1995, the Rwandese Patriotic Army surrounded the remaining internally displaced persons camps, including the Kibeho camp. At Kibeho, the frightened internally displaced persons moved into the area between the Zambian Company headquarters and the Zambian platoon compound (ZAMBATT). There is conflicting evidence as to whether they moved voluntarily or were coerced into moving.

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

34. On 19 April 1995, the Rwandese Patriotic Army Chief of Staff and the UNAMIR Deputy Force Commander visited the camp to explain the situation. Many internally displaced persons indicated that they were willing to go home. The slow progress of the registration procedure and the lack of transport added to the problems.

35. On 19 and 20 April 1995, approximately 5,000 internally displaced persons were searched and successfully registered by the Rwandese Patriotic Army and other government agencies and transported to their home communes by UNAMIR. During the process of registration, some of the internally displaced persons were identified as having participated in the genocide by some witnesses.

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

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

38. The limited delivery of food and water and general facilities were used as an incentive for the internally displaced persons to leave the camp.

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

40. Around midday on 22 April 1995, a large group of internally displaced persons broke through the cordon in the vicinity of the ZAMBATT positions. According to Rwandese Patriotic Army witnesses, there was firing from among the internally displaced persons and the Rwandese Patriotic Army suffered casualties. Internally displaced persons continued to run down the side of the hill into the valley. The Rwandese Patriotic Army responded by firing into the crowd. There is agreement that automatic rifles and machine-guns were employed. Numerous casualties resulted among the internally displaced persons.

41. 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. Rwandese Patriotic Army witnesses indicated that some internally displaced persons carried rifles and others were armed with traditional weapons such as machetes and stones. Rwandese Patriotic Army witnesses indicated that there was firing from the internally displaced persons that caused casualties to some Rwandese Patriotic Army soldiers. There is evidence that firearms were captured.

42. The Rwandese Patriotic Army 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.

43. 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.

44. UNAMIR witness testimony indicates that a number of summary executions of internally displaced persons by Rwandese Patriotic Army soldiers took place.

45. During the night of 22 April 1995, there was sporadic fire around the Kibeho camp area including, according to some UNAMIR and Rwandese Patriotic Army sources, sniper fire from the internally displaced persons 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 internally displaced persons.

46. UNAMIR witnesses indicate that Rwandese Patriotic Army 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. Rwandese Patriotic Army witnesses indicate that bodies washed up in rain after the incident and were subsequently reburied.

47. The scientific evidence corroborated other evidence that bodies related to the Kibeho incident had been buried outside the Kibeho camp. Among the bodies identified, the cause of death ranged from machete, firearm injuries and findings consistent with trampling and hunger. Owing 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.

48. 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 overestimation in the initial fatality counts and estimates.

III. *The role of the various parties*

Question

What was the role, the limitations and the behaviour of the Rwandese Army, non-governmental organizations and UNAMIR?

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

Rwandese Patriotic Army

50. The following circumstances contributed to the behaviour of the Rwandese Patriotic Army:

(a) *Deficiencies in communication systems.* Within the Rwandese Patriotic Army, radios exist at best at the level of the Company Commander and above. The Rwandese Patriotic Army 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 to commanding officers to remain in control;

(b) *Deficiencies in equipment.* The Rwandese Patriotic Army has limited means with which to apply force.

The Rwandese Patriotic Army uses its 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 Rwandese Patriotic Army;

(c) *Deficiencies in training.* The Rwandese Patriotic Army is trained as a guerrilla army and not in law enforcement and security techniques;

(d) *Deficiencies in experience.* The Rwandese Patriotic Army has never engaged in an operation similar to this. Once the operation unfolded, soldiers relied on a background of little relevance to the problem of separating hostile from non-hostile forces;

(e) *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 Rwandese Patriotic Army from within the camp, it is suggested that the Rwandese Patriotic Army command failed to appreciate the determination with which hard-core elements would refuse to leave the camp voluntarily.

Non-governmental organizations

51. There are credible indications that some NGOs actively contradicted the policies of the Government of Rwanda by encouraging internally displaced persons 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

52. 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.

53. Security Council resolution 965 (1994) requires UNAMIR to protect displaced persons against risks from whatever source, including from the internally displaced persons 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.

Question

What was the part played by the militia?

54. 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 Commis-

sion 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.

55. 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 internally displaced persons, culminating on 22 April 1995. The Commission was not able to obtain specific information on the organization and structure of these hard-core elements.

IV. Conclusions

Question

Who is actually responsible for the deaths in Kibeho?

56. 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.

57. 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.

58. The Commission recognizes the efforts made by the Special Representative of the Secretary-General, UNAMIR, the Government of Rwanda and other organizations to keep the situation at Kibeho under control.

59. The Commission regrets that United Nations agencies and NGOs were not able to contribute more efficiently to the speedy evacuation of internally displaced persons from the camp.

60. There is sufficient reliable evidence to establish that, during the events at Kibeho camp between 18 and 23 April 1995, unarmed internally displaced persons were subjected to arbitrary deprivation of life and serious bodily harm by Rwandese Patriotic Army military personnel in violation of human rights and humanitarian law.

61. There is sufficient reliable evidence to establish that, during the events at Kibeho camp between 18 and 23 April 1995, unarmed internally displaced persons were subjected to serious human rights abuses, including arbitrary deprivation of life and serious bodily harm, committed by armed elements among the internally displaced persons themselves.

V. Recommendations

62. 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 that 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 that may have contributed to the event.

63. 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.

64. The Commission recommends that the international community continue encouraging and assisting

Rwanda in its efforts to achieve justice, national reconciliation and reconstruction.

65. 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 organizations with limited mandates and responsibilities.

Done at Kigali, on the 18th of May 1995

(Signed): Marc BRISSET-FOUCAULT
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Koen de FEYTER
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Document 129

Report of the Secretary-General on UNAMIR for the period from 10 April to 4 June 1995, concerning negotiations between his Special Representative and the Government of Rwanda on shifting UNAMIR's mandate from peace-keeping to confidence-building

S/1995/457, 4 June 1995

I. Introduction

1. The present report is submitted in pursuance of paragraph 1 of Security Council resolution 965 (1994) of 30 November 1994, in which the Council decided to extend the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) until 9 June 1995. Since the adoption of that resolution, I reported to the Council on the situation in Rwanda on 6 February (S/1995/107) and 9 April (S/1995/297), and on security in the Rwandese refugee camps on 25 January (S/1995/65) and 14 April (S/1995/304). I have also provided the Council with oral briefings on current developments in Rwanda. The present report provides an update on the situation since my progress report of 9 April, as well as recommendations regarding the role of the United Nations in Rwanda.

II. Political developments

2. Since my last report to the Security Council, a climate of relative stability has prevailed in Rwanda. The

country is now largely at peace, electricity, water and communications have been partly restored, primary and secondary schools have reopened and economic and agricultural activities have resumed. The long and arduous process of recovery has begun.

3. The Government has recently taken a number of positive actions. It recently submitted to the National Assembly a list of 12 candidates from among whom the Assembly will select the 6 highest-ranking judges in the country, i.e. the President of the Supreme Court and his 5 deputies. Under the Arusha peace agreement, these judges are to be selected by the National Assembly from a list presented by the Government nominating two candidates for each post. The National Assembly has also begun discussions on a new Constitution to replace the 1992 Constitution currently in force. On 2 May, a military court also began sitting in Kigali to try the cases of 14 soldiers accused of involvement in murder and armed robbery. After preliminary internal investigations, two senior military officers involved in the Kibeho tragedy have been suspended.

4. None the less, the situation remains tense, with no significant advances in the process of national reconciliation, grossly overcrowded prisons, arbitrary arrests, tension over property rights and the lack of an effective judicial system. The causes of Rwanda's current tensions and frustrations need to be analysed. First, the military activities and reports of arms deliveries to elements of the former Rwandese government forces in neighbouring countries are sources of serious concern for the Government. Increasingly organized incursions into Rwanda by the former Rwandese government forces have led to security alerts and the arrest of suspected sympathizers. The Government is concerned that no effective limitations are seen to be placed on military training of, and delivery of arms supplies to, elements of the former Rwandese government forces, while the arms embargo continues to apply to Rwanda.

5. The delay in bringing those responsible for the genocide to justice, both through the International Tribunal and at the national level, is another cause of deep frustration. The Rwandan Government points out that many of those responsible for the genocide continue to operate openly from abroad, despite the adoption of Security Council resolution 978 (1995) and the transmittal of lists of alleged criminals to the countries concerned. Nor has the Tribunal yet begun its work, and the national judicial system, which has the responsibility for processing most of the detainees currently in Rwandan prisons, is severely short of personnel and resources and is also dependent on international support. A third element which is stressed in Rwandan government circles is the slow delivery of the economic assistance pledged at the round table held by the United Nations Development Programme (UNDP) at Geneva on 18 and 19 January 1995. Although \$634 million was pledged on that occasion, only \$69 million has actually been disbursed, of which \$26 million has been utilized for debt repayment. It is important that these problems be addressed.

6. The safe return of refugees has been acknowledged as a vital element in promoting stability and harmony in the country. This concept was accepted at the Nairobi Summit, at the Bujumbura Conference and in trilateral agreements between Rwanda, the Office of the United Nations High Commissioner for Refugees (UNHCR) and neighbouring countries. The sense of security and confidence that is needed to persuade refugees to return depends not only on improved conditions inside the country but also on better relations among the countries of the Great Lakes region. I continue to believe that a regional conference, which the Security Council has endorsed on a number of occasions, should be convened as soon as possible and in consultation with the Organization of African Unity (OAU), with a view to resolving

the broader and interrelated issues of peace, security and stability in the region.

III. Security aspects

7. Since I last reported to the Council, the Government has continued to report military preparations and incursions by elements of the former regime. The number of arrests for alleged complicity in the genocide has remained high. As a result, the sense of insecurity prevailing within the communes has inhibited the repatriation of refugees. The prisons continue to be seriously overcrowded (see para. 26 below). Acrimonious criticism of the international community in general, and UNAMIR in particular, has also continued unabated and this has encouraged an attitude of non-cooperation, even hostility, at the middle and lower levels of the Rwandan Government.

8. During the period under review, the Rwandese Patriotic Army has continued to deny UNAMIR access to parts of the country, has searched and seized UNAMIR vehicles and other equipment and has participated in anti-UNAMIR demonstrations. These activities, many of them in violation of the status-of-mission agreement, have hampered UNAMIR in the discharge of its tasks on the ground. There have been continuing difficulties over troop rotations, with UNAMIR personnel being delayed or denied entry at Kigali airport. Joint meetings between UNAMIR and the Rwandese Patriotic Army, which had been held on a fortnightly basis, have not taken place during the past three months.

9. The anniversary of last year's genocide was commemorated in a week of mourning beginning on 7 April. On that occasion, I addressed a message of sympathy to President Bizimungu. Mass rallies, speeches and demonstrations were held all over Rwanda. Some of these targeted the international community and UNAMIR in particular. The President and Vice-President assured my Special Representative that these hostile outbursts would be controlled. However, the level of cooperation with UNAMIR remains unsatisfactory.

10. The Kibeho tragedy underscored the tensions and fears that remain just beneath the surface in Rwanda. On 18 April, the Rwandan Government took action to cordon off and close the eight remaining camps for internally displaced persons in the Gikongoro region, of which Kibeho was by far the largest. The Government considered that since these camps were being used as sanctuaries by elements of the former Rwandese government forces and militia, they were a destabilizing factor and represented a security threat. Negotiations were taking place between the Government and United Nations for the voluntary closure of the camps when the decision to act was taken without notice or consultation.

Seven of the camps were nevertheless closed without serious incident. However, at Kibeho an estimated 80,000 internally displaced persons attempted to break out on 22 April, after spending 5 days on a single hill without adequate space, shelter, food or sanitation. A large number of deaths occurred from firing by government forces, trampling and crushing during the stampede and machete attacks by hard-liners in the camp, who assaulted and intimidated those who wished to leave.

11. When the Rwandese Patriotic Army launched its operation, UNAMIR reacted immediately and within 24 hours took the following measures: trucks were deployed to transport internally displaced persons; 2 casualty collection posts were established by the Australian medical unit to provide emergency medical assistance; and a UNAMIR command post with communication facilities was set up to enhance communication and contact between the forces on the ground and UNAMIR headquarters. At the same time, UNAMIR engineers improved the Butare-Kibeho road to facilitate movement of convoys of internally displaced persons and humanitarian assistance. Sick and injured internally displaced persons were evacuated by UNAMIR troops to medical facilities operated by non-governmental organizations (NGOs) in Butare. This evacuation procedure was at times hindered by restrictions on movement and denial of passage to UNAMIR and relief agencies. The presence of UNAMIR troops at open relief centres, way stations and transit centres was increased. Patrols were intensified to facilitate the reception and further evacuation of internally displaced persons from these temporary facilities to their various home communes. UNAMIR also increased its military observer presence to facilitate monitoring and enhance its escort capability.

12. From the establishment of the Rwandese Patriotic Army cordon on 18 April to the tragic events of 22 April, senior UNAMIR officials, including my Special Representative, the Force Commander and the Deputy Force Commander, visited Kibeho and the surrounding areas on several occasions to assess the situation on the ground, urge restraint and help to coordinate the activities of UNAMIR personnel and relief agencies.

13. Following the Kibeho tragedy, I immediately dispatched Mr. Aldo Ajello to Kigali as my Special Envoy to convey my concern to the Rwandan leaders and urge the Government to undertake an impartial investigation. On 27 April, the Government announced that an independent International Commission of Inquiry would be set up to investigate the circumstances and causes of the events and that the Commission would consist of representatives of Belgium, Canada, France, Germany, the Netherlands, the United Kingdom of Great Britain and

Northern Ireland, the United States of America, OAU, the United Nations and the Government of Rwanda.

14. My Special Envoy visited Rwanda from 28 to 30 April. He welcomed the decision to set up the Commission of Inquiry and urged the Rwandan authorities to cooperate in the distribution of humanitarian relief at Kibeho and in the communes. He also stressed that those not suspected of contributing to the genocide be allowed to return to their homes in conditions of safety.

15. I am glad to report that my Special Envoy was assured that the Rwandan Government would cooperate fully with the Commission of Inquiry and that humanitarian agencies would be given full cooperation in providing humanitarian aid in the communes. This commitment has been fulfilled, with the result that large numbers of internally displaced persons are now in the process of resettling in their communes. After 3 weeks of persuasion through the combined efforts of UNAMIR and the Government of Rwanda, the approximately 2,500 internally displaced persons who had remained in Kibeho have also returned to their communes.

16. The Independent Commission of Inquiry has published its report (S/1995/411) and concluded that the tragedy of Kibeho was neither premeditated nor an accident that could not have been prevented. It recognized the efforts made by my Special Representative, UNAMIR, the Government of Rwanda and other organizations to keep the situation under control. It concluded that there was sufficient reliable evidence that unarmed internally displaced persons were subjected to serious human rights abuses committed by both the Rwandese Patriotic Army and armed elements in the camp. The Commission welcomed the initiative taken by the Rwandan Government to carry out an investigation at the national level. It also recommended that the international community continue encouraging and assisting Rwanda in its efforts to achieve justice, national reconciliation and reconstruction.

IV. Military aspects

17. As of 31 May 1995, UNAMIR's force strength stood at 5,586 troops and 317 military observers (see annex). The rotation of the Nigerian, Ethiopian and Ghanaian contingents has been completed. Parts of the Zambian and Indian contingents have also been rotated on schedule.

18. In spite of the resources diverted to cope with the internally displaced persons emergency, UNAMIR's military component continued to perform its other tasks, including the provision of security to human rights monitors, staff of the International Tribunal, United Nations agency personnel and NGOs. Because of the deteriorating security situation in Kigali and the increase in armed

robberies, UNAMIR has had to make some adjustments in the deployment of formed troops in order to reinforce security in the capital. The detailed deployment of UNAMIR troops is shown on the attached map. [Editor's note: Map of UNAMIR Sectors of Operation and Deployment as of 31 May 1995 is not reproduced here.]

19. In addition to performing the tasks outlined in Security Council resolution 965 (1994), troops and military observers have continued to escort humanitarian relief convoys and to provide emergency medical assistance to Rwandan citizens at UNAMIR locations around the country and to internally displaced persons during the closure of internally displaced person camps in south-western Rwanda. UNAMIR logistic resources have been made available throughout the country, particularly to transport internally displaced persons and returning refugees. Its engineers assisted in the restoration of essential services and facilities, including the reconstruction of bridges, the repair of roads and water supply schemes. UNAMIR military observers maintain constant contact and coordination with the Government, human rights observers and United Nations agencies for the purpose of smooth and efficient movement and follow-up monitoring of resettled refugees and internally displaced persons. Support has also been provided to the Government of Rwanda for improving the administration of, and alleviating the terrible conditions in, the prisons. The presence of UNAMIR troops and military observers helps to create an atmosphere of security and confidence throughout the country.

V. Civilian police

20. During the reporting period, a major activity of UNAMIR's civilian police component continued to be the training of a new integrated national police force, as mandated under Security Council resolution 965 (1994). A group of 300 gendarmes and 20 instructors completed an intensive 16-week training programme on 29 April. They are expected to be deployed by the Government to gendarmerie brigades throughout the country. Arrangements had been made to start training 400 additional candidates in June over a period of four months. This was to be followed by the training of 100 instructors selected from the already trained gendarmes. However, as indicated in paragraph 56 below, the Rwandese Government has taken the position that the activities of the civilian police component should be terminated.

21. UNAMIR has also assisted the Chief of Staff of the National Gendarmerie in designing the organization and operational requirements of the new police force. A final orientation document has been completed and will serve as a basic guide for the elaboration of formal requests to be submitted by the Government to its

bilateral and multilateral partners for equipment and other logistic support for the National Gendarmerie.

22. In addition to their training tasks, the UNAMIR civilian police observers continue to maintain close liaison with local authorities in the 11 prefectures of Rwanda and to carry out monitoring and investigative activities. The observers are working closely with United Nations agencies and NGOs and are, in particular, assisting human rights monitors and UNAMIR personnel in their daily activities around the country.

23. Member States have not so far responded to the Secretariat's repeated requests for French-speaking police trainers. Out of an authorized strength of 120, only 64 police observers from 8 countries were deployed as of 31 May (see annex).

VI. Human rights aspects

24. The Human Rights Field Operation in Rwanda has continued its activities in the three main areas that constitute its mandate: investigations into the genocide and serious violations of international human rights and humanitarian law; monitoring of the human rights situation and promoting a climate of confidence, especially as regards the return of internally displaced persons; and technical cooperation and human rights education. As of 25 May 1995, the Field Operation had 121 members and 11 field offices located throughout the country.

25. The investigations into the genocide of 1994 continue to be an important component of the Field Operation's mandate. The reports and the extensive evidence gathered at massacre sites throughout Rwanda have been made available to the Special Rapporteur for Rwanda and to the International Tribunal. During his visit to Rwanda from 31 March to 3 April 1995, the High Commissioner for Human Rights handed over additional material to the Deputy Prosecutor. As further reports are received by the investigative teams, they are duly forwarded to the Special Rapporteur and to the International Tribunal.

26. During the period under review, the distressing conditions in Rwanda's prisons have remained a matter of serious concern. There are now approximately 42,000 detainees throughout the country, many of whom are being held in inhumane conditions. While efforts are under way to increase the capacity of the prisons, this can only be a partial solution unless detainees are brought to justice in a timely manner and according to basic international norms and standards. There are indications of a temporary lull in arrests in certain areas because of the overcrowding in the prisons. The Special Rapporteur has expressed regret that this policy was limited territorially and has suggested that it should apply generally to the whole country.

27. In its efforts to cope with the crisis arising from the forcible closure of internally displaced person camps in south-western Rwanda, the Field Operation reinforced its teams with the deployment of an additional 24 field officers to the principal affected areas of Gikongoro, Butare and Bugesera and appointed an emergency coordinator in Butare. The Government of Rwanda and the international organizations concerned have been regularly briefed on the human rights situation in the communes of origin to which the internally displaced persons were returning. Throughout the crisis, the Field Operation encouraged the relevant government ministers to visit the affected areas. It also maintained close contacts with local authorities, with a view to improving access to villages by human rights field officers and facilitating the establishment of joint committees entrusted with the resettlement process.

28. The technical cooperation unit of the Field Operation has continued to develop its efforts to rehabilitate the justice system and rebuild civic society. Several specific projects have been initiated, in particular the sending of 50 international legal professionals to assist in the preparation of case files against those accused of having participated in the genocide. Another important effort is the provision of assistance to the Government of Rwanda to bring its legislation into closer conformity with international human rights law. The technical cooperation programme is also fostering human rights awareness in the country through the education of the military personnel, police, other government officials and the general public.

29. The Rwandan Government is considering the establishment of a national commission on human rights, as provided for under the Arusha peace agreements. Under these accords, the commission, which is composed of seven independent members serving for a three-year term, is expected to investigate human rights violations committed on Rwandan territory, including acts committed by organs or agents of the State.

VII. International Tribunal for Rwanda

30. With the appointment of the Deputy Prosecutor of the International Tribunal for Rwanda, the process of investigating acts of genocide and other serious violations of international humanitarian law committed in Rwanda has begun. Investigations will be carried out inside and outside Rwanda, notably in other African countries, Europe and North America, covering 400 identified suspects, most of whom have sought refuge abroad. Under article 28 of the statute of the Rwanda Tribunal (see resolution 955 (1994), annex), States are under an obligation to cooperate with the International Tribunal and to comply with any of its requests, including

the arrest or detention of persons and the surrender or transfer of suspects.

31. The Prosecutor's Office is currently recruiting investigators and prosecutors. In the meantime, Governments have begun to contribute the services of qualified personnel for short periods until such time as the Tribunal is fully staffed.

32. The Prosecutor's Office has been operating on the basis of a commitment authority of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) in the amount of \$2.9 million, granted for the period from 1 January to 31 March 1995. The budgetary submission for the year 1995 will be presented to the General Assembly at its resumed forty-ninth session in June 1995. Pledges and contributions to the Trust Fund for the International Tribunal currently amount to \$1,034,959.

33. A United Nations mission recently visited the United Republic of Tanzania to discuss the technical and legal issues relating to the establishment of the seat of the International Tribunal at Arusha. The mission discussed the Tribunal's space requirements and negotiated headquarters and lease agreements. A report on this matter will be submitted to the Council shortly.

34. By resolution 989 (1995) of 24 April 1995, the Security Council established a list of 12 candidates for judges of the International Tribunal. On 25 May, six judges for the Trial Chambers were elected by the General Assembly. An extraordinary session of the Tribunal is scheduled for 26 June at The Hague to adopt its rules of procedure and evidence.

35. The Prosecutor for the International Tribunal, Judge Goldstone, paid his second visit to Rwanda from 18 to 20 May. He met with senior government officials and with my Special Representative and discussed practical arrangements for the functioning of the Tribunal. On 19 May, a one-day conference of donors was convened to discuss international support, especially funding, for the Tribunal. I wish to thank those Member States that have made voluntary contributions to the Trust Fund for the Tribunal and to appeal for continued and additional assistance to permit its effective operation.

VIII. Humanitarian aspects

36. Since my last report, the humanitarian community's efforts have been directed mainly at dealing with the consequences of the forced closure of internally displaced person camps in south-west Rwanda. The rapid and coordinated response of UNAMIR, the United Nations Rwanda Emergency Office, United Nations agencies, intergovernmental organizations, in particular the International Organization for Migration (IOM), and NGOs undoubtedly prevented greater casualties and suf-

fering as a result of the internally displaced persons emergency. These efforts were undertaken in cooperation with several government ministries in Kigali and with the Butare and Gikongoro prefectures. Transportation assistance was provided by UNHCR, IOM, UNAMIR and NGOs to over 70,000 people; emergency medical facilities were set up to tend to the sick and wounded, mainly in Butare; way-stations and open relief centres, managed and supported by NGOs, served as first-aid points and provided food, water and other emergency items to the former occupants of internally displaced person camps.

37. Although the initial phase of the emergency has now passed, problems related to the closures remain to be solved. Initially, there were reports of former camp populations being beaten, stoned and harassed either en route to or in their home communes. Lately, following the increased presence in the home communes of UNAMIR and other international personnel, as well as intercessions by the Minister of Interior, some improvement in the assimilation of the internally displaced persons has been reported. However, the massive return of internally displaced persons, many of whom were forced to leave their possessions in the camps or were robbed on their way home, has placed heavy demands on the communes, many of which are already in fragile condition. There is an increasingly urgent need for the international community to accelerate its rehabilitation assistance in the communes, particularly in those areas where the largest numbers of internally displaced persons have returned. In this respect, assessment teams, comprised of government officials, United Nations and NGO personnel, have visited most of the communes in the Butare prefecture to identify the pressing requirements and priority areas for intervention. In Kigali, through the Integrated Operations Centre jointly operated by the Government, the United Nations Rwanda Emergency Office, United Nations agencies, UNAMIR and NGOs, sectoral cells have been activated to ensure effective planning and coordination of rehabilitation activities.

38. Although the World Food Programme (WFP) and the International Committee of the Red Cross (ICRC) and some NGOs have begun food distribution to returning internally displaced persons and to other needy people in the communes, many people lack the means to produce food until the next agricultural season from September 1995 to January 1996. As a result, they will require food assistance, as well as seeds and tools for the next planting season. In addition to the returning internally displaced persons, other vulnerable groups will require sustained food aid for the foreseeable future. These include the "new" and "old" caseload returnees, many of whom have not yet been resettled and who therefore have no land to cultivate. Other vulnerable

groups include hospital patients, orphans and unaccompanied children. During the month of May, WFP is planning to distribute 3,046 tons of cereals, 1,214 tons of pulses, 244 tons of oil and 85 tons of other food items to a total of 420,000 beneficiaries from the above-mentioned groups. Emergency non-food assistance, such as plastic sheeting, cooking pots, blankets, soap and clothing, has already been provided to former camp populations and will be continued.

39. Health facilities throughout the country need urgent rehabilitation and additional staff in order to ensure adequate delivery of health services, especially for returning internally displaced persons. Under its programmes of assistance to returnees, UNHCR is rehabilitating 8 district hospitals and 42 health centres in areas where returnees have settled in great numbers. Other health programmes include a training programme of the World Health Organization (WHO) for 20 health workers in epidemiological surveillance and epidemic control and another programme for 32 trainers elaborated by the Government, the United Nations Population Fund (UNFPA) and WHO on human immunodeficiency virus/acquired immunodeficiency syndrome prevention and safe motherhood.

40. For water and sanitation, the United Nations Children's Fund (UNICEF) is supporting the rehabilitation of the water supply system in the north-eastern part of the country, an area to which the majority of "old" caseload refugees from Uganda are returning with their herds of cattle. The construction of over 20 shallow wells in the area is under way and should be completed before the end of July to cater for the needs of over 20,000 people. In other areas of the country, approximately 150 springs will be tapped by 31 December 1995 in order to benefit some 30,000 people in three prefectures.

41. The closure of the camps has also increased the number of unaccompanied minors, many of whom were either left in the camps or found along the roads. UNICEF reports that there are nearly 2,000 unaccompanied minors, of whom approximately 70 per cent are under the age of 5. Most are severely traumatized by their experiences and the UNICEF Trauma Unit is helping them.

42. In order to carry out projects that will enable people to have adequate access to health care, potable water, sanitation and education, as well as the means to resume agricultural activities, substantial funding from the donor community continues to be required. As I reported in April, the inadequate level of response to the consolidated inter-agency appeal for Rwanda and the subregion has hampered relief activities and the commencement of rehabilitation and reconstruction. As of 15 May, only \$80 million had been pledged against a total requirement of \$219 million for Rwanda. For the subre-

gion, pledges amounted to \$34 million against a total requirement of \$587 million.

43. The total contributions actually received so far from government and private sources amount to \$6.3 million only. Of this amount, the Netherlands has contributed more than \$5.4 million for a UNDP programme to support the Government. Some resources have also been allocated specifically to the Ministry of Rehabilitation and Social Integration to facilitate emergency assistance to the communes. This includes the procurement of equipment and supplies for local administrative authorities and for the judicial system.

44. A number of events have raised concern about respect for the principles related to protection and treatment of refugees and internally displaced persons. At the end of March, the Tanzanian authorities closed their border with Burundi to thousands of asylum-seekers, including many Rwandan refugees who were fleeing camps in Burundi following disturbances in that country. There are also indications that some of the internally displaced persons fleeing the recent camp closures in Rwanda were not allowed into Burundi or were returned against their will to Rwanda after entering the country. The forcible closure of internally displaced person camps could create further obstacles to the voluntary return of refugees from neighbouring countries, as evidenced by the recent decrease in the number of organized voluntary repatriations from camps in Zaire.

45. The Rwandan Government's decision to close the border with Zaire to all traffic, including food destined to refugee camps in the Bukavu area of Zaire, has further complicated an already difficult supply and logistics chain. In both Goma and Bukavu, food distribution has dropped by as much as 50 per cent of normal requirements.

46. As regards security in the refugee camps in Zaire, I am pleased to report that the deployment of Zaire's security contingent has now reached its full strength of 1,500 men and that, as a result, security conditions in the camps have greatly improved. At the same time, discussions are continuing with the Zairian authorities on the possibility of relocating those camps that are situated too close to the border.

47. In this connection, I support the Security Council's recent invitation to States to deliver on their earlier financial commitments and to increase their assistance for humanitarian activities in Rwanda, as well as its call to all Governments in the region to maintain open borders for this purpose. I would also like to stress the Security Council's request to the Government of Rwanda to facilitate the delivery and distribution of humanitarian assistance to refugees and displaced persons in conformity with international principles (S/PRST/1995/22).

IX. Administrative and financial aspects

48. The General Assembly, by its decision of 6 April 1995, authorized me to enter into commitments up to \$19,342,000 gross (\$18,989,000 net) for the period from 10 June to 9 July 1995, subject to the extension of the mandate of UNAMIR beyond 9 June 1995. Should the Council decide to extend the mandate of UNAMIR, I shall request the General Assembly at its resumed forty-ninth session to make adequate financial provision for the operation of the Mission.

49. As of 17 May 1995, unpaid assessments to the UNAMIR Special Account amounted to \$70.1 million, and the total amount of outstanding assessed contributions for all peace-keeping operations amounted to \$1,854.1 million.

X. Conclusions and recommendations

50. The Rwandan people have endured the most horrific and unspeakable suffering. The political goal of the United Nations in Rwanda is to assist them to achieve peace, stability and reconstruction in accordance with the principles of the Arusha peace agreements. This goal can be attained only if those who are guilty of genocide are brought to trial and if the leaders and people of Rwanda have the political will to achieve national reconciliation through mutual respect and understanding. The United Nations is prepared to continue its efforts to assist in this difficult process. UNAMIR has made a significant contribution to the relative stability and normalization achieved in Rwanda over the past year. However, the complex situation described in sections II and III above has led the Government of Rwanda to raise questions about the future role of this operation.

51. The current mandate of UNAMIR was designed at a time when Rwanda was in the midst of a devastating genocide and civil war. The main responsibility entrusted to UNAMIR under Security Council resolution 918 (1994) of 17 May 1994 was to contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda. The war and the genocide came to an end with the establishment of the present Government of Rwanda on 19 July 1994. Since that time, the situation has changed radically. The changes undoubtedly call for adjustments in the mandate of UNAMIR, so that its role can reflect the present situation.

52. In anticipation of the expiry of the mandate of UNAMIR on 9 June 1995, my Special Representative has engaged in extensive consultations with the Government of Rwanda, with a view to achieving a common understanding of the role that the United Nations could usefully play in the future. At the outset, the Government made it

clear that it would insist on a sharp reduction both in the scope of UNAMIR's tasks and in troop levels.

53. During these consultations, my Special Representative discussed with the Government a new mandate comprising tasks which, in my judgement, should be performed by UNAMIR during the next six months. These tasks would continue to be carried out with full respect for the Government's sovereign authority. They would entail shifting the focus of UNAMIR's mandate from a peace-keeping to a confidence-building role. On this basis, UNAMIR would undertake the following tasks:

(a) Tasks specifically required to sustain a United Nations peace-keeping presence in Rwanda, mainly in Kigali. These would include the protection of United Nations premises, protection of International Tribunal personnel and, as required, of United Nations agencies and NGOs, including a ready reserve and the necessary command, control and support elements;

(b) Tasks aimed at assisting the Government of Rwanda in confidence-building and in the promotion of a climate conducive to stability and to the return of refugees and displaced persons. These would entail monitoring throughout the country with military/police observers, as a complement to human rights monitors; helping in the distribution of humanitarian assistance; facilitating the return and reintegration of refugees in cities and communes; providing assistance and expertise in engineering, logistics, medical care and demining; and stationing a limited reserve of formed troops in certain provinces. These troops would not undertake any patrolling duties but would assist in the performance of the above tasks, as required.

54. Following consultations with my Special Representative and the Force Commander, it is estimated that, in order to carry out these functions, UNAMIR would require approximately 2,330 formed troops, 320 military observers and 65 civilian police. This would constitute a substantial reduction from the present authorized strength of 5,500 troops, 320 military observers and 120 civilian police. The reduction would begin as soon as possible and be implemented gradually over the next two to three months, on the understanding that, after 9 June 1995, the infantry battalions currently deployed in the provinces would change over from their present tasks to those outlined above.

55. The proposed force would be structured along the following lines: an infantry battalion of 800 all ranks, based in Kigali and reinforced by essential support units such as headquarters staff (50), communications (50), engineering (200), medical (100), logistics (100) and military police (30). In addition, one independent infantry company would be deployed in each of the present

UNAMIR sectors of operation. These 5 independent companies, totalling about 1,000 troops, would include elements from the support units or specialists, as required for specific humanitarian tasks.

56. However, during the consultations held with my Special Representative, the Rwandan Government proposed a different and more limited role for UNAMIR, arguing that the present conditions on the ground called for a drastic reduction in the number of United Nations troops. It took the position that most of the peace-keeping functions heretofore discharged by UNAMIR had become redundant. The concept of promoting security and confidence through the presence of UNAMIR could no longer be accepted, since the Government had assumed responsibility for national security throughout the country. The protection of humanitarian convoys was also the responsibility of the Government and UNAMIR's role should be a monitoring one only. The issue of border monitoring was discussed, but the Government considered that there was no need for UNAMIR to play such a role in Rwanda. In addition, it expressed the view that the present training programme carried out by the UNAMIR civilian police component should be replaced by bilateral arrangements and could continue only until those arrangements were in place.

57. In short, the Rwandan Government has proposed that UNAMIR should be reduced to a maximum of 1,800 formed troops, to be deployed in Kigali as well as in the provinces. UNAMIR's mandate would be extended for six months, on the understanding that there would be no further extension and that steps to reduce UNAMIR troops outside Kigali should commence immediately.

58. An analysis of this proposal has indicated that, with a total of 1,800 formed troops, plus 65 civilian police, UNAMIR would not have the strength to perform adequately the tasks described in paragraph 53 above. While I understand the position of the Government of Rwanda, I am convinced that UNAMIR remains an essential component of the international community's efforts to assist the Government and people of Rwanda and that it must have the capability to discharge its functions effectively. At the same time, since UNAMIR is a peace-keeping operation established under Chapter VI of the Charter, its continued presence in Rwanda depends on the consent and active cooperation of the Government. I therefore intend to continue consultations with the Government of Rwanda and shall report orally to the Council on the outcome of these consultations before the Council decides on the future mandate of UNAMIR.

59. Subject to that report, I recommend that the Security Council renew the mandate of UNAMIR,

adjusted to accommodate the tasks outlined in paragraph 53 above, for a period of six months, ending on 9 December 1995. During that period, my Special Representative would continue to exercise his good offices to facilitate, in consultation with the Government of Rwanda, the process of national reconciliation, in accordance with the principles set out in the Arusha peace agreements. UNAMIR, in cooperation with UNDP, United Nations agencies and NGOs, would also assist in the implementation of an integrated multifunctional plan of action in the field of rehabilitation, resettlement, repair of infrastructure and the revival of justice. The funds committed to such projects could be channelled by donor countries through the Rwanda Trust Fund, in order to allow for a prompt, flexible and efficient utilization of resources.

60. In accordance with the Nairobi Summit Declaration of January 1995, the Bujumbura Declaration of February 1995 and formal agreements signed by Rwanda, a major effort needs to be made to persuade the two million Rwandan refugees to return to their homes in safety and dignity. This should be without prejudice to effective action, under due process of law, against criminals accused of genocide, in accordance with Security Council resolution 978 (1995). In this connection, immediate steps should be taken by the international community to support the earliest activation of the International Tribunal and the rehabilitation of the Rwandan national system of justice. At the same time, effective measures should be taken to ensure that Rwandan nationals currently in neighbouring countries are not allowed to receive arms supplies or to undertake military activities aimed at destabilizing Rwanda. I am, in particular, concerned that, unless more vigorous action is taken to prevent such activities, there could be a serious escalation in cross border clashes that would add a new dimension to the tragedy of Rwanda and lead to unpredictable consequences.

61. The implementation of the steps mentioned in paragraphs 59 and 60 above will contribute to peace and security in Rwanda. However, much more needs to be done. International assistance to Rwanda needs to be accelerated if the vital institutions in the country are to have any chance of recovering. It is essential that we find ways to improve the procedures that have delayed the disbursement of assistance to resolve situations that require priority attention. With respect to the long-term solution of the refugee and related problems in the Great Lakes States, I intend to appoint a special envoy to carry out consultations with countries concerned, as well as

OAU, on the preparation and convening of the Regional Conference on Security, Stability and Development at the earliest possible time.

62. In concluding this report, I wish to express my appreciation to my Special Representative, Mr. Shahryar Khan, to the Force Commander, Major General Guy Tousignant, and to all UNAMIR military and civilian personnel for their outstanding contribution to the United Nations and to the cause of peace and stability in Rwanda.

Annex Composition of UNAMIR as of 31 May 1995

| Country | Military personnel | | | Civilian police | Grand total |
|--|--------------------|------------|--------------|-----------------|--------------|
| | Troops | Observers | Total | | |
| Argentina | | 1 | 1 | | 1 |
| Australia | 302 | | 302 | | 302 |
| Austria | | 15 | 15 | | 15 |
| Bangladesh | 1 | 36 | 37 | | 37 |
| Canada | 105 | 19 | 124 | | 124 |
| Chad | 2 | | 2 | | 2 |
| Congo | | 8 | 8 | | 8 |
| Djibouti | | | 0 | 7 | 7 |
| Ethiopia | 834 | | 834 | | 834 |
| Fiji | | 1 | 1 | | 1 |
| Germany | | | 0 | 9 | 9 |
| Ghana | 784 | 35 | 819 | 10 | 829 |
| Guinea | | 17 | 17 | | 17 |
| Guinea-Bissau | | 2 | 2 | 5 | 7 |
| India | 934 | 20 | 954 | | 954 |
| Jordan | | | 0 | 3 | 3 |
| Malawi | 183 | 14 | 197 | | 197 |
| Mali | 198 | 31 | 229 | 10 | 239 |
| Nigeria | 339 | 17 | 356 | 10 | 366 |
| Poland | | 2 | 2 | | 2 |
| Russian Federation | | 17 | 17 | | 17 |
| Senegal | 238 | 2 | 240 | | 240 |
| Tunisia | 834 | 10 | 844 | | 844 |
| United Kingdom of Great Britain and Northern Ireland | | | | | |
| Ireland | 1 | | 1 | | 1 |
| Uruguay | | 26 | 26 | | 26 |
| Zambia | 831 | 20 | 851 | 10 | 861 |
| Zimbabwe | | 24 | 24 | | 24 |
| Total | <u>5 586</u> | <u>317</u> | <u>5 903</u> | <u>64</u> | <u>5 967</u> |

Document 130

Security Council resolution extending UNAMIR's mandate until 8 December 1995, with adjustments and troop reductions, and proposing the deployment of United Nations military observers to Zaire

S/RES/997 (1995), 9 June 1995

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda (UNAMIR), and its resolutions 912 (1994) of 21 April 1994, 918 (1994) of 17 May 1994, 925 (1994) of 8 June 1994, and 965 (1994) of 30 November 1994, which set out the mandate of UNAMIR,

Having considered the report of the Secretary-General on UNAMIR dated 4 June 1995 (S/1995/457),

Recalling also its resolution 955 (1994) of 8 November 1994 establishing the International Tribunal for Rwanda, and its resolution 978 (1995) of 27 February 1995, concerning the necessity for the arrest of persons suspected of certain offences in Rwanda,

Stressing the importance of achieving genuine reconciliation among all members of Rwandan society within the frame of reference of the Arusha Peace Agreement,

Noting with great concern reports of military preparations and increasing incursions into Rwanda by elements of the former regime and underlining the need for effective measures to ensure that Rwandan nationals currently in neighbouring countries, including those in camps, do not undertake military activities aimed at destabilizing Rwanda or receive arms supplies, in view of the great likelihood that such arms are intended for use within Rwanda,

Underlining the need for increased efforts to assist the Government of Rwanda in the promotion of a climate of stability and trust in order to facilitate the return of Rwandan refugees in neighbouring countries,

Emphasizing the necessity for the accelerated disbursement of international assistance for the rehabilitation and reconstruction of Rwanda,

Calling again upon all States to act in accordance with recommendations adopted by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held in Bujumbura in February 1995,

Recognizing the valuable contribution that the human rights officers deployed by the High Commissioner for Human Rights to Rwanda have made towards the improvement of the overall situation,

Acknowledging the responsibility of the Government of Rwanda for the safety and security of all UNAMIR personnel and other international staff serving in the country,

Reaffirming the need for a long-term solution to the refugee and related problems in the Great Lakes States, and *welcoming*, therefore, the intention of the Secretary-General to appoint a special envoy to carry out consultations on the preparation and convening, at the earliest possible time, of the regional Conference on Security, Stability and Development,

1. *Decides* to extend the mandate of UNAMIR until 8 December 1995 and authorizes a reduction of the force level to 2,330 troops within three months of the adoption of this resolution and to 1,800 troops within four months;

2. *Decides* to maintain the current level of military observers and civilian police personnel;

3. *Decides*, in the light of the current situation in Rwanda, to adjust the mandate of UNAMIR so that UNAMIR will:

(a) Exercise its good offices to help achieve national reconciliation within the frame of reference of the Arusha Peace Agreement;

(b) Assist the Government of Rwanda in facilitating the voluntary and safe return of refugees and their reintegration in their home communities, and, to that end, to support the Government of Rwanda in its ongoing efforts to promote a climate of confidence and trust through the performance of monitoring tasks throughout the country with military and police observers;

(c) Support the provision of humanitarian aid, and of assistance and expertise in engineering, logistics, medical care and demining;

(d) Assist in the training of a national police force;

(e) Contribute to the security in Rwanda of personnel and premises of United Nations agencies, of the International Tribunal for Rwanda, including full-time protection for the Prosecutor's Office, as well as those of human rights officers, and to contribute also to the security of humanitarian agencies in case of need;

4. *Affirms* that the restrictions imposed under Chapter VII of the Charter of the United Nations by resolution 918 (1994) apply to the sale or supply of arms and *matériel* specified therein to persons in the States

neighbouring Rwanda, if that sale or supply is for the purpose of the use of such arms or *matériel* within Rwanda;

5. *Calls upon* the States neighbouring Rwanda to take steps, with the aim of putting an end to factors contributing to the destabilization of Rwanda, to ensure that such arms and *matériel* are not transferred to Rwandan camps within their territories;

6. *Requests* the Secretary-General to consult the Governments of neighbouring countries on the possibility of the deployment of United Nations military observers, and to consult, as a matter of priority, the Government of Zaire on the deployment of observers including in the airfields located in Eastern Zaire, in order to monitor the sale or supply of arms and *matériel* referred to above; and further requests the Secretary-General to report to the Council on the matter within one month of the adoption of this resolution;

7. *Takes note* of the cooperation existing between the Government of Rwanda and UNAMIR in the implementation of its mandate and urges the Government of Rwanda and UNAMIR to continue to implement the agreements made between them, in particular the Status of Mission Agreement of 5 November 1993 and any subsequent agreement concluded to replace that Agree-

ment in order to facilitate the implementation of the new mandate;

8. *Commends* the efforts of States, United Nations agencies and non-governmental organizations which have provided humanitarian assistance to refugees and displaced persons in need, encourages them to continue such assistance, and calls upon the Government of Rwanda to continue to facilitate their delivery and distribution;

9. *Calls upon* States and donor agencies to fulfil their earlier commitments to give assistance for Rwanda's rehabilitation efforts, to increase such assistance, and in particular to support the early and effective functioning of the International Tribunal and the rehabilitation of the Rwandan judicial system;

10. *Encourages* the Secretary-General and his Special Representative to continue to coordinate the activities of the United Nations in Rwanda including those of the organizations and agencies active in the humanitarian and developmental field, and of the human rights officers;

11. *Requests* the Secretary-General to report to the Council by 9 August 1995 and 9 October 1995 on the discharge by UNAMIR of its mandate, the humanitarian situation and progress towards repatriation of refugees;

12. *Decides* to remain actively seized of the matter.

Document 131

Further report of the Secretary-General on practical arrangements for the International Tribunal for Rwanda

S/1995/533, 30 June 1995

I. Introduction

1. In paragraph 5 of resolution 955 (1994) of 8 November 1994, I was asked to report periodically to the Security Council on the implementation of the resolution establishing the International Tribunal for Rwanda. In my first report on 13 February 1995 (S/1995/134), I informed the Council of the steps envisaged for the practical implementation of the resolution and made my recommendation that Arusha, United Republic of Tanzania, should be selected as the seat of the Tribunal. The present report describes the manner in which implementation has evolved since my last report, provides up-dated information regarding the arrangements being made for the seat of the Tribunal and sets out the current situation as regards the financing of the Tribunal.

II. Practical implementation of Security Council Resolution 955 (1994)

2. In my report of 13 February 1995, I described a two-phase approach to the implementation of the resolution. In a first phase, an investigative/prosecutorial unit was to be established in Kigali under the immediate supervision of the Deputy Prosecutor, Mr. Honoré Rakotomanana (Madagascar), who officially assumed his functions on 1 March 1995. In the second phase, it was envisaged that the seat of the Tribunal would be established at the location to be determined by the Council.

3. The establishment of a Prosecutor's office in Kigali was based on the decision taken by the Council in paragraph 6 of resolution 955 that an office will be

established and proceedings conducted in Rwanda where feasible and appropriate.

4. For a variety of reasons, however, the Office in Kigali has yet to become fully operational. The uncertain budgetary situation made it difficult to attract and recruit qualified personnel; the core staff of the investigation section of the Office expressed concerns about the safety of personnel and the security of documents; and premises for both accommodation and office needs were either unavailable or inadequate. The establishment of the Office in the first 10 weeks has, therefore, been more difficult than anticipated and until very recently it had no permanent presence in Kigali.

5. In the meantime, the process of investigation into serious violations of international humanitarian law and acts of genocide has been actively directed by the Deputy Prosecutor from Kigali and The Hague. The investigation, which focuses on approximately 400 identified suspects, is being conducted both in and outside Rwanda, notably in other African countries, Europe and North America, where the principal planners of the crime of genocide are believed to be located. The nature of the investigation in Europe and North America necessitates a temporary presence of investigators in the Prosecutor's Office in The Hague.

6. The prospects for a fully operational Office of the Prosecutor in Kigali have improved somewhat in recent weeks. As my Special Representative informed the Council on 5 June 1995, the general situation in Kigali has improved; notwithstanding the limited commitment authority that is the current basis of the financing of the Tribunal, certain key personnel can now be recruited, with the approval of the Controller, for up to one year; a small number of contributed personnel have also been deployed to Kigali; premises for both accommodation and office needs have been located, and with the reduction in size of the United Nations Assistance Mission for Rwanda (UNAMIR), the space requirements of the Office can be met, even if the demand should grow beyond the number of posts currently foreseen. Notwithstanding the reduction of its force level, UNAMIR will continue to provide comprehensive support for the security of personnel and premises of the Prosecutor's Office, in accordance with resolutions 965 (1994) and 997 (1995). Barring any unforeseen difficulties of a practical or a security nature, it is expected that the Office in Kigali will now rapidly expand in size with a combination of recruited and contributed personnel.

7. Aware of the difficulties so far encountered in the early operation of the Prosecutor's Office in Kigali, I nevertheless wish to emphasize the considerable importance I attach to the presence of a fully operational Office in Kigali. Such a presence is not only mandated by the

Security Council, but is also imperative for the socio-educational impact it would have on the people and Government of Rwanda. It has repeatedly been emphasized by the Government and the international community that the problem of impunity for crimes committed in Rwanda must not only be addressed but must also be seen to be addressed by the people most directly concerned.

8. The determination by the Council in resolution 977 (1995) of 22 February 1995 that, subject to the conclusion of appropriate arrangements, the seat of the International Tribunal will be at Arusha, opened the way to the election of the six trial judges by the General Assembly on 24 and 25 May 1995. Since the arrangements governing the seat of the Tribunal have yet to be completed, the first plenary session of the International Tribunal for Rwanda took place in The Hague between 26 and 30 June 1995. During this session the judges adopted the rules of procedure and evidence of the Tribunal and elected Mr. Laity Kama (Senegal) President and Mr. Yakov A. Ostrovsky (Russian Federation) Vice-President.

III. Arrangements concerning the seat of the tribunal

9. Following the adoption of resolution 977 (1995) on the seat of the Tribunal, the Government of the United Republic of Tanzania confirmed its readiness to host the Tribunal in Arusha by a letter dated 10 April 1995 from the Permanent Representative of the United Republic of Tanzania addressed to the Legal Counsel.

10. A technical mission of the United Nations composed of representatives of the Buildings Management Service and the Purchase and Transportation Service of the United Nations Secretariat visited Arusha between 10 and 16 May 1995 to survey the premises of the Arusha International Conference Centre and the facilities available in Arusha to accommodate the Tribunal. The mission held discussions with the management of the Arusha International Conference Centre concerning arrangements that would be needed for obtaining suitable premises there. That was immediately followed, from 17 to 19 May 1995, by a mission composed of representatives of the Office of Legal Affairs of the Secretariat to discuss with representatives of the Government a draft headquarters agreement and to discuss a draft lease agreement with representatives of the Arusha International Conference Centre. The Acting Chief of Administration of the Tribunal participated in both missions. The discussions of the draft agreements took place, *ad referendum*, on the basis of draft texts that had previously been prepared by the Office of Legal Affairs and made available to the Gov-

ernment. A record of discussion on both instruments was prepared at the close of the meetings.

11. While a number of issues remain to be resolved on both agreements, these are not thought to be insurmountable. For example, the outstanding issues in the draft headquarters agreement include the relationship of regulations made by and operative on the premises of the Tribunal with the laws and regulations of the United Republic of Tanzania; the exemptions of the Tribunal from certain indirect taxes; the status, privileges and immunities of locally recruited staff of the Tribunal; and the granting of visas free of charge and the use of United Nations travel documents. With respect to the draft lease agreement, all terms and conditions are subject to review and approval by the appropriate United Nations units, and issues such as the amount of rent, identification of the space and the timing of the availability of the premises to the Tribunal will have to be resolved. Other prerequisites for entering into a lease agreement include provision of the necessary funding, as well as completion of procedures and issuance of approvals required under the United Nations Financial Regulations and Rules. It is hoped that it will be possible in the near future to finalize both a headquarters agreement and a lease agreement, subject to the necessary approvals by the respective organs of the Government and the United Nations.

12. It should also be noted that, in addition to the lease, arrangements, including contracting, will have to be made for the renovation, construction and repair work in the Arusha International Conference Centre in order to provide the necessary facilities for the Tribunal. A report on these aspects from an architectural/planning

consultant engaged by the United Nations has been received and is now being examined. The conclusion of a lease agreement and the contractual commitments for the renovation, construction and repair work are, of course, linked to the budget of the Tribunal, which is now in the final stages of preparation.

IV. Financing of the tribunal

13. The International Tribunal for Rwanda has thus far been operating on a combination of a commitment authority granted by the Advisory Committee on Administrative and Budgetary Questions of up to \$2.9 million and voluntary contributions in cash or kind provided by a small number of Governments. The total pledges and contributions made to the Trust Fund for the International Tribunal for Rwanda to date are slightly in excess of \$1 million. In addition, at a specially convened meeting of the Rwanda Operational Support Group in Kigali on 19 May 1995, pledges in cash and in kind in the amount of some \$6 to 7 million were made. A budgetary submission for the calendar year 1995 will be presented to the General Assembly during its current session. The approval by the General Assembly of a budget for the Tribunal will greatly facilitate the operational development of the Tribunal, particularly the Prosecutor's Office, permit recruitment of personnel to take place on an accelerated basis and the necessary lease and other contractual commitments to be entered into and enable the planning of a work programme for investigation, the preparation of indictments and the holding of trials.

Document 132

Message by the Secretary-General to a meeting convened in Kigali by the United Nations Development Programme (UNDP) on assistance to Rwanda

UN Press Release SG/SM/5682-DEV/2064, 6 July 1995

The substantial progress made along the path of recovery and development in Rwanda, just one year after the end of the civil war and genocide, is a testament to the will and fortitude of the Rwandan Government and people. The round-table process launched by the Government in Geneva in January has proved to be a successful mechanism to coordinate aid interventions and development activities, and the process has facilitated a high level of consensus and cooperation within the international community in its response to the aftermath of the Rwandan

crisis. This meeting offers an opportunity to affirm the achievements of the Government in implementing the programme and to discuss further support which the international community may provide in the months to come.

It is also an occasion for all parties to reaffirm their commitment to the actions agreed at the Geneva conference. The Government has pledged its commitment to a political programme of national reconciliation and stabilization, and the achievement of these goals remain vital

for long-term stability and development. The international community has pledged its support for rehabilitation, and we must ensure that this assistance is delivered on the ground in Rwanda in a timely manner.

For instance, there is an urgent need for gendarmerie and a communal police force, for basic equipment and transport to assist the administration in performing its functions and for the repair and restructuring of roads, transport, bridges, clean water and power facilities in a programme of essential stabilization for the country.

In partnership with the Government, the international community has also developed programmes in particular areas where rapid financial and technical as-

sistance may prevent destabilization of the fragile sub-regional equilibrium. These include the restoration of State capacity and productive economic activities within the country, the question of refugee settlement, and the provision of support to the processes of justice arising from the genocide and civil war. With regard to the latter, it is vital that both the International Tribunal and the national justice system are empowered to quickly complete their preliminary investigations and conclude prosecutions of the organizers of the genocide.

I wish the UNDP mid-term review conference every success in its deliberations.

Document 133

Report of the Secretary-General on the visit (20-28 June 1995) made to countries neighbouring Rwanda by the Special Envoy appointed by the Secretary-General to carry out consultations requested by the Security Council in resolution 997 (1995), on the possible deployment of United Nations military observers to prevent the rearmament of forces of the former Government of Rwanda

S/1995/552, 9 July 1995

I. Introduction

1. In resolution 997 (1995) adopted on 9 June 1995, the Security Council affirmed that the restrictions imposed under Chapter VII of the Charter of the United Nations by resolution 918 (1994) applied to the sale or supply of arms and *matériel* specified therein to persons in the States neighbouring Rwanda, if that sale or supply was for the purpose of the use of such arms or *matériel* within Rwanda. It called upon the States neighbouring Rwanda to take steps, with the aim of putting an end to factors contributing to the destabilization of Rwanda, to ensure that such arms and *matériel* were not transferred to Rwandan camps within their territories. It requested the Secretary-General to consult the Governments of neighbouring countries on the possibility of the deployment of United Nations military observers, and to consult, as a matter of priority, the Government of Zaire on the deployment of observers, including at the airfields located in eastern Zaire, in order to monitor the sale or supply of arms and *matériel*. It further requested the Secretary-General to report to the Council on the matter within one month of the adoption of the resolution. The present report is submitted in response to that request.

II. Mission of the Special Envoy of the Secretary-General to Rwanda and neighbouring countries

2. I appointed Mr. Aldo Ajello as my Special Envoy to carry out the consultations requested by the Security Council. He visited the neighbouring countries from 20 to 28 June 1995, accompanied by the senior political adviser of the United Nations Assistance Mission for Rwanda (UNAMIR) and a military assistant to its Force Commander, and met with the following senior government officials: in Burundi, Mr. Sylvestre Ntibantunganya, President, Lt. Col. Sinzoyiheba Firmin, Minister of National Defence, Mr. Nicolas Mayugi, Secretary of State for Foreign Affairs and International Cooperation, Lt. Col. Bayaganakandi Epitace, Administrator General of the "Police de l'air, des frontières et des étrangers", Mr. Audifax Ndabitoreye, Administrator General of National Documentation; in Rwanda, Major-General Paul Kagame, Vice-President and Minister of Defence; in Uganda, Mr. Kintu Musoke, Prime Minister, Mr. Ben Mbonye, Secretary of Defence; in the United Republic of Tanzania, Mr. David Cleopa Msuya, First Vice-President and Prime Minister, Mr. Richard Mariki, Permanent Secretary in the Ministry of Home Affairs; and

in Zaire, Mr. Kengo wa Dondo, Prime Minister, Admiral Mavua Mudima, Vice-Prime Minister and Minister of National Defence, Mr. Diur Katondi, Vice-Minister of International Cooperation. He also met with my Special Representatives in Burundi and Rwanda. He reviewed the current situation in the region, with particular reference to repatriation, reconciliation and reconstruction in Rwanda, with representatives of United Nations agencies and non-governmental organizations (NGOs) and with members of the diplomatic corps in Rwanda. In addition, he visited Rwandan refugee camps in the Goma area of North Kivu in eastern Zaire. He was briefed on various aspects of the refugee situation, including security, by representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR).

3. In his meetings with officials of the neighbouring countries, my Special Envoy emphasized the Security Council's great concern over increasing reports of military activities that threatened to destabilize Rwanda.

4. The Special Envoy's consultations confirmed that the countries concerned shared some important common points of view. All reiterated their support for efforts to prevent the resumption of armed conflict in Rwanda, to ensure the return and resettlement of its refugees and to promote lasting reconciliation. They stressed the link between stability in Rwanda and the situation in the subregion generally and referred to the negative impact the Rwandan crisis was having on humanitarian and environmental conditions. The uncontrolled circulation of arms, including to civilians and refugees in the subregion, was seen as a major cause of destabilization, especially in Rwanda and Burundi. At the same time, measures needed to be taken to halt and reverse the drift towards conflict in the subregion by enhancing inter-State confidence-building, such as the recent decision by the Defence Ministers of Burundi, Rwanda and Zaire to conduct joint military patrols along their common borders. There was agreement that a broader approach, with the involvement of Rwanda and its neighbours and the support of the international community as a whole, would offer better opportunities for a lasting solution to the Rwandan crisis. The authorities in the neighbouring countries expressed the wish to receive concrete assistance from the international community to help them both to deal with the main problems that had followed the conflict in Rwanda and prevent any repetition of such conflict.

5. Officials in Rwanda welcomed the Security Council's initiative in proposing the deployment of military observers in neighbouring countries and charac-

terized it as a step in the right direction. However, they emphasized the need to bring to justice those who had masterminded the genocide. That was required not only to end impunity but also to facilitate genuine reconciliation and promote security by helping to eliminate arbitrary and individual measures of vengeance.

III. Response of the neighbouring countries to the proposed deployment of United Nations military observers in their respective territories

6. There were mixed reactions from the Governments of neighbouring countries to the proposal to deploy military observers in their respective countries. Some questioned the utility, relevance and feasibility of the proposed deployment, arguing that it was in Rwanda that international observers should be stationed in order to help to create a climate of confidence that would encourage the refugees to return home and thus reduce the danger of destabilization from refugee camps. It was also stressed that effective political measures to remove fear and suspicion in refugee communities and the countries of asylum were necessary. Even the countries that supported the proposed deployment saw the initiative as essentially a political first step by the international community to underscore its concern over the possible destabilization of Rwanda by military means.

7. The Government of Burundi welcomed the Security Council's initiative. However, President Ntibantunganya said that the creation in Rwanda of conditions conducive to the safe return and resettlement of the refugees could help to deny to the hardliners who wanted to destabilize the country the possibility of arguing that return by force was the only viable option. He welcomed recent statements by the Government of Rwanda that opened up possibilities for contact with the refugees and invited them to visit the country to assess conditions and encourage others in the camps to return home.

8. The Government of the United Republic of Tanzania refused to consider the deployment of military observers in its territory. It suggested instead that the United Nations should strengthen its military presence in Rwanda to ensure that refugees could return home safely and in dignity, and noted that the main obstacle to the return was not in the neighbouring countries but in Rwanda. It felt that the Council's proposal addressed only a minor problem while ignoring the major one. It was ready to consider the deployment of military observers only in a wider context. It suggested the following measures to promote repatriation of refugees and reduce threats of armed action against Rwanda from the refugee

camps: the Rwandan Government should issue a public statement declaring unequivocally that it wanted to see all refugees return home; the Government should declare a general amnesty for all Rwandans except "a few who would be tried" for having masterminded the genocide; the Government should accept the deployment inside Rwanda of international observers, who would help to create a climate of confidence by monitoring the situation throughout the country to promote respect for human rights and prevent incidents like that at Kibeho, which tended to hinder repatriation while generating new refugees; and the international community should assist the Government with the smooth resettlement of returnees.

9. Uganda neither objected to the Security Council's proposal nor demonstrated enthusiasm for it. It was sceptical about the effectiveness of such deployment and what it could achieve. It stressed that, instead of tackling the effects of the crisis, the Council should address its causes and identify the countries that were providing support for the delivery of weapons and military training to the former Rwandan government forces. It reaffirmed its commitment to do its best to consolidate peace in Rwanda and to ensure the peaceful return of the refugees.

10. The Government of Zaire, while expressing support for any effective action that could prevent the destabilization of Rwanda, reiterated its strong denial of recent accusations that it was aiding the former Rwandan government forces with arms and training to enable them to attack Rwanda. It pointed out that it had called for an international commission of inquiry under United Nations auspices to investigate the allegations and clarify the situation conclusively. It had welcomed millions of refugees from Rwanda and Burundi in accordance with applicable international conventions despite the resentment of its own population, which had called for the immediate and unconditional repatriation of the refugees. Instead of being criticized, Zaire felt that it should be assisted by the international community to cope with the immense ecological, socio-economic, security and political burdens imposed on the Government and the country by the refugees.

11. Zaire's views were also conveyed to me in a letter dated 23 June 1995, in which Prime Minister Kengo wa Dondo pointed to his country's contribution,

in response to a request by UNHCR, of 1,500 troops, who are deployed for security protection in the Rwandan refugee camps, and to its unilateral action in disarming the former Rwandan government forces soldiers who had fled to Zaire. These actions were evidence of Zaire's cooperation and its determination to prevent insecurity in the camps and the destabilization of Rwanda from Zairian territory.

12. My Special Envoy's visit to the refugee camps in the Goma area suggested that the relocation of camps farther away from the borders with Rwanda could facilitate efforts to curb the threat of destabilization. However, the huge costs and logistical difficulties of such an operation, as well as the fear that it would be resisted by the population of the countries of refuge, have prevented concrete action in this regard. Government officials in Zaire explained that to move the refugees further inside their territory could be seen by the population as implying, that rather than the repatriation, which the population had called for, the refugees were being resettled for a longer and perhaps permanent stay in Zaire. The Tanzanian authorities, citing recent attempts by thousands of Rwandan refugees in Burundi to enter Tanzanian territory, criticized any effort aimed at transferring refugees from one country of refuge to another.

IV. Conclusion

13. There is growing recognition in the Great Lakes region not only of the urgency and gravity of the risks confronting the countries of the region but also of the need for the Governments concerned to take individual and collective measures to address these dangers. While many of the Governments consulted by my Special Envoy took the view that the primary responsibility lay with the Government of Rwanda, there was general acknowledgement also of the value of action at the regional level. However, the Special Envoy's consultations indicated that in some countries there was strong opposition to the deployment of United Nations observers as proposed in Security Council resolution 997 (1995). While I am in the region in the coming days, I shall explore further the positions of the Governments concerned.

Document 134

Security Council resolution deciding on the conditions under which appropriate amounts of explosives intended exclusively for use in mine-clearance programmes could be supplied to Rwanda

S/RES/1005 (1995), 17 July 1995

The Security Council,

Recalling its previous resolutions 918 (1994) of 17 May 1994, and 997 (1995) of 9 June 1995,

Noting with concern that unexploded landmines constitute a substantial hazard to the population of Rwanda, and an impediment to the rapid reconstruction of the country,

Noting also the desire of the Government of Rwanda to address the problem of unexploded landmines, and the interest on the part of other States to assist with the detection and destruction of these mines,

Underlining the importance the Council attaches to efforts to eliminate the threat posed by unexploded landmines in a number of States, and the humanitarian nature of demining programmes,

Recognizing that safe and successful humanitarian demining operations in Rwanda will require the supply to Rwanda of an appropriate quantity of explosives for use in these operations,

Acting under Chapter VII of the Charter of the United Nations,

Decides that, notwithstanding the restrictions imposed in paragraph 13 of resolution 918 (1994), appropriate amounts of explosives intended exclusively for use in established humanitarian demining programmes may be supplied to Rwanda upon application to and authorization by the Committee of the Security Council established by resolution 918 (1994).

Document 135

Statement delivered 13 July 1995 by the Secretary-General to the Rwandan Parliament, inviting it and the Government to promote national reconciliation to help encourage the return of refugees

UN Press Release SG/SM/5687, 20 July 1995

In a few days, you will celebrate the first anniversary of the Government which came into office following the genocide and unbearable atrocities which have cast such a pall over Rwanda and over the African continent as a whole. The African countries all stand together, whether because of the Organization of African Unity or because of what they experienced until the time the United Nations was established. There were only three semi-independent States: Ethiopia, Egypt and Liberia. The African continent therefore shares a common experience which has helped to forge a certain solidarity. So much so that when a tragedy occurs in one country, it has repercussions throughout the continent. The genocide which has taken place in Rwanda has marred the image of the entire continent. This fratricidal war has made it more difficult for the international Organization and the international community to cooperate with the African continent, to help African States find peaceful solutions to their internal or international conflicts, to help them

rebuild themselves and be able to participate in the progress of the international community.

I should therefore like to congratulate you on this first anniversary, but at the same time I should like to tell you that you are at the start of a very long journey. It is true that we can find some elements of satisfaction, in that life has begun to return to normal. Your presence here is further proof that you are interested in a democratic system, that you want to discuss, that you want to engage a dialogue. That is why, Mr. President, as a former member of Parliament rather than as Secretary-General of the United Nations, I would suggest, if you agree, that, following this statement, we engage a dialogue.

And I will reply without hesitation to the questions that members of Parliament ask, and I will say to them: "Do not hesitate to ask me undiplomatic questions, and I promise you that you will receive undiplomatic answers."

But let us return to the elements of satisfaction. We see that we are on the road to reconstruction and that Rwanda is trying to put the tragedy behind it. Unfortunately, much still remains to be done. First of all, there is an urgent need to work to achieve the objectives which were set during the Arusha Agreement. I wish to stress in particular, and this will be the subject of our discussion, the importance, the necessity of the entire Rwandan nation's being able to participate fully and democratically in the management of the country's affairs. Policies of exclusion would have consequences that you have experienced and that we have experienced with you. What is more, policies of exclusion would make it exceedingly difficult for the international community to assist, cooperate and collaborate with your country and with other African countries.

The second very important idea, to which we are all committed, concerns the protection of human rights. I am well aware that human rights have been violated in the most atrocious manner and that genocide has occurred. I wish to remind you that I was the first to use the word "genocide" in the international assemblies in order to mobilize and sensitize international public opinion, in order to secure increased international assistance for your country, whether political, military, financial or technical. I did not succeed. I encountered far greater difficulties than in other situations which were not so serious but which also called for assistance. It is therefore important to find a solution and, in particular, a solution to the problems of refugees. In this connection, the United Nations is bound by certain international norms, one of which forbids us from compelling refugees to return to their country. We therefore have no way of forcing them to return. That is a first obstacle.

A second obstacle is the fear which you find in the refugee camps, whether in Bukavu, in Goma or on the Tanzanian border. In view of this fear, it is your duty—because these are your brothers, and I am not trying to preach—it is your duty, I would say even it is in your interest, to engage a dialogue with these refugees. Some people are guilty, and they must be punished. We have established an international tribunal to assist you, and you will have your own national tribunals. But it is important to engage a dialogue with the great mass of refugees. Only through dialogue can they be prompted to return to their country, to their villages and to participate in political life, in rebuilding your country. As long as they remain in refugee camps, the reconstruction will be incomplete and, what is more serious, international assistance will also be incomplete. And we will have difficulty in securing this assistance.

I think that I had an extremely frank conversation with the Prime Minister, in the course of which I ex-

plained to him the difficulties that I am having today, as Secretary-General of the United Nations, obtaining assistance, whether from donor countries or from non-governmental organizations. You will ask why that should be. Given the multiplicity of conflicts, the international community's assistance, interest and attention is being directed to countries where the situation is improving. I am the first to have acknowledged that progress is indisputably being made in the reconstruction. But in the area of the return of refugees, which is related to human rights problems, there has not been any progress. I do not know what the solution is, and it is certainly not up to the United Nations to find a solution, because that is an internal problem of Rwanda. It is up to the Rwandans to find a solution to their own problems. The sooner you find a solution, the more effective the international assistance, cooperation and support you will obtain from the international community. The longer you take, the greater the conflicts and difficulties we will be faced with in the future.

And what worries me the most—and I am talking to you as a brother, I am talking to you as an African—what worries me the most is that we are facing a new donor fatigue. Donor States have other priorities. Their constituents are dissatisfied. Their constituents are saying: "We have our own refugees in our own countries, we have our own sick, we have our own poor; why should we bother about others?" Obviously the role of the United Nations is to promote international solidarity. The role of the Organization of African Unity is to promote African solidarity, and that of the Group of 77 is to draw the attention of the Group of Seven and to say to them: "Do something about the countries of the third world, do something about the developing countries". But we are finding—and we will continue to find—it increasingly difficult to get that support, that collaboration from the international community.

The International Tribunal for Rwanda is not an easy operation. It is not easy to get the funds necessary to create that Tribunal. It has taken time to elect judges. The mechanism of the system, that of multilateralism, is an extremely lengthy process. Independent of the existence of the Tribunal, one must not wait for the International Tribunal to be established to say: "We are going to promote reconciliation". We must begin immediately to promote reconciliation. In that connection, I am in contact with the Organization of African Unity; we are collaborating with the regional organizations, the non-governmental organizations and with the new actors in international relations in order to democratize them, to obtain the support which we are not able to obtain from donor States.

We are therefore appealing to regional organizations, to non-governmental organizations, to all the new institutions, the unions, trade unions, businessmen, saying to them: "Help us so that we can help a country which wants to rebuild itself, a country which has suffered an unprecedented tragedy during the second half of the twentieth century".

Everyone thought that since the Second World War was over there would be no more genocide, but there has been another genocide. We must therefore find solutions. Return to peace must be a prerequisite for the reconstruction of Rwanda. Unless you find a way to integrate the refugees and have them return, you will not have any real reconstruction. If ever they do begin to return, if ever you do succeed in taking steps to restore confidence, to show that you want justice, not vengeance—I know you do want justice, you are in favour of justice, not in favour of vengeance—then, at that time, you will be able to build a new peace. It will take many years to forget this genocide, to forget this fratricidal war during which many thousands of women, children and men were killed in the most horrible manner.

And we need reconciliation; reconciliation must not be confined to words, it must be reflected in deeds. We are being watched by 185 States, by thousands of non-governmental organizations, each of which has its own opinion and its own requirements. I face these problems every day; I receive requests from international organizations, criticisms from international organizations. Public opinion has become a new factor in the media revolution which brings us what is happening all over the world. We are therefore compelled to deal with this problem.

As to the United Nations forces, I wish to tell you that if it were up to the Security Council or to the international community, there would be calls for the United Nations forces to leave right away. You can see what has happened in the former Yugoslavia, in Somalia. I am fighting right now to be able to keep the United Nations forces in the former Yugoslavia. Every day, I am pressured by Member States who say: "Enough is enough, we must withdraw; if they want to fight, let them go on fighting; if they want to go on preparing future conflicts, let them do so; we will no longer intervene; we will no longer send our men to deal with the problems of other States. These are independent States, let them take charge of their independence; these are sovereign States, let them take charge of their sovereignty; let them sort things out themselves".

I am having to fight, to explain to them that we are part of the same family, the family of nations: "We are equal, we belong to the same family; if a member of the family is in trouble, the other members of the large family must be concerned and help; we are part of the same

human family, we are moving ahead in a worldwide civilization, and if you do not make the necessary effort, you will marginalize an entire continent; you will marginalize countries, many millions of inhabitants; you must help us". And we are having these difficulties. Fortunately, we have obtained Security Council resolution 997 (1995), whereby we have succeeded in maintaining United Nations troops until 8 December of this year. But I guarantee that if you were to call for the departure of the troops tomorrow, I would be very popular with the Security Council and with States that contribute to the expenses of these troops.

I will quote a few figures to give you an idea of the difficulties we are having. A few years ago, there were altogether no more than 3,000 or 4,000 Blue Helmets. And the peace-keeping operations budget was no more than \$400 or \$500 million each year. Today, there are 70,000 Blue Helmets deployed in various parts of the world, not counting the observers. And the budget comes to \$3.6 billion. States are not paying their contributions. The United Nations is therefore facing an extremely serious financial crisis and Member States' initial reaction is to say: "Reduce the peace-keeping forces, do not bother with States which do not want to help us help them".

I say again, therefore, it is important that we speak to the international community, that we explain to it that we want to find a solution, and not a provisional solution. You have seen some provisional solutions and you are well aware that they merely lead to further confrontations. We want a real solution, one which is based on dialogue, on the spirit of fraternity which should exist, on a spirit of reconciliation, of moderation. I would even say that we must try to forgive, even though that is difficult. We must try to forget. I agree we must not forget the criminals, but it is essential above all that we not punish an entire people, because if you punish an entire people, you punish yourselves. You are part of that people, it is your country, and the international community will be less interested in you.

I wanted to tell you that the United Nations, and particularly the Secretary-General of the United Nations who has spent much of his life dealing with African problems—I started almost 40 years ago with my first journey in 1944 before the independence of Sudan, and I later came to know all the African countries and have visited them dozens of times—I feel that it is my duty to help the African continent. And I am grateful to the international community for having elected me Secretary-General so that I can be of more help to the African continent. I confess to you, in all honesty: I have often failed, and the African continent is not helping me to help it.

*Secretary-General Replies to Questions from
Two Deputies, Two Ministers*

Question in Arabic

Reply: There had been talk of genocide last year and the famous resolution 997 referred to crime. Is there any difference between the two? I think that genocide is a crime; it is an international crime. I do not think that the Security Council had any other idea in mind in referring to crime than genocide. Why? Because once the word genocide was mentioned in a Security Council resolution, it applies for all the other resolutions.

Question: Our people were massacred in the presence of very well armed United Nations forces. Instead of helping the population in distress, the United Nations force withdrew. At the time when the patriotic forces were courageously fighting against that force of evil—I am referring to the Government forces—and when they were going to drive it from the country, the United Nations established a zone to save the murderers. My question is the following, Your Excellency: Our people today no longer trust the United Nations forces. How are you going to help us in order to restore their trust, which you need?

Reply: I believe that only the Rwandan people can restore that trust for themselves. The United Nations can help you. Nevertheless, you have to help yourselves and God will help you. You have to find solutions. It is for you to develop ways to achieve reconciliation. We are prepared to help you, but we cannot replace you. And we shall never replace you. This is one of the United Nations policies: it helps peoples, it helps the protagonists in a conflict. But the protagonists themselves must find solutions. We are ready to help them. So as far as trust is concerned, the Rwandan people themselves must dress their wounds and find ways to initiate a dialogue in order to begin to take measures to create trust. And, on that basis, you'll be able to build peace, I would even say, to institutionalize peace. This is what we call, in our United Nations jargon, "peace-building". So it is not only a question of finding a paper or even bringing the refugees back. It is a question of arriving at another stage and preparing for a further, more important, stage of peace-building.

Two countries experienced three terrible wars: France and Germany. In 1870, 1914 and 1939, those countries suffered millions of deaths, but they were able to build a unit. They had two great men: Adenauer and De Gaulle. If they were able to find a solution, if Spain, after a fratricidal war, was also able to find a solution, if Nigeria was also able to bring about a solution or was to do so, if others have found a solution, you must find one and it will be your solution. It is for you to find the way;

it is for you to begin the dialogue and create mutual trust. We are here to help you but we cannot replace you. This is my message: help us so that we can help you because I am encountering difficulties in helping you. If you do not help me, I shall not succeed in helping you. You must find the solution.

Question:

(a) You dwell on the question of dialogue. And I am sure, both the United Nations and the international community in general know that Rwanda has opened its gates to Rwandans outside its borders, unconditionally. But you insist that there should be dialogue. My question is this: must we have dialogue with those who committed genocide? Is that your advice?

(b) It has been reported time and again that people who committed genocide in this country have been armed and are continuing to be armed outside this country. This Government has inherited an arms embargo and that arms embargo is being maintained by the United Nations, the same United Nations that has had consistent reports of armed people who committed genocide. Is that logical, Your Excellency?

(c) The question of reconciliation: In Rwanda we think and believe that reconciliation is a process that needs a number of prerequisites. The first prerequisite is justice; the second prerequisite is that there must be a level of consent of whoever committed crimes. Even those against whom a crime was committed must have a kind of relationship with those who committed it. How does the United Nations foresee a reconciliation without those necessary prerequisites? That is some advice I would like the Secretary-General of the United Nations to give to this country.

Answer: Concerning the first question, certainly I did not advocate dialogue with those who committed genocide or those who were the instigators of genocide. They have to be condemned. This is why we have the International Tribunal. But there is a difference between those who were behind the operations and the average men who may have made a lot of mistakes. So this is the first difference.

The second one, I completely agree. That is why we adopted a resolution of the Security Council to send observers on the border to stop the infiltration of arms coming to certain elements belonging to the former government. We are aware of this, but again we cannot do this unless there is an agreement of the Member States. The Security Council has sent a special envoy who was received by your Government, he went without delay, around the neighbouring countries and all of them refused the presence of observers. They said the observers

would intervene in their internal affairs, and this is the problem of the Government of Kigali.

It must find a solution to bring back the refugees and it will not be at our expense. It is enough that we are paying the price of having a million refugees with all the complications, and I have received letters asking to intervene to get rid of those refugees. So we have tried, but again the problem is that, according to the rule, and I have mentioned this already, we have no permission and our system does not allow the use of force to compel the refugees to return. It must be based on their own political will.

Finally about the embargo, I have no objection to the lifting of the embargo. It is not my decision, it is the decision of the Security Council. But I am afraid that the day you lift the embargo you will have complications: the international community will be saying, "they are buying arms; they are using our assistance to buy arms, so let us stop our assistance". So if you are sure lifting the embargo will have no impact on the international community, I am the first one to say lift the embargo. We had the same problem in Bosnia, but again you have to understand this is not my decision. This is the decision of the donor countries and unless the donor countries are ready to adopt a new resolution, we will not be able to change their mind.

Question: Mr. President, Your Excellency, Mr. Secretary-General, I think that your diagnosis is correct when you say that the problem of Rwanda is essentially the problem of the refugees from within the country. But it is perhaps less correct to maintain, as you do, that it is a basically Rwandan problem. This is the same as if you said that Rwanda refused to repatriate its refugees. Unless you had reports containing information to this effect, Rwanda declared its intention to receive the Rwandans who are situated outside the country. The problem that we have always raised is the fact that those refugees are being organized by those who committed genocide. And we asked the United Nations to take steps to separate this other part of the population from those who carried out the genocide. I think therefore that part of the international community should help us to bring about this separation. What is the United Nations doing in order to promote this separation?

There is another matter: the prisons. You seem to say that there will be peace in Rwanda only if there is justice and not vengeance. There is a sort of unfounded accusation in what you said, at least in the way in which you presented it. In the current situation, there are indeed many prisoners; but if there was vengeance, there would not be any prisoners. We are waiting for justice and we want this justice to be dispensed. I think that we are aware

of the fact that indeed the future of Rwanda will be based on sound justice. And we want to have it. But I think that your statement levels accusations that we would sooner advocate vengeance. I assure you that this is not the case and if the reports that you received indicated this I think that they should be reviewed or, at least, those reports should prove what they assert.

Reply: Mister Deputy, I am not accusing anyone and I am not making any unfounded accusations. I am trying to help you; you are isolated here; you do not know what the attitude of international public opinion is. My objective is to help you and to tell you: "This is how the international community perceives the situation". This does not in any way mean that I share that point of view. On the contrary, I am trying to help you by telling you: "I have tried to achieve what you want; I called upon 46 States to obtain forces in order to clear the refugee camps and eliminate the negative elements there, who, as you know, are arming themselves and preparing for further confrontations. I haven't succeeded. It does not depend on me". It is interesting to know why I did not succeed: it is because the international community did not accept this approach, and this is the problem. It is in your interest to try to convince the international community. The fact that 46 States refused to intervene or send troops shows that they do not support my analysis of the situation.

My analysis is the same as yours. I support it 100 per cent, but I am only one individual. The international community has another view of the situation. Your role as Members of Parliament therefore is to try to correct that view or perception. The information that I am giving to you is correct. It is not at all from our reports. I am telling you what I receive as the reactions of non-governmental organizations. I am telling you what I receive as the response of Member States of the international community. Take a specific case: 46 said no. But that indicates something. I wish to tell you specifically that I fully support your analysis of the situation and your three questions. I agree with you. But my hands are empty. I am "an honest broker"; I serve as a catalyst trying to gain the support of the international community; I do not have any money. I am the one who requests States, who tells them that a special fund should be set up to help Rwanda, that we need the money necessary for such an operation. The international community responded differently.

The only thing that I am going to tell you—and this is my message—is that you should take account of the international community. Because today, it is playing an increasingly important role and we must call upon it in order to get cooperation, support, assistance, particularly technical assistance, and so forth. Be careful! You do not

know what the international community is thinking, what Governments are thinking, I am telling you this now so that you will bear it in mind and try to find a solution to this problem. You do need the international community. All States need the international community. We are witnessing a further globalization of international events in which an important role is to be played more and more by the international community, be it through non-governmental organizations, trade unions, Members of parliament, the press, CNN, the television, newspaper commentators, articles, and so forth. They form the image held by the international community. It is not only a question of an image, but also of results. I am fighting for you, but I have more and more difficulty in getting assistance for you. I have been fighting to obtain soldiers, but it is more and more difficult for me to obtain them; I have not succeeded. Do you think that when you experienced genocide, I was not fighting in order to try to obtain soldiers, to keep the soldiers in place? I did not succeed because I am unable to tell States: "You must stay". They are the ones who decide. It is important to consider the international community. Today, no one is alone any longer. And the position of the international community is as I indicated to you.

I thank you as a former Member of Parliament. I wish you good luck and want to tell you that you have at least a friend who desires to help you. I spoke to you so frankly because I consider myself a brother of the Rwandan people. I could have said very nice words to you and you would have left this meeting remarking: "What a nice man he is, the Secretary-General. He told us: Well done, you are making progress; you found a solution to your problems; I am going to help you; everything is marvelous". I felt that you were wise and important enough for me to speak to you frankly. Maybe this shocked you, but it is because I consider myself a brother and a friend. I have fought for you for two years and shall continue to do so. But help me. This is my message. I need your help if you want me to win the fight that I am waging for you. I was asked to go to the former Yugoslavia at this time. I refused. I came here to express my support to you and to tell you how much I want to help you. But I ask you to help me and this is what I told your Prime Minister and you, Members of Parliament. This is what I shall also say to the Rwandan people if I have the opportunity to meet them. It is your task to find a solution. What you may have thought was an unfounded accusation is not. I merely told you what the international community's image of Rwanda is.

Document 136

Letter dated 17 July 1995 from the Secretary-General to the President of Kenya, Daniel Toroitich arap Moi, concerning the Secretary-General's recent visit to the region and the need for national reconciliation in Rwanda

Not issued as a United Nations document

I would have wished to come to Nairobi to share with you the results of my recent visit to Rwanda, Angola, Burundi and Ethiopia. However, as I am unable to do so because of time constraint, I have designated the Assistant Secretary-General for Political Affairs, Mr. Lansana Kouyaté, to pay you a personal visit on my behalf.

In my discussions with the authorities in both Kigali and Bujumbura, I insisted on the necessity of national reconciliation. I emphasized that, at a time of donor fatigue, lack of progress in the peace process would put an end to assistance from the international community. While indicating that the United Nations would never impose a solution on sovereign peoples, I pointed out that the policy of exclusion, which tends to be cyclical in both countries, would ultimately discourage goodwill. Restoration of peace must undoubtedly rest on restoration of

justice. The United Nations has already pursued all efforts to establish the international tribunal, designate its judges and try to put in place the necessary logistics.

The Security Council has revised the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) and the United Nations continues to provide humanitarian assistance, particularly to the refugees. But whatever the level of international assistance may be, any effort towards peace may be fruitless unless the authorities of Rwanda and Burundi restore their totally discredited image by facilitating the return of refugees and adopting a positive attitude towards reconciliation.

I am hopeful that all the countries of the region will agree to set out the conditions appropriate for the holding of a regional conference on peace, security and development. The Arusha and Nairobi Accords will, I hope,

provide the basis for such a conference. I intend to designate in the coming days a Special Envoy for the purpose of consulting with the leaders of the region on the holding of that conference.

I am grateful for your support to me in the difficult but challenging task of restoring peace in Africa. In this connection, I wish to express my appreciation for your leadership role as Chairman of the Intergovernmental Authority on Drought and Development (IGADD) and for the efforts being undertaken by your organization in that regard. In concluding, I wish to extend again my

invitation to you to participate in the commemorative session of the General Assembly on the occasion of the celebration of the 50th Anniversary of the United Nations to be held at the Summit level in New York from 22 to 24 October 1995.

Please accept, Mr. President and dear brother, the expression of my highest consideration and my warmest regards.

(Signed) Boutros BOUTROS-GHALI

Document 137

Progress report of the Secretary-General on UNAMIR for the period from 9 July to 3 August 1995, reporting on his visit to Rwanda (13-14 July)

S/1995/678, 8 August 1995

I. Introduction

1. The present report is submitted pursuant to resolution 997 (1995) of 9 June 1995, in which the Security Council extended the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) until 8 December 1995. In that resolution, the Council also decided to adjust the mandate of UNAMIR to emphasize peace-building activities and authorized the gradual reduction of its troop level.

2. In resolution 997 (1995), the Security Council also asked me to report on the Mission's discharge of its mandate, the humanitarian situation and the progress made towards the repatriation of refugees. In my report of 9 July (S/1995/552), I informed the Council of the outcome of my consultations with the Governments of the countries neighbouring Rwanda on the possibility of deploying United Nations military observers, in accordance with paragraph 6 of resolution 997 (1995). During the reporting period, the Council was provided with regular oral briefings on developments related to Rwanda. The present report provides an update on the situation as at 3 August.

3. For the past year or more Rwanda has tried to grapple with the aftermath of genocide. A quarter of its population is still in refugee camps near its borders, a lingering legacy of the tragic events of 1994. However, the security situation in the country has improved markedly since my report to the Council of 4 June (S/1995/457). Working relations between the Government of National Unity and UNAMIR have also im-

proved and a spirit of cooperation with United Nations programmes and agencies, international non-governmental organizations and bilateral donors has emerged. My visit to Rwanda on 13 and 14 July was intended to help strengthen those positive trends. It also offered a useful opportunity for an exchange of views with the country's leadership on the problems that remain to be solved.

II. Political developments

4. During the period under review, the Government has taken certain steps to improve relations with neighbouring countries, especially Burundi, the United Republic of Tanzania and Zaire. The Ministers of Defence of Burundi, Rwanda and Zaire met at Bujumbura on 9 June and agreed to organize joint border patrols and to put into effect other measures that would improve security along their borders. The Foreign and Defence Ministers of Burundi and the Defence Minister of the United Republic of Tanzania visited Rwanda in July to discuss cooperation and other issues of mutual interest. This increase in bilateral contacts in the region is an encouraging sign.

5. Efforts to enhance the administration of justice, establish law and order and promote national reconciliation have continued. On 17 July, the Minister of Justice inaugurated a four-month training course for future magistrates. However, although senior government officials, including the Vice-President and Minister of Defence, Major-General Paul Kagame, have publicly called on the

army and security forces to respect the rights of citizens, acts of violence continue to be reported.

6. The Government has continued to take measures aimed at building confidence and encouraging the voluntary return of refugees. On 20 June, it issued a statement that opened the possibility for contacts with refugee representatives who have not been implicated in acts of genocide. At the same time, it has encouraged refugees to visit Rwanda to assess conditions there personally and thus expedite the pace of repatriation. Conferences and seminars on national reconciliation, organized with the assistance of the United Nations Human Rights Field Operation in Rwanda (see para. 16 below), have been convened. In addition, Radio UNAMIR, which can now be received in over 70 per cent of the territory of Rwanda, has continued its confidence-building broadcasts and provides the population with factual and objective information on the situation in the country. Once UNAMIR receives the Government's authorization to install the remainder of Radio UNAMIR's equipment, the broadcasts should also reach Rwandan refugee camps in Zaire.

7. In my last report on Rwanda (S/1995/552), I noted that the Government, in accordance with the provisions of the Arusha Peace Agreement (A/48/824-S/26915, annex I), had submitted to the National Assembly a list of suggested nominees for the posts of President and five Deputy Presidents of the Supreme Court. Several candidates on the list were not acceptable to the National Assembly and efforts are under way to identify mutually acceptable nominees. In addition, on 19 July, after reports that a government official had asserted that political activities by non-governmental parties were prohibited, President Pasteur Bizimungu stated that, while multi-party political activities, as such, had not been banned, "political competition and mutual accusations among political parties that cause instability and divisions" would not be allowed. Although restrictions aimed at preventing political extremism can be imposed in a pluralistic environment, the above reports are cause for concern since such restrictions in Rwanda will do nothing to foster national reconciliation.

My visit to Rwanda

8. Against the background of these trends, I visited Rwanda on 13 and 14 July to observe at first hand the progress made and the challenges that remain. During this visit, on which I briefed the Security Council on 25 July, I held detailed discussions with senior government officials, including President Bizimungu, Vice-President Kagame and Prime Minister Faustin Twagiramungu. I addressed a special session of the National Assembly, which was followed by an exchange

of views with parliamentarians. I also met with representatives of Rwandan non-governmental organizations that are actively involved in the field of human rights and represent survivors of the genocide. During a visit to Nyarubuye in south-eastern Rwanda, I placed a wreath at an official site dedicated to the memory of victims of genocide. An aerial inspection of prisons in Kigali and Nsinda helped to focus public attention on the urgent need to alleviate the inhuman conditions in Rwandan jails.

9. A convergence of views emerged from my discussions with government officials on the priority tasks facing Rwanda. These included national reconciliation, the maintenance of security within the country and along its borders and reconstruction. I discussed with government officials reports of the growing threat of destabilization beyond Rwanda's borders.

10. With regard to national reconciliation, my discussions focused on efforts to expedite the repatriation of refugees. Special emphasis was placed on the need to create conditions on the ground that would instil the confidence and trust necessary to encourage refugees to return voluntarily in conditions of security and dignity. In this connection, I raised the need to strengthen the national judiciary. I emphasized that the Rwandan people as a whole, as envisaged under the Arusha agreements (A/48/824-S/26915, annexes), must participate fully in their country's governance; only on such a basis could national healing and sustainable economic progress be achieved. As an additional confidence-building measure, I discussed with government officials the possibility of organizing non-official round-table meetings and inviting participants from all sectors of Rwandan society, including the refugee community. At the same time, it is clear that respect for human rights is an essential factor in achieving national reconciliation. While those responsible for acts of genocide should be brought to justice, acts of vengeance or retaliation must not be tolerated. Another issue raised during my stay in Rwanda was the increased threat of destabilization. I emphasized to government officials my strong concern that the people of Rwanda, who had already suffered so much, should not be subjected to another cycle of violence. In my view, the earliest safe return of refugees would diminish the threat of infiltration, sabotage and destabilization from outside the country. As long as large concentrations of refugees remained in neighbouring countries, those dangers would be likely to continue.

III. Security

11. As noted above, the security situation in Rwanda has improved. Restrictions on UNAMIR's freedom of movement have generally ceased, permitting a

more effective execution of the Mission's mandate. In addition, incidents of banditry and theft have decreased significantly in recent months.

12. In some areas, however, acute housing shortages and disputes over property continue to result in acts of violence. In this connection, the closure of camps for internally displaced persons in the south-west and the consequent return of a large number of people to their previous neighbourhoods, as well as the continued repatriation of refugees, have increased the pressure for housing and land. Although their number had decreased, cases of arbitrary arrest and detention continue to cause concern, as do the continuing reports of attacks, disappearances and killings, mostly of new returnees.

13. On 27 July and 1 August, the sub-prefects of Ruhango in Gitarama prefecture and Gikongoro in Gikongoro prefecture were killed by unidentified gunmen, as was a senior Roman Catholic cleric of the parish of Kamonyi in Gitarama prefecture. Investigations have not yet revealed the motive for the crime. Incidents such as these undermine the much-needed atmosphere of security.

14. Tension and lack of security also continue to be reported from areas of Zaire adjacent to Rwanda. Reports of infiltration and sabotage by armed elements, as well as allegations that members of the former government forces and militias are conducting military training and receiving deliveries of arms, have greatly heightened tensions in the border areas. The Governments of both Zaire and Rwanda recently admitted that the situation in the border zone had deteriorated and each has accused the other of involvement. The Government of Rwanda has enhanced security measures, especially in border areas, in order to reduce the threat of destabilization by armed elements, and has requested that restrictions on its acquisition of arms be lifted.

15. On 9 July, I reported to the Security Council (see S/1995/552) pursuant to its request in resolution 997 (1995) that I consult the Governments of the countries neighbouring Rwanda on the possibility of deploying United Nations military observers to monitor the sale or supply of arms and *matériel*. My Special Envoy, Mr. Aldo Ajello, had visited the region and had found some countries to be reluctant to have such military observers stationed in their territory. I informed the Council on 25 July of my own discussions in the region on this issue. A consensus had emerged concerning the urgent need to prevent acts of violence that might pose a threat to peace and stability in the region. In that connection, some Governments had indicated interest in the establishment, under United Nations auspices, of an international commission of inquiry to investigate allegations of arms deliveries to members of the former

Rwandese government forces. All Member States concerned would have to support such a proposal if it were to be effective. I intend to pursue consultations in this regard and, in due course, to present recommendations to the Council on the possible establishment of an international commission.

IV. Human rights

16. The United Nations Human Rights Field Operation in Rwanda continued its efforts to sensitize the Rwandan population to the importance of respecting the human rights of all citizens. As at 1 August 1995, it had deployed 118 members and established 11 field offices throughout the country, which serve as base stations for mobile teams of human rights officers. Plans are under way to establish sub-offices in a number of additional communes in order to maintain a more integrated presence throughout the country. In the meantime, field officers continue to visit communes and meet with civil, judicial and military authorities and the local population. Their work has focused on security, access to property, the functioning of the local judicial system, conditions in detention centres and alleged human rights violations. The Field Operation is also in the process of establishing human rights committees at the provincial or prefectural level, with local participation, which will meet regularly with representatives of various government authorities. During the period under review, the Operation organized educational seminars for civil, military and judicial representatives.

V. International Tribunal for Rwanda

17. The six judges of the two trial chambers of the Tribunal elected by the General Assembly in May 1995 have been sworn in and their first plenary session was held from 26 to 30 June at The Hague. During that session, the judges elected Judge Laïty Kama (Senegal) President and Judge Yakov A. Ostrovsky (Russian Federation) Vice-President, and adopted the rules of procedure of the Tribunal. It is imperative that the Tribunal begin its substantive work in the near future.

18. Premises for the Prosecutor's Office at Kigali have been identified and it is expected that it will soon be fully staffed. None the less, more effort is needed to enable the Tribunal to start functioning at Arusha and to maintain a fully operational office at Kigali. On 20 July, in its resolution 49/251, the General Assembly approved some \$13.5 million for the financing of the Tribunal's work. However, in view of the enormous material, personnel and logistical requirements necessary to ensure its proper functioning, I reiterate my appeal to Member States to make additional voluntary contributions to the

United Nations Voluntary Fund established for the Tribunal. To date, \$6.3 million has been contributed to the Fund. I express my appreciation to the Member States concerned.

VI. Military aspects

19. In accordance with the adjusted mandate authorized by the Security Council in its resolution 997 (1995), the activities of the military component of UNAMIR have shifted from providing security to assisting in the normalization of the country. The military component of the Mission also assists in the delivery of humanitarian aid and the provision of engineering and logistical support. Its ability to provide such assistance will, however, be increasingly limited by the gradual reduction of its manpower and other resources.

20. With the authorized reduction in the number of UNAMIR troops to 1,800 by October 1995, the Mission's military component is being drawn down. Units of United Nations troops stationed in various areas throughout the country have been consolidated into company-size formations. Based on operational requirements, the following units will remain in the country: the battalion of 660 personnel from Ghana, whose task is to protect United Nations installations and facilities; an additional company of 135 personnel, to provide protection for personnel of the International Tribunal and the Human Rights Field Operation; the Force signal company of 75 personnel (India), responsible for providing communication support for the Force Headquarters and four sector headquarters; the military police platoon of 45 personnel; and a Force Headquarters team consisting of 35 staff officers, which will remain at Kigali. In addition, an engineer company of 125 personnel from India will provide engineering support throughout Rwanda and a group of 85 Canadian personnel will maintain UNAMIR's integrated logistics system. One infantry company each from Ghana, Mali, Malawi and Nigeria will be stationed at Kibungo, Gikongoro, Cyangugu and Nyuondo, respectively. The military medical team, which is provided by Australia, is scheduled to withdraw by 22 August. Many potential contributors have been requested to provide a replacement; unfortunately, none has agreed to assist. I am, therefore, urgently exploring the possibility of providing medical services for UNAMIR through contractual arrangements.

21. In accordance with resolution 997 (1995), the repatriation of UNAMIR's troops has begun. To date, the Ethiopian, Tunisian and Zambian infantry battalions have been repatriated, as have some personnel from the Nigerian company. As at 3 August 1995, the strength of UNAMIR's troops had been reduced to 3,571 all ranks. The Australian and Senegalese contingents are expected

to be repatriated by late August, while personnel from the Ghanaian and Malian companies are scheduled to go in early September. The Indian infantry battalion is expected to reach its reduced level by early October. The number of military police and Force Headquarters staff will also decrease throughout the period.

22. The same resolution authorized the current strength of UNAMIR's military observers to be maintained at 320. During the reporting period, military observers continued to maintain liaison with government representatives, human rights observers and United Nations agencies and to monitor the security of resettled refugees, internally displaced persons and others.

VII. Civilian police

23. In its resolution 997 (1995), the Security Council decided to maintain the authorized strength of UNAMIR's civilian police component at 120 police observers. As at 3 August, the total strength of the component was 56 observers from nine countries; 21 additional observers are expected to be deployed by mid-August.

24. My report of 4 June (S/1995/457) indicated that the Government of Rwanda had taken the position that the training programme being conducted by the UNAMIR civilian police component should be replaced by bilateral arrangements and that the United Nations police component should be withdrawn once those arrangements were in place. Since that time, the Government has agreed that UNAMIR should continue its training programme throughout the present mandate period. Accordingly, the civilian police component has continued to concentrate on monitoring and training. On 15 June 1995, a second group of 301 gendarmes completed an intensive 16-week training programme conducted by the United Nations. Training of an additional 513 gendarmes started in July and will be followed by that of 100 instructors.

25. With assistance from the international community, the Government of Rwanda has taken steps to strengthen the Communal Police Training Centre. In early July, two projects were approved whereby the United Nations Development Programme (UNDP) will provide assistance for the training of the national gendarmerie and 1,500 communal police officers. The first group of 750 officers is expected to begin training in early September.

VIII. Humanitarian aspects

26. Despite the efforts of the Rwandan authorities and the international community, in particular UNAMIR, the United Nations Rwanda Emergency Office, the United Nations High Commissioner for Human

Rights, UNDP, the United Nations Children's Fund (UNICEF), and the International Committee of the Red Cross (ICRC), the conditions in the prisons now constitute a major humanitarian crisis. Over 50,000 people are now incarcerated in 12 prisons and various places of detention, although the prison capacity is only 12,250. Death rates have been estimated at more than 200 per month. There is therefore a pressing need for more vigorous efforts by the Rwandan authorities and the international community in order to alleviate the prison situation.

27. A number of political and religious leaders have recently visited Rwanda. These include the Minister for Development Cooperation of the Netherlands, Mr. Jan Pronk, Archbishop Desmond Tutu from South Africa and the Minister of Foreign Affairs of Germany, Dr. Klaus Kinkel. Many of these leaders have witnessed the appalling prison conditions. Since his visit, Dr. Kinkel has sent me a communication urging me to do everything possible to put an end to this catastrophic situation.

28. I have requested the Under-Secretary-General for Humanitarian Affairs to initiate, in coordination with the Government of Rwanda and the international community, effective and urgent measures to reverse the situation. The Department of Humanitarian Affairs has already held consultations in New York with United Nations agencies and donor representatives with a view to drawing up a plan of action to secure resources and reaching agreement on a coordination mechanism. Further consultations are envisaged in Geneva prior to a mission led by the Department of Humanitarian Affairs to Kigali next week to finalize the action plan in conjunction with the Government of Rwanda and my Special Representative.

29. Since my report of 4 June (S/1995/457), the rate of repatriation of Rwandan refugees from neighbouring countries has increased slightly. In June, 2,727 refugees returned to Rwanda from Zaire. The Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that, in addition to the 6,250 refugees repatriated from Burundi under its auspices in June and July, up to 10,000 persons may have returned to Rwanda on their own during the same period.

30. Prospects for the repatriation of refugees from the United Republic of Tanzania to Rwanda improved after officials from both countries met with UNHCR representatives at Kigali from 17 to 19 July to examine modalities for the return of an estimated 700,000 persons. The meeting concluded with an agreement to establish a joint commission on security and the resettlement of refugees. It is also hoped that confidence-building measures sponsored by the Government, the United Nations and non-governmental organizations, such as

organized visits by refugees to Rwanda, will encourage repatriation.

31. Since the closure of the camps for internally displaced persons in the south-west of Rwanda, international humanitarian organizations have increased their activities at the commune level. The Government has also started the first phase of its Rehabilitation Programme, targeting 59 communes in priority areas. Food aid deliveries throughout the country have increased and there are sufficient stocks of food in the country and in the region to cover planned distribution programmes. Supplies for emergency distribution, should the need arise, are at present available in adequate quantities.

32. Following a bilateral agreement between the Governments of the United States of America and Rwanda, a national demining programme was established in July. Under the terms of the agreement, a national demining office will be established and a mine database created. The office will also serve as the focal point for a mine awareness programme, as well as for a programme that will provide demining training to 80 government soldiers. These activities will contribute significantly to the reconstruction effort.

33. As at 12 July, the United Nations Trust Fund for Rwanda had received contributions amounting to \$6.54 million, including a recent contribution from New Zealand of \$200,000. The Fund has financed projects aimed at meeting emergency and rehabilitation needs, as well as the urgent requirements of essential government ministries. As at 1 August, a total of \$116 million had been pledged against the sum of \$219 million outlined in the 1995 Consolidated Inter-Agency Emergency Appeal for Rwanda; this represents a \$36 million increase in pledges since my last report to the Council. For the needs of the subregion, pledges amounted to \$346 million, against a total requirement of \$587 million, representing an increase of \$1 million.

34. Although a large-scale humanitarian effort is still required to meet the massive emergency needs of Rwandan refugees in neighbouring countries, the present emphasis in Rwanda itself is gradually shifting towards rehabilitation and reconstruction. This shift from emergency assistance has required an adjustment in the various United Nations humanitarian programmes and field structures operating in the country. As a result, the United Nations Rwanda Emergency Office, which was established in 1994 under the direction of the Humanitarian Coordinator in Kigali, has begun to prepare for its eventual closure. Transitional arrangements are being made to ensure that the coordination of humanitarian assistance will continue. Among these arrangements is the establishment of a small United Nations Disaster Management Team, headed by the Resident Coordinator,

which will ensure that appropriate emergency response measures are prepared and undertaken in a timely and effective manner.

IX. Economic and social aspects

35. Donor countries and United Nations agencies met at Kigali on 6 and 7 July for a mid-term review of the Round-Table Conference held at Geneva in January 1995. The donor community recognized the need to expedite the disbursement of already committed funds and pledged an additional \$200 million, bringing to over \$800 million the amount pledged since the Conference. At the meeting, progress in rebuilding the country's infrastructure was reported, as was an increase in agricultural production. Formidable challenges remain, however, in the areas of resettlement, budgetary support, national capacity-building and industrial production.

36. Total contributions administered by UNDP through its trust fund arrangement stood at \$22 million as at 25 July 1995, at which time \$13 million had been received and some \$7.5 million disbursed for rehabilitation and development projects, including strengthening the capacity of the justice system; rehabilitation of key administrative buildings; provision of equipment vital to the functioning of Rwandan public administration; expansion of the existing prison capacity; and provision of support to training programmes for the communal police and national gendarmerie.

37. Several programmes aimed at facilitating the return to Rwanda of former members of the country's public service sector have been initiated. UNICEF and the United Nations Educational, Scientific and Cultural Organization (UNESCO) have continued to help provide basic education to Rwandans, both within the country and in refugee camps. In addition, the World Bank, the International Monetary Fund (IMF) and UNDP are involved in a project designed to strengthen the Government's capacity to manage its economic, financial and human resources.

38. There have been a number of improvements in alleviating the plight of Rwandan children, many of whom have yet to overcome the trauma inflicted by the horrors of the events of 1994. Of the approximately 45,000 children who lost or were separated from their parents, over 28,000 are now in foster-care facilities and intensive efforts are under way to provide for the rest. In mid-June, 155 prisoners between the ages of 7 and 14 were transferred to a new facility specially designed for children. The demobilization, rehabilitation and reintegration of child soldiers is continuing.

X. Financial aspects

39. In its resolution 49/20 B of 12 July 1995, the General Assembly decided, as an interim measure pending the submission at its fiftieth session of revised cost estimates and the report of the Advisory Committee on Administrative and Budgetary Questions, to appropriate \$109,951,900 gross (\$107,584,300 net) for the operation of UNAMIR for the period from 10 June to 31 December 1995. The Assembly also decided that \$99,628,200 gross (\$97,508,000 net) should be assessed among Member States for the maintenance of UNAMIR for the period from 10 June to 8 December 1995. The revised cost estimates will include two additional posts for the positions of Civilian Police Commissioner and Director of the UNAMIR Liaison Office at Kinshasa.

40. As at 26 July 1995, the total outstanding assessed contributions to the UNAMIR Special Account since the inception of the Mission amounted to \$64.7 million. The total outstanding assessed contributions for all peace-keeping operations amounted to \$1,779.3 million.

XI. Observations and conclusions

41. In the 12 months that have passed since one of the most tragic chapters in Africa's history, the Government of Rwanda has made efforts to stabilize conditions within the country, although the weakness of the economy and the lack of public revenue to run an effective administration continue to frustrate those efforts. This is one reason why many of the causes of the conflict and ensuing genocide remain to be addressed in a determined and comprehensive manner. In addition to the steps taken so far by the Government and the international community, more time and greater efforts are needed before the country can recover from the traumatic events of 1994. Since the tensions on the country's borders could erupt in uncontrollable violence at any moment, it is with a sense of urgency that the Government of Rwanda, the countries in the subregion and other members of the international community must address the vital issues confronting the country.

42. It is imperative that representatives of all sectors of Rwandan society begin talks in order to reach an agreement on a constitutional and political structure to achieve lasting stability. Such talks must, of course, exclude those political leaders suspected of planning and directing the genocide last year, who must be judged by the International Tribunal. The Government of Rwanda should promote such talks so that the thousands of others who live under suspicion can gain confidence and join in the efforts to reconstruct their country.

43. The international community has an important role to play in Rwanda's reconstruction and in encourag-

ing repatriation and reconciliation. I take this opportunity to express my appreciation to States, donor agencies and non-governmental organizations for the vital contributions they have made to promoting peace and rehabilitation in Rwanda. At the same time, I call upon them to intensify their efforts during this critical period in order to help avert a resumption of violence.

44. In accordance with resolution 997 (1995), UNAMIR is taking the necessary steps to draw down its military presence in Rwanda and to implement its new mandate. The Government has encouraged this approach, which reflects the gradually improving conditions in the country. In this connection, I urge it to ensure that visible measures are put in place to ensure respect for human rights and security for all Rwandan people. It is particularly important to continue to encourage the voluntary return of refugees. This would send a clear message to the international community that its assistance for reconstruction should be accelerated.

45. During my visit to the subregion, there was clear consensus among government leaders that instability in any State in the area could have a dramatic effect on all its neighbours. It was widely recognized that destabilizing influences, such as armed infiltrations, acts of sabotage and illegal arms acquisitions, should be prevented through cooperative efforts. Strong interest was expressed in the establishment of an international commission under the auspices of the United Nations to address allegations of arms flows to former government forces. I hope that all Governments concerned will sup-

port such an initiative. It is my intention to provide my recommendations in this regard to the Security Council shortly.

46. I discussed with heads of State and Government in the region the idea of convening a regional conference that would consider the interrelated problems of peace, security and development, having in mind the adoption of a specific programme of action. In the meantime, in order to address the urgent problems facing the repatriation of refugees, it may be useful to convene, at the earliest possible date, a regional meeting aimed at developing concrete measures to implement the commitments embodied in the Nairobi Summit declaration of January 1995, the Bujumbura Action Plan of February 1995 and the tripartite agreements signed by UNHCR, Rwanda and neighbouring countries hosting Rwandan refugees. This would be in addition to the possible holding of round-table meetings, in which all sectors of Rwandan society would participate, referred to earlier in the present report. I intend to continue intensive consultations on all of these proposals.

47. In conclusion, I wish to express my appreciation to my Special Representative, Mr. Shahryar Khan, to the Force Commander, Major-General Guy Tousignant, and to all military, police and civilian personnel of UNAMIR for their continuing efforts and remarkable dedication to the cause of peace and security in Rwanda.

[Editor's note: Map of UNAMIR Sectors of Operation and Deployment as of 31 July 1995 is not reproduced here.]

Document 138

Letter dated 8 December 1995 from the Permanent Representative of Rwanda to the United Nations addressed to the Secretary-General, transmitting a letter dated 13 August 1995 from the Minister for Foreign Affairs and Cooperation of Rwanda requesting that the United Nations permit the transfer of UNAMIR equipment and material to the Government of Rwanda upon the expiration of the mission's mandate

S/1995/1018, 8 December 1995

I have the honour to request you to circulate the two letters that were addressed to you by the Minister for Foreign Affairs and Cooperation of Rwanda, H.E. Mr. Anastase Gasana.

The first one is dated 13 August 1995, and the other 24 November 1995, on the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) and

equipment to be given to the Rwandan Government. I should be grateful if these two letters could be distributed as a document of the Security Council.

(Signed) Manzi BAKURAMUTSA
Permanent Representative

Annex I

Letter dated 13 August 1995 from the Minister for Foreign Affairs and Cooperation of Rwanda addressed to the Secretary-General

The Government of Rwanda once again takes this opportunity to reaffirm its commitment to the principles and ideals of the United Nations.

On 6 September 1995, the Vice-President and Minister of Defence, Major General Paul Kagame, appointed an interministerial commission to appraise the United Nations Assistance Mission for Rwanda (UNAMIR) and to ensure a smooth transition, should the mandate of UNAMIR end.

Through this interministerial commission, the Government of Rwanda has requested that the United Nations, if and when the mandate of UNAMIR ends, should assist the Government with equipment and material that could enhance its reconstruction and rehabilitation efforts as well as assist in the refugee repatriation and resettlement process.

Rwanda's post-genocide situation dictates international cooperation, patience as well as flexibility in order to put this country back on its feet. We continue to count

on the United Nations to play a complementary role in the reconstruction and rehabilitation of this nation.

You are aware that international assistance to Rwanda has just been trickling in, and this has certainly slowed reconstruction, rehabilitation and reconciliation efforts. UNAMIR equipment and material, particularly the United Nations hospital, communication equipment, computers, office equipment, the United Nations radio, heavy and light trucks, utility vehicles, prefabricated units, generators, tanks, pumps, water purification equipment, etc., though a drop in the ocean, would be a significant contribution to the efforts of the Government of Rwanda by the United Nations.

In consideration of Rwanda's unique situation, we trust that the United Nations will exercise flexibility and permit the transfer of UNAMIR equipment and material to the Rwandan Government.

(Signed) Anastase GASANA
Minister for Foreign Affairs and Cooperation

[Editor's note: Annex II, the letter of 24 November 1995, is reproduced in document 157]

Document 139

Security Council resolution requesting the Secretary-General to make recommendations on the establishment of a commission to investigate allegations of arms flows to forces of the former Government of Rwanda and providing that the arms embargo against Rwanda be partially lifted until 1 September 1996, and then terminated on that date, while sanctions would continue against non-Government forces

S/RES/1011 (1995), 16 August 1995

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolutions 918 (1994) of 17 May 1994, 997 (1995) of 9 June 1995 and 1005 (1995) of 17 July 1995,

Having considered the report of the Secretary-General on monitoring of the restrictions on the sale or supply of arms dated 9 July 1995 (S/1995/552),

Having also considered the progress report of the Secretary-General on the United Nations Assistance Mission for Rwanda (UNAMIR) dated 8 August 1995 (S/1995/678),

Emphasizing that the uncontrolled circulation of arms, including to civilians and refugees, is a major cause of destabilization in the Great Lakes subregion,

Welcoming the proposal of the Government of Zaire to establish an international commission under United Nations auspices to investigate reports of arms supplies to former Rwandan government forces,

Recognizing that the registration and marking of weapons are of considerable assistance in monitoring and enforcing restrictions on the illicit deliveries of weapons,

Noting with great concern reports of military preparations and increasing incursions into Rwanda by elements of the former regime and *underlining* the need for effective measures to ensure that Rwandan nationals currently in neighbouring countries, including those in camps, do not undertake military activities aimed at destabilizing Rwanda or receive arms supplies, in view of the great likelihood that such arms are intended for use within Rwanda,

Stressing the need for representatives of all sectors of Rwandan society, excluding those political leaders suspected of planning and directing the genocide last year, to begin talks in order to reach an agreement on a constitutional and political structure to achieve lasting stability,

Taking note of the letter dated 5 July 1995 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council (S/1995/547), requesting urgent action to lift the restrictions on the sale or supply of arms and *matériel* to the Government of Rwanda to ensure the security of the Rwandan population,

Welcoming the improvement in the working relations between the Government of Rwanda and UNAMIR and *recalling* the mandate of UNAMIR, as adjusted in resolution 997 (1995), in particular to help achieve national reconciliation,

Recalling that the prohibition on the delivery of arms and *matériel* to Rwanda was originally aimed at stopping the use of such arms and equipment in the massacres of innocent civilians,

Taking note of the Council's decision in resolution 997 (1995) to reduce the force level of UNAMIR, and reaffirming that the security of that country is the primary responsibility of the Government of Rwanda,

Deeply concerned by the situation in Rwanda's prisons and judicial system, particularly overcrowding, the lack of judges, detention of minors and elderly prisoners, and absence of speedy judicial or administrative review of charges, and in this respect, welcoming renewed efforts by the United Nations and donor countries, in coordination with the Government of Rwanda, to initiate, on an urgent basis, measures to improve this situation,

Underlining the need for increased efforts by the Government of Rwanda in the promotion of a climate of stability and trust in order to facilitate the return of Rwandan refugees in neighbouring countries,

A

1. *Commends* the efforts of the Secretary-General and his Special Envoy in pursuing regional responses to the problem of illicit arms supplies in the region and encourages the Secretary-General to continue his consultations in this regard;

2. *Requests* the Secretary-General, as proposed in paragraph 45 of his report (S/1995/678), to make recommendations to the Security Council, as soon as possible, on the establishment of a Commission mandated to conduct a full investigation to address allegations of arms

flows to former Rwandan government forces in the Great Lakes region of Central Africa;

3. *Calls upon* the Governments of Rwanda and neighbouring States to cooperate with the Commission's investigation;

4. *Encourages* the Secretary-General to continue his consultations with the Governments of neighbouring States concerning the deployment of United Nations military observers in the airfields and other transportation points in and around border crossing points and calls on the neighbouring States to cooperate with and assist these observers to ensure that arms and related *matériel* are not transferred to Rwandan camps within their territories;

5. *Requests* the Secretary-General to report to the Council within one month of the adoption of this resolution on his efforts for the preparation and convening, at the earliest possible time, of the regional Conference on Security, Stability and Development, as well as for the convening of a regional meeting to address the problems facing the repatriation of refugees;

6. *Calls upon* the Government of Rwanda to continue its efforts to create an atmosphere of trust and confidence for the safe return of refugees and take further steps to resolve the humanitarian problems in its prisons, and to expedite disposition of the charges against those detained;

B

Acting under Chapter VII of the Charter of the United Nations,

7. *Decides* that, with immediate effect and until 1 September 1996, the restrictions imposed by paragraph 13 of resolution 918 (1994) shall not apply with regard to the sale or supply of arms and related *matériel* to the Government of Rwanda through named points of entry on a list to be supplied by that Government to the Secretary-General, who shall promptly notify all Member States of the United Nations of the list;

8. *Decides also* that on 1 September 1996 the restrictions imposed by paragraph 13 of resolution 918 (1994) on the sale or supply of arms and related *matériel* to the Government of Rwanda shall terminate, unless the Council decides otherwise after its consideration of the second report of the Secretary-General referred to in paragraph 12 below;

9. *Further decides*, with a view to prohibiting the sale and supply of arms and related *matériel* to non-governmental forces for use in Rwanda, that all States shall continue to prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related *matériel* of all

types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts, to Rwanda, or to persons in the States neighbouring Rwanda if such sale or supply is for the purpose of the use of such arms or *matériel* within Rwanda, other than to the Government of Rwanda as specified in paragraphs 7 and 8 above;

10. *Decides also* that no arms or related *matériel* sold or supplied to the Government of Rwanda may be resold to, transferred to, or made available for use by, any State neighbouring Rwanda, or person not in the service of the Government of Rwanda, either directly or indirectly;

11. *Further decides* that States shall notify all exports from their territories of arms or related *matériel* to

Rwanda to the Committee established by resolution 918 (1994), that the Government of Rwanda shall mark and register and notify to the Committee all imports made by it of arms and related *matériel*, and that the Committee shall report regularly to the Council on notifications so received;

12. *Requests* the Secretary-General to report to the Council within 6 months of the date of adoption of this resolution, and again within 12 months, regarding, in particular, the export of arms and related *matériel* referred to in paragraph 7 above, on the basis of the reports submitted by the Committee established by resolution 918 (1994);

13. *Decides* to remain actively seized of the matter.

Document 140

Letter dated 17 August 1995 from the Prime Minister of Zaire, Kengo wa Dondo, to the Secretary-General, informing him that Zaire intends to evacuate Rwandan and Burundian refugees

S/1995/722, 22 August 1995

I have the honour to acknowledge receipt of resolution 1011 (1995), adopted by the Security Council on 16 August 1995, which you transmitted to the Deputy Prime Minister and Minister for Foreign Affairs.

By its note verbale of 10 August 1995, the Permanent Mission of Zaire to the United Nations communicated to the President of the Security Council and yourself the position of the Republic of Zaire on the draft resolution relating to the lifting of the arms embargo imposed by the Security Council on Rwanda by resolution 918 (1994) of 17 May 1994.

Subsequently, through the intermediary of Mr. Aliou Diallo, the Resident Representative of the United Nations Development Programme in Kinshasa, I informed you of the strong internal pressures sustained by the Government, particularly from the Parliament, and of the political situation that would be created in Zaire, particularly on its borders with Rwanda and Burundi, by the vote on the resolution lifting the embargo on Rwanda, at a time when reliable and consistent reports in my possession point to a concentration of the armed forces of Rwanda and Burundi on the borders with Zaire.

I pointed out also that, in the event of a vote on the resolution lifting the embargo on Rwanda, the Zairian

Government would find itself obliged to invoke article 3, paragraph 2, of resolution 2312 (XXII), entitled "Declaration on territorial asylum", adopted by the United Nations General Assembly on 24 December 1967, and thus to derogate—for major reasons of national security and in order to protect the population against the massive flow of foreigners that have invaded North and South Kivu—from the principle set forth in article 3, paragraph 1, of the above-mentioned Declaration.

This position was communicated by the Deputy Permanent Representative of Zaire to the United Nations to the President of the Security Council on 16 August 1995 before the Council's formal meeting, together with the position of the Government of the Republic of Zaire on the compromise text of the draft resolution on the suspension of the embargo imposed on Rwanda.

The adoption of resolution 1011 (1995) by the Security Council at its 3566th meeting on 16 August 1995 leaves me no choice but to request you to indicate to me the arrangements made at the United Nations level in relation to the new country or countries of asylum to which the Rwandan and Burundi refugees should be evacuated.

In the absence of any clear indication, the Government of the Republic of Zaire intends to evacuate them to their country of origin at the expense of the United Nations Assistance Mission for Rwanda, the United Nations and the Governments of their respective countries.

The decision of the Government of Zaire is the logical sequel to the adoption of Security Council resolu-

tion 1011 (1995), and its aim is to protect Rwanda against the alleged destabilization attempts by former members of the Rwandanese armed forces and Rwandan refugees in neighbouring countries, including Zaire.

(Signed) Kengo WA DONDO

Document 141

Letter dated 18 August 1995 from the Secretary-General to the Prime Minister of Zaire, appealing to his Government to continue to provide assistance to Rwandan and Burundian refugees, pending the reaction of the Security Council to the Prime Minister's letter of 17 August 1995 (Document 140)

S/1995/723, 22 August 1995

I have the honour to acknowledge receipt of your letter of 17 August 1995 whereby you drew my attention to the political implications for Zaire of resolution 1011 (1995), adopted by the Security Council on 16 August 1995.

I have taken very careful note of the difficulties encountered by your Government with the Parliament and the Zairian population groups along the border between your country, Rwanda and Burundi.

In view of the importance of the subject and my great concern regarding it, I have decided to communicate your letter to the President of the Security Council *in extenso*.

I should like, pending the reaction of the Security Council, to address to you an urgent appeal that your Government continue to provide to the Rwandan and Burundi refugees assistance that accords with the traditions of generosity of the people of Zaire.

(Signed) Boutros BOUTROS-GHALI

Document 142

Statement by the President of the Security Council calling on the Government of Zaire to reconsider and halt its declared policy of forcibly repatriating refugees to Rwanda and Burundi

S/PRST/1995/41, 23 August 1995

The Security Council views with deep concern the forcible repatriation of Rwandan and Burundian refugees by the Government of Zaire and the increasingly tense situation in the region.

The Security Council takes note of the recent letter from the Government of Zaire to the Secretary-General (S/1995/722) and the Secretary-General's reply (S/1995/723) in which he urges the Government of Zaire to continue to provide assistance to Rwandan and Burundian refugees.

The Security Council considers that Zaire and the other States which have accepted refugees from Rwanda

and Burundi make an important contribution, in spite of the considerable difficulties created for them thereby, to peace and stability in the region. Their contribution is of special importance in view of the genocide which took place in Rwanda and the possibility of further bloodshed in Burundi. The Council also notes the commitment of the Government of Rwanda to take the necessary steps to facilitate the safe return of its nationals as soon as possible and encourages it to continue its efforts in order to implement its undertakings in this respect.

The Security Council calls on the Government of Zaire to stand by its humanitarian obligations regarding

refugees, including, *inter alia*, those under the Convention relating to the Status of Refugees of 1951, and to reconsider and halt its declared policy of the forcible repatriation of refugees to Rwanda and Burundi.

The Security Council supports the decision by the Secretary-General to send the United Nations High Commissioner for Refugees to the region to engage in urgent

discussions with the Government of Zaire and neighbouring States with a view to resolving the situation. It encourages all Governments in the region to cooperate with the United Nations High Commissioner for Refugees to achieve the voluntary and orderly repatriation of refugees. It also calls on the international community to provide all possible assistance to help care for the refugees.

Document 143

Third report of the Secretary-General reviewing progress made regarding arrangements for establishing the seat of the International Tribunal for Rwanda at Arusha

S/1995/741, 25 August 1995

I. Introduction

1. In paragraph 5 of resolution 955 (1994) of 8 November 1994, I was asked to report periodically to the Security Council on the implementation of the resolution establishing the International Tribunal for Rwanda. In my first report on 13 February 1995 (S/1995/134), I informed the Council of the steps envisaged for the practical implementation of the resolution and made my recommendation that Arusha, United Republic of Tanzania, should be selected as the seat of the Tribunal. In my second report on 30 June 1995 (S/1995/533), I provided updated information regarding the arrangements made for the seat of the Tribunal at Arusha, and set out the status as regards the financing of the Tribunal. In the present report, it is my intention to brief the Council on the progress made regarding the practical and legal arrangements for the seat of the Tribunal, its financing, the status of contributions in funds and personnel and the activities of its various organs.

II. Arrangements concerning the seat and premises of the tribunal

2. As indicated in my last report (S/1995/533), a number of issues remained to be resolved in the headquarters agreement for the seat of the Tribunal between the United Nations and the Government of the United Republic of Tanzania. Following discussions held in New York between the Office of Legal Affairs of the Secretariat and the Permanent Representative of the United Republic of Tanzania to the United Nations, the parties are considering including in a side exchange of letters their understanding regarding the interpretation and implementation of certain provisions of the agreement. Pending a final reaction from the Government of the

United Republic of Tanzania, it is expected that the headquarters agreement between the United Nations and the Government will be signed shortly.

3. Given the institutional links between the International Tribunal for Rwanda and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (i.e., a common Appeals Chamber and a common Prosecutor), it is envisaged that certain activities and proceedings of the Rwanda Tribunal will be undertaken at The Hague from time to time. In order to facilitate such activities and proceedings of the Tribunal, a draft exchange of letters has been submitted to the Netherlands authorities whereby the pertinent provisions of the agreement between the United Nations and the Netherlands concerning the Yugoslav Tribunal were made applicable to activities and proceedings of the Rwanda Tribunal in the territory of the Netherlands. In that connection, there would be a small liaison office for the Rwanda Tribunal at The Hague, staffed by one Professional and one or two secretariat support staff. Occasionally, the Deputy Prosecutor would also visit The Hague for consultations, together with collaborators from Kigali, as appropriate. Otherwise, I have jointly with the Prosecutor taken the position that investigations should be conducted from the Prosecutor's office at Kigali and at Arusha, when the latter becomes operational.

4. In order to speed up the conclusion of the lease arrangements for the premises of the Tribunal and the necessary reconstruction works at the Arusha International Conference Centre, a task force has been established to oversee the lease arrangements and the processes of contracting, reconstruction and procurement. The phased-in approach adopted to the establishment of the

Tribunal would enable it to commence its operation later in 1995.

III. Financing

5. In its resolution 49/251 of 20 July 1995, the General Assembly established the mode of financing of the Tribunal. The Assembly adopted a \$13.5 million budget for the Tribunal for the period ending 31 October 1995, and as an ad hoc and exceptional arrangement, decided to split the \$13.5 million between the regular budget and the peace-keeping special account assessment. It also specifically authorized me to make the necessary arrangements, including the signing of a lease agreement and construction contracts for the premises of the Tribunal and granting of contracts of up to 12 months for its staff, to ensure that it is provided with adequate facilities and necessary staff resources. With the approval of the budget by the General Assembly in July 1995, the Tribunal has now a sound financial basis that will enable it to enter into long-term financial and other commitments, including construction works and recruitment of staff.

6. In addition to the funds available in the budget, a total amount of \$6.3 million worth of cash contributions and pledges is now available in the Voluntary Fund to Support the Activities of the Tribunal.

7. As for contributions in kind, certain countries have donated the services of qualified personnel to the Tribunal to assist in the work of the Prosecutor or the Registrar, as the case may be. An agreement for the contribution of personnel to the Tribunal has been signed with the United Kingdom of Great Britain and Northern Ireland. Similar agreements are currently being negotiated with Canada, Denmark, the Netherlands, Norway, Switzerland and the United States of America and with one non-governmental organization.

IV. The tribunal

A. *The judges*

8. On 30 June 1995, the judges of the Tribunal adopted the rules of procedure and evidence in accordance with article 14 of the Statute. Judges were assigned to the two Trial Chambers and a list of assignment of judges for review of indictments for the months of October to December 1995 was established. Having thus completed the agenda of their first meeting, the judges are now prepared to serve on the Tribunal on short notice as soon as the first indictment is presented.

B. *The Registry*

9. I am currently consulting with the President of the Tribunal in accordance with article 16 of the Statute

in order to be able to appoint the Registrar. It is my hope that the Registrar can be appointed within the next few days.

C. *Staffing of the Tribunal*

10. With respect to staffing, the situation is currently as follows. A total of 18 Professional staff are working for the Tribunal, including the Prosecutor in The Hague. The Office of the Prosecutor at Kigali is staffed by the Deputy Prosecutor and 10 Investigators/Legal Officers. In addition, the Liaison Officer attached to the Prosecutor's Office at The Hague frequently travels to Kigali in the performance of his functions. Seven investigators are personnel contributed by Member States. The Administrative Office of the Registry is staffed by an Acting Chief of Administration, a Procurement Officer and two Administrative Assistants. It should be noted that seven additional candidates have accepted offers of appointments and will travel to Kigali as soon as they are medically cleared and their travel documents processed, and that offers of appointments will be sent to another nine candidates in the next few days. Additionally, approximately 40 personnel contributed by Member States are expected to arrive during the next three months.

D. *Ongoing investigations*

11. As far as the ongoing investigations are concerned, the Prosecutor has informed me that in view of the current staffing levels, present inquiries centre around a small number of individuals who are suspected of being principally responsible for the planning, incitement or commission of crimes. The investigators are assessing and analysing a large volume of material that has been collected by the Tribunal and other bodies during the past months. Additionally, witnesses are being interviewed on the African, European and North American continents. Pending the full development of the Arusha site with air-conditioned facilities for the computer equipment, the Prosecutor has indicated that in order to continue to meet his goal of the first indictments being issued later in 1995, a small Documents Processing Centre, using the premises identified above, will be established on a temporary basis at The Hague. The Prosecutor has informed me that neither his own investigations nor the information made available to him by the Rwandan authorities have so far served to identify suspects appropriate for investigation by him amongst persons currently being held in Rwandan prisons. The first indictments are still expected before the end of 1995.

12. Next week the President of the Tribunal and the Prosecutor will travel together to Kigali and Arusha. They will meet with representatives of the Government

of Rwanda, with my Special Representative there and with the Deputy Prosecutor to discuss various questions concerning the establishment of the Tribunal. They will also consult among themselves on the work programme

for investigations, the preparation of indictments and the holding of trials. At Arusha, they will meet with representatives of the International Conference Centre and see the premises to be used by the Tribunal.

Document 144

Letter dated 25 August 1995 from the Secretary-General to the President of the Security Council on arrangements for the establishment of an international commission of inquiry to investigate allegations of arms flows to forces of the former Government of Rwanda

S/1995/761, 31 August 1995

I have the honour to refer to paragraph 2 of Security Council resolution 1011 (1995) of 16 August 1995. In its resolution, the Council requested me, in accordance with paragraph 45 of my progress report (S/1995/678) dated 8 August 1995, to make recommendations, as soon as possible, on the establishment of a Commission mandated to conduct a full investigation to address allegations of arms flows to former Rwandese government forces in the Great Lakes region of Central Africa.

In that report, I indicated that some Governments had expressed an interest in the establishment, under United Nations auspices, of an international commission to investigate allegations of arms deliveries to members of the former Rwandese government forces. I also expressed the hope that all Governments concerned would support such an initiative and said that I would submit recommendations to the Security Council on this matter. My recommendations are set out below.

The basic terms of reference of the proposed Commission, as defined in paragraph 2 of resolution 1011 (1995), seem to me adequate. The Commission would collect information and investigate reports relating to the sale or supply of arms and related *matériel* to former Rwandese government forces in violation of the embargo imposed under Security Council resolutions 918 (1994) of 17 May 1994 and 1011 (1995) of 16 August 1995. It would also investigate allegations that such forces were receiving military training in order to destabilize Rwanda. The Commission would attempt to identify parties aiding or abetting the illegal acquisition of arms by former Rwandese government forces, and recommend measures to curb the illegal flow of arms in the subregion.

The Commission would need the freedom to obtain from all relevant sources information it considered necessary to carry out its work, including the review of information from investigations of other persons or bod-

ies. In this connection, the Security Council should, as appropriate, request States, international and other organizations and private individuals to provide whatever relevant information they may have to the Commission as soon as possible and to furnish any other assistance that may be required. In addition, any information collected by the Sanctions Committee established under resolution 918 (1994) should be made available to the Commission.

To carry out its mandate effectively, the Commission would need to have the full cooperation and support of the Governments in whose territories it would conduct investigations. These Governments would be requested to take appropriate measures to guarantee the safety and security of the members of the Commission and to ensure that they have the necessary freedom of movement and contacts in order to conduct their investigations. The Commission would require free access, without prior notification, to all sites it deemed necessary for its work, including border points, air fields, refugee camps and other relevant locations. It would also have to be free to interview any person in private, without prior notification. The Governments concerned would have to respect the integrity and freedom of witnesses, experts and other persons who may be called by the Commission, including guaranteeing their security.

The Commission would be composed of an eminent person, appointed by the Secretary-General, who would serve as its Chairman, assisted by 5 to 10 legal, military and police experts and the appropriate support staff. These experts would be contributed by Member States, at the request of the Secretary-General, but would be paid by the United Nations and would serve in their personal capacity.

Commission members should be granted all relevant privileges and immunities provided for by the Convention on the Privileges and Immunities of the United Nations.

The members of the Commission would have the status of experts on mission in accordance with article VI of the Convention and any staff of the Secretariat attached to the Commission would have the status of officials in accordance with articles V and VII of the Convention.

The proposal to establish such a Commission was initially made by the Government of Zaire. In its note verbale of 10 August to the President of the Security Council (S/1995/683), the Government of Zaire reiterated its support for this idea and offered to assist an international commission of inquiry established under United Nations auspices. I therefore recommend that the Commission commence its work in Zaire. In the meantime, I would pursue my consultations with the other concerned countries in the region, so that the Commission could, in due course, extend its work to these countries.

The Commission would submit an initial report on its findings to the Security Council, through the Secretary-General, within three months of commencing its work. It would submit a final report, including its recommendations, as soon as possible thereafter.

Should the Security Council decide to establish such a Commission, I recommend that it be financed through

the regular budget of the United Nations. However, pending approval of its budget by the relevant bodies, I would call upon Member States to provide voluntary contributions through the Secretary-General's Trust Fund for Rwanda so that the Commission could begin its work immediately.

As I noted in my report of 8 August (S/1995/678), during my visit to the subregion last July, it was widely recognized by the Governments concerned that destabilizing influences, including the illegal acquisition of arms, could be prevented through cooperative efforts. I believe that a Commission of Inquiry on the lines described in this letter would be an important element in preventing renewed conflict in the region, provided that it enjoyed the support and cooperation of all concerned. On this basis, I recommend that the Security Council decide to establish it forthwith.

I should be grateful if you would bring the contents of this letter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Document 145

Letter dated 29 August 1995 from the Secretary-General to the President of the Security Council outlining an approach to improve prison conditions in Rwanda and help strengthen the justice system

S/1995/762, 31 August 1995

I should like to share with you my concern over recent developments in the Great Lakes Region. As you are aware, I visited the region last July where I urged the Government of Rwanda to work towards political stability and return to normalcy in the country. I was particularly struck by the deep scars left by the genocide of April 1994 on the Rwandese society which still remain to be healed. I had also an opportunity to witness the inhuman conditions in Rwandese prisons where 51,000 prisoners were being held in facilities meant for 12,500 prisoners and the paralysis in the Rwandese justice system. Last week, the refoulement of refugees from Zaire added to the already precarious security situation in the region and raised the possibility of yet another humanitarian tragedy.

I have already shared with you correspondence exchanged between His Excellency Mr. Kengo wa Dongo, Prime Minister of the Republic of Zaire, and myself

following the refoulement of Rwandese and Burundese refugees from Zaire. I have since received assurances from the Government of Zaire that it will not pursue forcible repatriation of refugees. The High Commissioner for Refugees, Mrs. Sadako Ogata, at my request, is currently undertaking consultations with the Government of Zaire and other countries in the region to ensure the safe, voluntary and orderly repatriation of refugees.

In this context, she will seek to ensure that the countries of the region honour their commitments to the Tripartite Agreements, the Nairobi Summit Declaration as well as the Bujumbura Plan of Action. Mrs. Ogata met with the Prime Minister of Zaire in Geneva today. The Prime Minister wishes the repatriation to be completed by 31 December 1995. The Prime Minister made evident the political and social pressures the refugees were imposing on Zaire. While appreciating the special needs of the host countries, Mrs. Ogata has made it clear that a policy

of forcible repatriation will not solve the problem. She will continue her consultations in the region and will report to me next week.

I should, however, add that the enormous economic, environmental and political burden which the presence of almost 2 million refugees places on the Governments and peoples of Zaire, Tanzania and other countries in the region needs to be fully recognized.

Following my visit and that of Foreign Minister Kinkel of Germany, I asked Under-Secretary-General Peter Hansen to initiate urgent measures to address the crisis arising as a result of prison conditions in Rwanda and the inability of the justice system to process the cases of those incarcerated. A United Nations mission has just returned from Rwanda and has prepared a two-pronged strategy to address this dual but closely related problem. This strategy would, on the one hand, enable immediate action to improve prison conditions including provision of urgently needed humanitarian assistance to the prisoners and also expand the prison capacity by up to 21,000. At the same time, the Government of Rwanda will receive assistance to strengthen its justice system (50 legal experts are being provided to Rwanda urgently), as well as to reinforce its commitment and capacity to implement a proper arrest and detention policy. This includes ensuring the effective functioning of the Commission de Triage intended to screen those arrested through provision of assistance by the Human Rights Field Operations in Rwanda (HRFOR).

In order to implement this strategy in a most expeditious manner, I am entrusting my Special Representative in Rwanda with the overall responsibility for coordination through the United Nations Assistance Mission in Rwanda (UNAMIR) with special advisory support from the United Nations Humanitarian Coordinator. Of course, the successful implementation of this strategy will require the full cooperation and support of the Government of Rwanda as well as the donor community. Extensive consultations are currently being undertaken by Under-Secretary-General Hansen to raise US\$ 10 million required. I am encouraged by the initial positive response from several Member States who have offered cash and in-kind contributions. With this support, I am confident that this strategy can be implemented within six to eight weeks.

I have also taken steps to reinforce system-wide coordination structures in Burundi and Rwanda. The Department of Humanitarian Affairs is dispatching two officers to support the Office of my Special Representative in Burundi in the coordination of humanitarian assistance. In Rwanda the Department of Humanitarian Affairs continues to assume responsibility of coordinating humanitarian actions. UNHCR, in collaboration with

the Rwandese Ministry of Rehabilitation, takes care of the reception of returning refugees and monitors the situation.

Steps have also been taken to set up a Regional Integrated Information Unit (RIIU) which had been recommended by the Inter-Agency Standing Committee composed of all relevant humanitarian organizations. Based in Nairobi, the RIIU will fill existing gaps in the flow and analysis of information, thereby enhancing the international humanitarian community's capacity to develop and implement integrated approaches to address the problems of the region. With donor support this structure should be established by 1 October 1995.

A lasting solution of the crisis facing the Great Lakes Region lies only in the early restoration of political stability and security in the countries of the region. As you know, I have appointed Ambassador Jesus of Cape Verde as my Special Envoy for the preparation and convening of the Conference on Peace, Security and Development in the Great Lakes Region called for in Security Council resolution 1011 (1995). Ambassador Jesus will be proceeding to the region later this week to consult with all concerned and will report to me on the outcome of his consultations. Ambassador Jesus will also travel to donor countries and hold talks with multi-lateral institutions to facilitate longer-term activities in host communities and in areas of return.

As communicated earlier to the Security Council, I have proposed the establishment of the Commission of Enquiry on the supply of arms to the region for which the Terms of Reference and operating modalities were spelt out in my communication. Upon the concurrence of the Security Council, I will dispatch a mission to the area and report to the Council within the proposed three-month period.

Notwithstanding the recent changes in Rwandese Government, I am confident that we will continue our work in a constructive and positive spirit to enhance Rwanda's capacity for ensuring the observance of human rights for all its citizens, the safety of the returnees and justice for all. As you know, the HRFOR is concentrating on confidence-building measures aimed at promoting national reconciliation and a programme of technical assistance and advisory services designed principally for the rehabilitation of the Rwanda justice system. At present, a senior-level mission from the High Commissioner for Human Rights is visiting Rwanda to accelerate support for strengthening these efforts.

I have also been concerned over the slow pace of progress in the establishment of the International Tribunal. Notwithstanding the technical, logistical and other problems, I have asked the Chief Prosecutor, Mr. Goldstone, to do his best to accelerate the work on the

International Tribunal. He shall be reaching Rwanda on 30 August and will report to me on the outcome of his visit to the region.

I should also like to take this opportunity to express my appreciation for the efforts of many Member States who have intervened with the Governments of the region

to support these efforts and have made financial and other contributions.

I should be grateful if you could bring this letter to the attention of the members of the Council.

(Signed) Boutros BOUTROS-GHALI

Document 146

Security Council resolution establishing the International Commission of Inquiry to investigate reports on the sale or supply of arms and related matériel to forces of the former Government of Rwanda in violation of the United Nations arms embargo

S/RES/1013 (1995), 7 September 1995

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolutions 918 (1994) of 17 May 1994, 997 (1995) of 9 June 1995 and 1011 (1995) of 16 August 1995,

Having considered the letter of the Secretary-General to the President of the Security Council dated 25 August 1995 (S/1995/761) on the establishment of a commission of inquiry,

Having also considered the note verbale of 10 August 1995 from the Government of Zaire to the President of the Security Council (S/1995/683) and welcoming the proposal of the Government of Zaire contained therein for the establishment under the auspices of the United Nations of an international commission of inquiry and its offer to assist such a Commission,

Recognizing that destabilizing influences in the Great Lakes region, including the illegal acquisition of arms, can be prevented by the cooperative efforts of all Governments concerned,

Expressing once again its grave concern at allegations of the sale and supply of arms and related matériel to former Rwandan government forces in violation of the embargo imposed under its resolutions 918 (1994), 997 (1995) and 1011 (1995), and *underlining* the need for Governments to take action to ensure the effective implementation of the embargo,

Underlining the importance of regular consultations between the Commission of Inquiry and the countries concerned, as appropriate, in view of the necessity to respect the sovereignty of States in the region,

1. *Requests* the Secretary-General to establish, as a matter of urgency, an International Commission of Inquiry, with the following mandate:

(a) To collect information and investigate reports relating to the sale or supply of arms and related *matériel* to former Rwandan government forces in the Great Lakes region in violation of Council resolutions 918 (1994), 997 (1995) and 1011 (1995);

(b) To investigate allegations that such forces are receiving military training in order to destabilize Rwanda;

(c) To identify parties aiding and abetting the illegal acquisition of arms by former Rwandan government forces, contrary to the Council resolutions referred to above; and

(d) To recommend measures to end the illegal flow of arms in the subregion in violation of the Council resolutions referred to above;

2. *Recommends* that the Commission to be appointed by the Secretary-General be composed of five to ten impartial and internationally respected persons, including legal, military and police experts, under the Chairmanship of an eminent person, and assisted by the appropriate support staff;

3. *Calls upon* States, relevant United Nations bodies, including the Committee established by resolution 918 (1994), and as appropriate, international humanitarian organizations, and non-governmental organizations, to collate information in their possession relating to the mandate of the Commission, and *requests* them to make this information available as soon as possible;

4. *Requests* the Secretary-General to report to the Council on the establishment of the Commission, and *further requests* him to submit, within three months from its establishment, an interim report on the conclusions of the Commission and, as soon as possible thereafter, to submit a final report, containing its recommendations;

5. *Calls upon* the Governments of the States concerned in which the Commission will carry out its mandate to cooperate fully with the Commission in the fulfilment of its mandate, including responding positively to requests from the Commission for security, assistance, and access in pursuing investigations, including:

(a) Adoption by them of any measures needed for the Commission and its personnel to carry out their functions throughout their respective territories with full freedom, independence, and security;

(b) Provision by them of all information in their possession which the Commission requests, or is otherwise needed to fulfil its mandate, and free access for the Commission and its staff to any relevant archives;

(c) Freedom of access at any time, for the Commission and its staff to any establishment or place as they deem necessary for their work, including border points, airfields, and refugee camps;

(d) Appropriate measures to guarantee the safety and security of the members of the Commission and guarantees from the Governments of full respect for the integrity, security and freedom of witnesses, experts and

any other persons working with the Commission in the fulfilment of its mandate;

(e) Freedom of movement for members of the Commission, including freedom to interview any person in private, at any time, as appropriate;

(f) The grant of relevant privileges and immunities in accordance with the General Convention on the Privileges and Immunities of the United Nations;

6. *Recommends* that the Commission begin its work as soon as possible and to this end *requests* the Secretary-General to pursue his consultations with the countries of the region;

7. *Calls upon* all States to cooperate with the Commission in facilitating its investigations;

8. *Encourages* States to make voluntary contributions to the Secretary-General's United Nations Trust Fund for Rwanda as a supplement to financing the work of the Commission as an expense of the organization, and to contribute through the Secretary-General equipment and services to the Commission;

9. *Decides* to remain seized of the matter.

Document 147

Letter from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, transmitting a statement by the President of Rwanda regarding UNHCR on the occasion of the visit to Rwanda of the United Nations High Commissioner for Refugees

S/1995/784, 11 September 1995

I have the honour to convey to you the Presidential statement made on the occasion of the visit of Mrs. Sadako Ogata, the United Nations High Commissioner for Refugees.

I would be grateful if you would circulate the present letter and its annex as a document of the Security Council.

(Signed) Manzi BAKURAMUTSA
Ambassador
Permanent Representative of Rwanda
to the United Nations

Annex
Presidential statement made on the occasion of the visit of Mrs. Sadako Ogata, the United Nations High Commissioner for Refugees

On the occasion of the visit to Rwanda by Mrs. Sadako Ogata, the United Nations High Commis-

sioner for Refugees, who had brought a special message from the Secretary-General of the United Nations, the Government of Rwanda is pleased to record its appreciation and high regard of the efforts and support by the international community towards the reconstruction of the country.

The Government reiterates its unflinching determination to do everything possible to enable the safe return of all Rwandan refugees, in the letter and spirit of the Bujumbura declaration. No efforts will be spared to ensure that every Rwandan enjoys equal right to citizenship and protection by the Government. The return of all Rwandans is without preconditions, and this right is inalienable whatever the circumstances.

It is on this basis that when Rwandan nationals in Zaire were expelled under humiliating conditions, the Government employed great effort, despite our immense limitations, to ensure that all those expelled were safely

and conveniently settled into their homes. The number of persons that crossed at Cyangungu and Gisenyi were 7,268 and 5,079 respectively. Of the total number of 12,347 persons expelled from Zaire, only 42 persons were separated from the rest at the border post of Cyangungu, while the number for Gisenyi was 205 persons. The separation was a safety precaution as 123 of those separated were soldiers of the former army, and they have, after screening, been taken to Gako Military Training Centre for a reintegration programme. Among those separated were 55 criminals that were in jail at Goma, and the rest were suspected of the crime of genocide. The total number of persons (69) being held for suspected involvement in genocide constitute about 0.6 per cent of all those expelled.

Within four days, all the returnees had been settled in their properties, with the support of the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Assistance Mission for Rwanda (UNAMIR) and other members of the international community. These organizations have followed the returnees into their areas and are working with the Government to help these persons to start a new life.

In anticipation of further repatriation, reception centres at the border have been reinforced with the involvement of UNAMIR, UNHCR and other organizations so as to receive and provide basic services to returnees. These centres will remain open and are to be further strengthened to receive more returnees. The Government of Rwanda appeals to all the nationals who are outside to take advantage of this momentum. Furthermore, where necessary, due process of law will be followed under international monitoring. This and the ongoing

strengthening of the judiciary constitute supplementary guarantees that there will be no arbitrary arrests.

The population that had settled on properties of other persons has been mobilized to vacate them for their legitimate owners, and any disputes over property are being handled by special committees at various levels of government.

All these efforts made towards safe return and reintegration of returnees is paying off dividends, as is evidenced by the rising numbers of persons returning voluntarily from Tanzania, Burundi and Zaire. From Burundi alone over 30,000 have repatriated voluntarily, most of them spontaneously over the last two months. It is expected that most of the 100,000 to 150,000 still in Burundi will have repatriated by the end of the year.

The Government is developing further mechanisms in collaboration with the United Nations system and other members of the international community to ensure that more people can be comfortably received in large numbers.

Similarly, the Government is soliciting the support and involvement of the international community in seeking innovative ways of expediting the healing process of the society and national reconciliation. This process will be possible once all the Rwandan nationals are settled in Rwanda and are actively involved.

The Government of Rwanda wishes to take this opportunity to thank the United Nations High Commissioner for Refugees, Mrs. Sadako Ogata, and the United Nations Secretary-General Mr. Boutros Boutros-Ghali for their manifest interest and untiring efforts in seeking solutions for the problems of Rwanda and Rwandan refugees.

Document 148

Letter dated 22 September 1995 from the Secretary-General to the President of the Security Council assessing the situation of Rwandan refugees in the light of the recent mission of the United Nations High Commissioner for Refugees to the region

Not issued as a United Nations document

In my letter of 29 August, I had informed you of my decision to ask Mrs. Sadako Ogata, the United Nations High Commissioner for Refugees, to undertake an urgent mission to the Great Lakes Region following forcible repatriation of Rwandan and Burundian refugees by the Government of Zaire.

Mrs. Ogata visited Burundi, Rwanda, Tanzania and Zaire from 31 August to 7 September and, upon her

return, reviewed her findings with me. I intend to provide a comprehensive report and recommendations in my next regular report to the Council, but in the meantime, I would like to share with the Council my impressions of the current situation in the region following Mrs. Ogata's mission.

First and foremost, the refugees situation, though a significant cause of existing problems, is indeed a conse-

quence of the instability and tensions that prevail in the region. Only political solutions will effectively address the underlying causes. Humanitarian actions can support political solutions but not replace them. The recent appointment of Ambassador Jesus as my Special Envoy for the preparation and convening of the Conference on Peace, Security and Development will generate momentum in this direction.

Mrs. Ogata found a strong convergence of views among Governments in the region, donors and even the refugees themselves, on the importance of an accelerated and organized return in conditions of safety and dignity. A major point of concern was, however, the need for a secure environment in the home areas of the returnees.

The forcible return initiated by Zaire, although regrettable, has underscored the importance of reinvigorating efforts for the voluntary return of refugees. While the Government of Zaire agreed not to pursue its policy of forcible repatriation, it has insisted that all refugees be repatriated by 31 December 1995. The High Commissioner noted the Zairean position but made no commitment. Tanzania has expressed the hope that accelerated voluntary return of refugees will help preclude its initiation of a forcible return. The President of Rwanda has made a strong statement on his Government's willingness to welcome all Rwandan citizens back and has agreed, among other things, to international monitoring. Rwanda has also agreed to direct contacts through the Tripartite Commission with Zaire and UNHCR to deal with specific measures and modalities for the return of refugees. Furthermore, Rwanda indicated that it was considering how to categorize levels of culpability related to genocide, a measure which would reassure many of

those wishing to return. In Burundi, the Government and army have pledged to do their best to improve access and security in the areas of return.

It is imperative that all countries in the region honour their commitments to a strategy of accelerated, organized and voluntary return, and subsequent reintegration. If they do, UNHCR will be in a position to set in motion an uninterrupted and organized return in conditions of safety and dignity. The international community must lend its strong support to efforts to promote this objective, both in countries of asylum and origin.

I have instructed the Department of Humanitarian Affairs, along with the United Nations High Commissioner for Refugees and other United Nations Agencies to refocus ongoing programmes towards supporting the repatriation and resettlement of refugees. A special United Nations appeal is being prepared to mobilize adequate financial support for the return and resettlement of refugees as well as reintegration of internally displaced in Rwanda and Burundi. This appeal will call attention to the need to accelerate the disbursement of existing commitments by donors, in addition to mobilizing more resources. Consideration would also be given to addressing the priority needs in host countries where the presence of large numbers of refugees has adversely affected essential infrastructures.

I should be grateful if you could bring this letter to the attention of the members of the Council.

Please accept, Mr. President, the assurances of my highest consideration.

(Signed) Boutros BOUTROS-GHALI

Document 149

Report of the Secretary-General on special assistance to countries receiving refugees from Rwanda

A/50/506, 4 October 1995

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 49/24 of 2 December 1994 on special assistance to countries receiving refugees from Rwanda. In that resolution, the General Assembly, bearing in mind the serious crisis which had shaken Rwanda to its very foundations, expressed its deep concern about the grave social, economic, health and ecological impact of the massive and unexpected presence of refugees in the neighbouring countries. It commended the Governments

of Burundi, Uganda, the United Republic of Tanzania and Zaire for the sacrifices which they had made and for their continuing commitment to do their utmost to assist the refugees from Rwanda, notwithstanding the constraints which their limited resources placed on them, and urged all States, intergovernmental and non-governmental organizations, and international financial and development institutions to provide all financial, technical and material assistance possible with a view to facilitating the restoration of the basic services destroyed in the countries receiving refugees from Rwanda. The present report has

been prepared on the basis of information received from United Nations offices in Burundi, Uganda, the United Republic of Tanzania and Zaire by the end of August 1995.

2. Despite progress made to normalize the country, the situation in Rwanda remains fragile. Some 1.8 million Rwandan refugees are still outside the country. Continued insecurity prevents their repatriation and resettlement. The presence of military forces and militia of the former Government among the refugees has intimidated them and poses an external threat to the current Government of Rwanda. These forces have allegedly been re-armed and retrained in neighbouring countries. The forced repatriation of refugees from Zaire to Rwanda and Burundi between 19 and 23 August 1995 attested to the danger and destabilizing effects of such a large presence of refugees close to Rwanda's borders. It is an indication that the neighbouring countries, which have been shouldering a heavy burden by providing asylum to the refugees, have reached a limit.

II. Great Lakes Region

3. The Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region was held at Bujumbura from 12 to 17 February 1995. Organized and chaired jointly by the Organization of African Unity (OAU) and the Office of the United Nations High Commissioner for Refugees (UNHCR), the Conference discussed the issue of assistance to countries receiving refugees from Rwanda. The United Nations Development Programme (UNDP) was requested to hold a round table of donors aimed at tackling the problems of zones that were seriously affected by damage resulting from the presence of refugees and displaced persons within the Great Lakes region, in order to coordinate the necessary action within the framework of an integrated approach.

4. UNDP sent an exploratory mission to the region from 9 April to 23 May 1995. It examined, in particular, the impact of the refugees' presence on the environment, and established that extensive damage had been caused to the ecosystems in areas of the Kivu region of eastern Zaire and the wetlands of the Kagera River basin in the United Republic of Tanzania. Small projects initiated by UNHCR and the German Technical Assistance Corporation (GTZ) to mitigate the impact of firewood cutting, and another by UNHCR in cooperation with the International Fund for Agricultural Development (IFAD) to repair the damage on the environment, have been overwhelmed by the sheer magnitude of the refugee problem in the region. UNDP has concluded that the environmental dimension of the refugee situation merits an

inter-agency assessment to establish long-term needs and assistance to the affected countries.

III. Republic of Burundi

5. At the time that the Rwandan refugees moved into Burundi, the country had already been suffering the effects of its own October 1993 crisis, with a great number of internally displaced persons, physical damage to the basic service infrastructure, and a crisis of confidence that resulted in a lower level of efficiency in the provision of basic services. Moreover, throughout the past 22 months, Burundi has continued to suffer from inter-ethnic strife and general destabilization, with negative consequences in terms of basic service infrastructure and delivery.

6. The main negative effects of the presence of the Rwandan refugees have been on the schools, where refugees have stayed temporarily pending other arrangements, environmental degradation owing to the high consumption of firewood, and inflation in the economies of the urban centres of Muyinga and Ngozi. Actions by United Nations agencies to alleviate the situation have been taken through specific programmes, addressing the needs of Rwandan refugees and the affected Burundian population.

7. The following measures reflect the response to both the effects of the inflow of approximately 200,000 Rwandan refugees into Burundi, and of the internal crisis in the country.

8. Funds have been provided by UNHCR to assist with reforestation and to reinforce water and sanitation facilities in the hospitals of Kayanza and Ngozi. UNHCR is also actively involved in the rehabilitation of public schools in areas where refugees are living, as well as in the rehabilitation of access roads to the camps. In addition to providing assistance to approximately 200,000 refugees, UNHCR has been assisting 220,000 returnees and displaced persons and 5,000 urban poor. Secondary school and higher education for refugees is also provided, and a repatriation operation of former refugees from and to Rwanda has been implemented. Approximately US\$ 30 million has been raised for these tasks.

9. The United Nations Children's Fund (UNICEF) is providing basic drugs for health centres and has integrated supplementary feeding into health centre activities. Efforts are geared towards reinforcing the existing health network as well as integrating preventive and curative services of health and nutrition. It provides water to the displaced/affected population through a tanker delivery system, is assisting in the rehabilitation of water sources and in the exploitation of new sources, and monitors the quality of the water. It is building latrines

and rehabilitating such structures in health centres and schools.

10. Other UNICEF activities include hygiene education and distribution of equipment and disinfectant. In order to strengthen basic education, teacher-training programmes have been developed. The development of a "peace curriculum" has been initiated. Finally, UNICEF identifies and assists 14,000 Burundian unaccompanied children. More than \$10 million has been expended in these efforts.

11. The World Food Programme (WFP) is providing general food distribution to more than 200,000 internally displaced persons as well as 200,000 Rwandan refugees in Burundi and 150,000 Rwandan and Burundian refugees in Zaire. The reduction in regional food availability has led WFP to implement an accelerated reintegration programme for the internally displaced. In addition, its support covers forestry (e.g., plantation and nursery), infrastructure rehabilitation, including houses, schools and public buildings, support to cooperatives, such as income-generating activities, and road rehabilitation.

12. The Food and Agriculture Organization of the United Nations (FAO) has concentrated its efforts on providing displaced persons, returnees and refugees with agricultural tool kits and seeds. In addition, the Organization is involved in reforestation and stock breeding. A total of \$12 million has been allocated for these tasks.

13. The World Health Organization (WHO) is implementing a four-pronged assistance effort, totalling nearly \$3.9 million. Its efforts are focused on strengthening the National Epidemiological Surveillance Network, assisting in the prevention and control of communicable diseases and epidemics, supporting the provision of health services to the most affected provinces, and aiding in the prevention and control of sexually transmitted diseases. It also provides equipment to health centres in certain provinces.

IV. Republic of Uganda

14. The total refugee population in Uganda as at 31 March 1995 was 333,550, of which 6,390 were from Rwanda. The arrival of Rwandan Tutsis dates back to 1961. Before then, Rwandans moved freely between their country and Uganda mainly as immigrant workers providing manual labour. The victory of the Rwanda Patriotic Front (RPF) and the establishment of a new Government in Rwanda in July 1994 prompted Tutsi refugees to return home. At the same time, Rwandan Hutu refugees entered southern Uganda and settled in Oruchinga (5,331) and Nakivale (1,059). These are old refugee settlements that were formerly occupied by Tutsi refugees.

15. As cattle herders, Rwandan refugees live a pastoral life and hence require considerable area for migration in search of food and water for their cattle. The departure of Rwandan refugees has had a pervasive impact on the settlement communities and, to some extent, the community as a whole. The socio-economic impact has been noted in terms of a substantial decrease in the volume of livestock and of agricultural production, as well as in the deterioration in educational and health facilities. In addition, there has been physical damage to the environment in the form of soil erosion, the deteriorating quality of water resources and other environmental consequences.

16. There appear to be few, if any, specific programmes aimed at facilitating the restoration of basic services adversely affected by the influx of Rwandan refugees. However, UNHCR has contributed to the construction of 40 kilometres of new road, the repair of existing roads, the procurement of tools for road construction and the payment of construction staff. WFP has contracted a firm to build a 47 km road between Bunagana and Kisoro. It has also contributed to the maintenance of the Masaka/Kampala road in order to mitigate the damage to the road infrastructure by the frequent utilization of heavy WFP trucks.

17. The Uganda Red Cross plans to integrate health services to be offered to both refugees and the local population. It also has implemented programmes aimed at encouraging the refugees to plant trees around the camps in order to stem the environmental degradation resulting from the construction of refugee shelters.

V. United Republic of Tanzania

18. More than 700,000 refugees entered the United Republic of Tanzania after war erupted in Rwanda in 1994. With coordinated international support and the assistance of the Tanzanian Government, these refugees were processed successfully and settled in refugee camps at the Tanzanian-Rwandan border area. Their presence impacted negatively on the local population and in particular on the area's infrastructure, administrative and managerial resources, and security. The depletion of fuelwood resources and deforestation, the contamination of water resources, the depletion of ground water and surface water, the loss of access to water sources by villagers, and land degradation constitute serious environmental damage to the area. Women and children were especially affected by the depletion of forest resources and the use of limited water resources in terms of water and fuelwood collection. In the social and health fields, the presence of refugees generated concern about the spread of communicable diseases and increased pressure on existing facilities. The prospects of food security were

compromised by refugee demands in areas already suffering from declining food production. The large number of refugees and their needs and the limited resources available often led to conflict. In addition to an already declining infrastructure, roadways further depreciated as a result of heavy use in massive relief efforts. The administrative and managerial capacity at the district and regional levels was overstretched. Security costs increased inordinately.

19. While at the height of the Burundi refugee emergency, in December 1993, there were approximately 250,000 to 300,000 Burundian refugees in the Kigoma region, their number declined by the end of June 1995 to about 24,000.

20. On 13 December 1994, high-level delegations representing the Government of the United Republic of Tanzania, 11 bilateral donors, several international organizations, the European Union, United Nations agencies and non-governmental organizations came together, for the first time since the start of the refugee influx, at Dar es Salaam for a donor conference. The Prime Minister of the United Republic of Tanzania outlined the Government's policy on refugees, which stresses the need to encourage their return to countries of origin. The Government also presented its programme for the rehabilitation of refugee-affected communities in the Kagera region. The programme covered food security, environment, education, health, water and sanitation, infrastructure, and regional administration, all of which were enunciated as Government priorities. In response to the Government's request, the donors pledged more than \$40 million. A review meeting will be held towards the end of 1995.

21. United Nations agencies and programmes have been active in the Kagera region in order to facilitate the restoration of the basic services destroyed by the refugee influx. Some of the activities pursued are described below.

22. UNDP has provided communication equipment to the Regional and District Commissioner's Office. A project to assist the regional administration in the coordination of the rehabilitation programme was approved.

23. A joint mission was fielded by UNDP, the United Nations Environment Programme (UNEP) and the United Nations Centre for Human Settlements (Habitat) to the Kagera region from 16 to 24 May 1995, as a result of which proposals were made relating to (a) socio-economic development and human settlements, (b) energy problems and (c) water supply and sanitation. Donor funding is being sought for the proposals resulting from the mission.

24. Funds have been provided by UNHCR for rehabilitation and support to refugee-affected areas. This included support for improved forestry practices and improved fuel stoves, which have been introduced to local communities; the rehabilitation of water sources; the drilling of bore holes; and the farming of peat as cooking fuel and the use of papyrus as an alternative construction material, which have been implemented to protect wood resources. Furthermore, local schools and the Kigoma stadium, which were damaged during their temporary use as refugee accommodation, have been repaired. Support has been provided to the police force in the Kagera region in the form of vehicles, incentives, telecommunication equipment, accommodation, office equipment and buildings, training and operational costs.

25. UNICEF has provided kits composed of supplementary drugs, and medical equipment to hospitals and health centres in the districts hosting refugees.

26. Funds have been provided by IFAD to a project focusing on environmental conservation and rehabilitation, and on the rehabilitation of the physical infrastructure and support for the local government.

27. WFP has provided 2,000 tons of food to the local population affected by the influx of refugees. Within the context of the Rwanda/Burundi regional project, the United Republic of Tanzania plays a major role as a transit country for commodities along the southern corridor. This corridor is a major artery for humanitarian assistance to the refugee settlements not only in the United Republic of Tanzania, but also to those situated in eastern Zaire. WFP relief commodities are largely transported by the Tanzania Railway Cooperation (TRC). Assistance will be provided to increase the capacity of TRC.

28. A mission has been fielded by FAO to prepare agricultural development proposals in the refugee-affected districts of the Kagera region. A report containing proposals and funding requirements is being finalized and will be presented to donors.

29. WHO has sent two epidemiologists to conduct studies.

VI. Republic of Zaire

30. As of August 1995, there were some 1.1 million refugees in camps in and around Goma in northern Kivu, and Uvira in southern Kivu. It is estimated that the refugees make up more than 30 per cent of the people living in the two Kivu provinces. Such a high proportion of refugees has frequently led to tension and conflict with the local population. In addition, elements of the former Rwandan army and militia who have not been disarmed have contributed to the high level of insecurity along the borders. Their presence is a threat to the people and their

property, particularly as they do not receive humanitarian assistance and have to survive on their own.

31. On 19 August 1995, Zairian authorities forcibly repatriated 181 Rwandan refugees from Goma to Rwanda. By 23 August, more than 15,000 Rwandan and Burundian refugees had been expelled. All 11 camps, with an appropriate population of 140,000 refugees, run by UNHCR in Zaire's Uvira area, were emptied after refugees fled into the surrounding hills to escape forced repatriation, thus deepening the ongoing refugee crisis in eastern Zaire. On 23 August, the Security Council called on Zaire, in spite of considerable difficulties, to host the refugees and, taking into account the important contribution Zaire had already made concerning the refugees, to stand by its humanitarian obligations and stop forcible repatriations. A day later, Zaire stopped the forced expulsion of refugees, thereby considerably easing the situation. The Secretary-General requested the United Nations High Commissioner for Refugees to undertake a mission to the region to engage in urgent discussions with the Government of Zaire and neighbouring States with a view to resolving the refugee situation.

32. Beyond the humanitarian crisis resulting from the flood of refugees, an environmental crisis is threatening the ecological balance in eastern Zaire. The environmental problems are especially acute in the Virunga National Park, a World Heritage site that is rich in rare species of mammals and birds. It is situated within walking distance of several refugee camps. It is estimated that 30,000 refugees forage in the Park daily, emerging with loads of wood for fuel and shelter.

33. Owing to the severity of the refugee situation, the international community has been focusing its assistance on covering the humanitarian needs of the refugees. However, whenever possible, efforts have been made to assist the local population and to protect the environment.

34. Assistance rendered by United Nations agencies and programmes included the following measures. As a follow-up to the Bujumbura Plan of Action of February 1995, UNDP is responsible for the coordination of an inter-agency mission, which will visit the Kivu region in the autumn of 1995 to (a) finalize the assessment of the impact of the refugees and other displaced persons on local communities; (b) define the needs and propose priorities in the rehabilitation of the affected populations and areas; (c) estimate costs associated with this rehabilitation; and (d) help formulate an integrated programme to address the negative effects, already identified and attributed to the presence of the refugees in the Kivu provinces. Those effects are: (a) deforestation and poaching for food and fuel and trading by the refugees; (b) serious deterioration and saturation of major facili-

ties, roads, airports, housing, schools and hospitals and dispensary facilities; (c) crowding out and disorganization of the health facilities; (d) degradation of the educational system; (e) drastic decrease in productivity in agriculture, livestock and fishing, causing shortages; (f) energy shortages; (g) water misuse and pollution, and sanitation problems; (h) insecurity of persons and their belongings; (i) delays in the reorganization and decentralization of the participation process in public decision-making.

35. Efforts have been made by UNHCR to diminish the illegal cutting of trees in the Virunga National Park and on private lands throughout eastern Zaire. In order to counter the damage to forest resources, funds have been made available for the supply and transportation of firewood to camps in eastern Zaire. In addition, several forest reserves have been identified that could be safely used for the supply of fuelwood. It is anticipated that the production of wood stoves will reduce the amount of firewood required by the refugees for cooking purposes.

36. Although a number of water systems have been established, efforts to increase the storage and distribution capacity will continue as the present supply is below UNHCR standards. Water supply and purification activities undertaken in Goma benefit not only refugees but are extended to the local population as well. In Bukavu, the drinking-water system that was used to supply the refugee sites in the region is being rehabilitated so that it benefits not only refugees but also the local population. Health programmes for refugees also cover the needs of the local population when no alternative facilities are available. Sanitation assistance is given to local hospitals and schools.

37. Funds have been provided by UNICEF for vaccination programmes for the population of southern Kivu, water and sanitation rehabilitation, assistance to affected schools, assistance to local unaccompanied children, and drugs to Zairian health structures.

38. The strategic roads that had already been deteriorating before the influx of refugees into southern and northern Kivu have been rehabilitated by WFP to facilitate the transportation of people and goods for humanitarian purposes.

39. Since 1993, an emergency cattle vaccination programme (in northern and southern Kivu) has been carried out by FAO.

40. Funds have been provided by the United Nations Educational, Scientific and Cultural Organization (UNESCO) for a protection programme in the Virunga National Park and a radio broadcasting programme aimed at spreading messages of peace.

41. An epidemiological surveillance system for the Great Lakes region has been established by WHO and a sanitation officer has been fielded.

VII. Contributions by Member States

42. As General Assembly resolution 49/24 focuses on the assistance rendered by the international community with a view to facilitating the restoration of the basic services destroyed in the countries receiving refugees from Rwanda, to the extent possible, the present section covers only that assistance. Information related to assistance provided for the refugees is found in the report submitted pursuant to General Assembly resolution 49/23. The following Member States have submitted information on special assistance to countries receiving refugees from Rwanda, in accordance with General Assembly resolution 49/24.

43. In 1994, the Government of Finland contributed 1.6 million markkaa through the United Nations for Burundi and 2.5 million Fmk through UNICEF and Médecins sans frontières for Zaire.

44. Since July 1994, the Government of Germany has contributed emergency aid for Rwanda refugees in the amount of 62 million deutsche mark for both Zaire and the United Republic of Tanzania. It has assisted in drinking-water treatment and distribution, and in the construction of latrines. This aid has also benefited the local population. Specifically, a DM 30 million programme was launched to eliminate refugee-caused damage in the Kivu area. The programme included measures designed to protect the environment and natural resources, such as reforestation and the introduction of a concept to protect the Kahuzi-Biega and Virunga National Parks, and to rehabilitation of the Goma-Bukavu road.

45. For the United Republic of Tanzania, the Government of Germany contributed DM 7.5 million to refugees camps, of which DM 5 million was for the rehabilitation of water-supply systems in the camps and the surrounding areas.

46. Through the International Peace Cooperation Corps, the Government of Japan has provided to Zaire medical equipment for the Goma General Hospital, laboratory equipment for the AMI-Kivu Laboratory, scholastic materials for eight primary schools, trees for reforestation and vehicles for the AMI-Kivu Laboratory and the Centre of Research in Natural Science. The contribution amounted to 31.7 million yen. In addition, it dispatched volcanologists in late 1994 to observe Mount Nyiragongo in the Goma area which was threat-

ening to explode. A contribution of 3.5 million yen was made to the Volcanic Laboratory in Goma. For the United Republic of Tanzania, supplies of canned fish were donated to the local population seriously affected by the flow of refugees.

47. The Government of the United Kingdom of Great Britain and Northern Ireland has taken into account environmental and economic concerns of affected populations in Zaire, the United Republic of Tanzania, Uganda and Burundi in determining support to non-governmental organizations and United Nations agencies administering humanitarian aid to the refugees. In the United Republic of Tanzania, it provided 100,000 pounds to buy beans for the refugee camps from Tanzanian wholesalers, and began to implement a project, with Help Age International, at a cost of 100,000 pounds, to provide care for older and disabled people in Kiragwe in the Kagera district.

VIII. Concluding observations

48. Despite the considerable progress made in Rwanda in rehabilitating the country and improving its security, the latest forced expulsion of Rwandan and Burundian refugees from Zaire demonstrates that the crisis, which engulfed the Great Lakes region for more than a year, continues. The urgent need for more vigorous and concerted action by the international community to assist in stabilizing the region is obvious.

49. The international community, during the period under review, has extended massive assistance to more than 2 million people affected by the crisis in Rwanda. Whereas the focus has been on the provision of humanitarian assistance to those people, the countries receiving the refugees, despite their limited resources, have made substantial contributions by accepting the refugees and assisting in catering to their essential needs, while experiencing rising social tension and suffering nearly irreparable environmental degradation, notably in the United Republic of Tanzania and Zaire.

50. The international community will have to lend its strong support through assistance to countries of asylum to repair infrastructural and environmental damage and through support to countries of origin towards repatriation, rehabilitation and reconstruction. The commitment of, and the financial support from, the international community will be indispensable. But there will also be a need for sustained political pressure on all countries in the region to honour their commitments in agreeing to a strategy of accelerated, organized and voluntary return and subsequent reintegration.

Document 150

Progress report of the Secretary-General on UNAMIR, indicating that he has asked his Special Representative to study possible troop reductions

S/1995/848, 7 October 1995

I. Introduction

1. The present report is submitted pursuant to resolution 997 (1995) of 9 June 1995, by which the Security Council adjusted and extended the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR), authorized the gradual reduction of its troop level and requested me to report by 9 August and 9 October 1995 on the discharge of its mandate, the humanitarian situation and the progress made towards the repatriation of refugees. Regular oral briefings on developments related to Rwanda have been given to the Council and the present report describes developments up to 30 September.

2. In my last progress report, of 8 August (S/1995/678), I provided an update on the situation as at 3 August. Subsequently, in a letter to its President dated 29 August (S/1995/762), I informed the Security Council of recent developments in Rwanda and the Great Lakes region. In a further report dated 25 August (S/1995/741), I informed the Council of progress made on the practical and legal arrangements for the International Tribunal for Rwanda and the activities of its various organs. On 22 September, I transmitted to the President of the Council an account of the visit that the United Nations High Commissioner for Refugees had made to the Great Lakes region at my request from 31 August to 7 September 1995.

3. As Rwanda continues its search for healing and rehabilitation, problems relating to repatriation and security have again highlighted the challenges that remain. Continued cooperation with the United Nations and the international community as a whole, manifested at various levels during the period, is a positive and hopeful sign. The benefits of such cooperation, however, will be limited as long as the Rwandese remain divided by fear and mistrust and the spectre of renewed conflict hangs over the country.

II. Political developments

4. During the period under review, the Government's declared policy of promoting broad-based participation and national reconciliation was influenced by two major events. The first was the departure of Prime Minister Faustin Twagiramungu, who left office on 28 August

together with four other Cabinet Ministers. The second event was the killing of 110 villagers at Kanama on 11 and 12 September. The Government, however, moved quickly to contain and counteract these events: first, it appointed a new Prime Minister and replaced the departing Cabinet Ministers; secondly, the Vice-President and Defence Minister, Major-General Paul Kagame, visited Kanama the day after the killings, acknowledged Rwanda Patriotic Army (RPA) excesses and promised punishment of the guilty.

5. The efficient manner in which the Government of Rwanda handled the forcible repatriation by Zaire of some 13,000 Rwandese refugees in August testified to the progress that has been made in stabilizing Rwanda. Despite the unexpected expulsion of the refugees, the Government, with logistical support from UNAMIR, United Nations agencies and non-governmental organizations, received and resettled its nationals in a generally humane and orderly manner.

6. On 9 September, 1,200 former members of the Rwandese Government Forces (RGF) were formally integrated into RPA after completing an intensive retraining programme, bringing to over 2,000 the number of former RGF troops now serving with RPA. Government officials point to this achievement as being consistent with the spirit of the Arusha Peace Agreement which provided for the merging of the two Rwandese armed forces into a single national army.

7. To strengthen and widen further the base for durable stability, the Government has continued its normalization efforts in the countryside, especially in the communes, where most Rwandese live and from where most refugees fled. The new Prime Minister and the new Minister of the Interior recently met with provincial administrators (*Préfets*), who called for the expeditious and effective restoration of local administration throughout the country. On the critical issue of security at the local level, the Minister of the Interior has reaffirmed the Government's determination to set up a new communal police force to be trained with the assistance of the civilian police component of UNAMIR.

8. The mission of the United Nations High Commissioner for Refugees to Burundi, Rwanda, the United Republic of Tanzania and Zaire revealed a strong convergence of interest among Governments, donors and

refugees on the importance of a safe, accelerated, organized and voluntary return of refugees. The Office of the United Nations High Commissioner for Refugees (UNHCR) will be able to set in motion such a repatriation if all commitments made during the High Commissioner's mission are respected. For this to occur, however, the international community must lend immediate support to the efforts of UNHCR, both in the countries of origin and in those of asylum.

9. Since the High Commissioner's mission, UNHCR itself has been working in this sense. In Rwanda, officials reaffirmed their desire to see refugees return and promised to do everything in their power to facilitate voluntary return in conditions of safety and dignity. A meeting of the Tripartite Commission involving the United Republic of Tanzania, Rwanda and UNHCR took place from 18 to 21 September, at Arusha, at which practical measures were agreed on for starting large-scale repatriation of the more than 600,000 Rwandese refugees in the United Republic of Tanzania.

10. A meeting of the Tripartite Commission involving Zaire, Rwanda and UNHCR was chaired by the High Commissioner at Geneva on 25 September. This was the first meeting of the Commission since it was created in October 1994. A joint communiqué reaffirmed commitments to create conditions for repatriation to Rwanda in a safe and organized manner. The Government of Rwanda agreed to strengthen reception facilities, reduce border controls and provide security and protection to returnees in collaboration with UNHCR and other human rights organizations. The Government of Zaire agreed to reduce all forms of intimidation in the camps within its borders. The decisions reached at that meeting will be implemented through technical meetings that will be held at Gisenyi later this month. The process will then be evaluated by the Tripartite Commission at Geneva or in Zaire.

11. In the context of a renewed regional effort to promote voluntary repatriation, UNHCR is expanding its mass information campaign aimed at the refugees in the camps, by broadcasting objective information to counter extremist propaganda. The campaign also comprises group meetings with UNHCR field staff, visits by refugees to their home communes and the dissemination of leaflets containing information gathered in Rwanda.

12. In response to the anticipated increase in the rate of return to Rwanda, UNHCR is augmenting its facilities at official border entry points to ensure the proper reception of all returnees. It is also expanding activities in the communes of origin, in cooperation with the United Nations Development Programme (UNDP), which has the lead role in their rehabilitation. Quick Impact Projects to fill gaps in UNDP long-term plans are

under way in water and sanitation, education, health, shelter and community services.

13. Meanwhile, repatriation of Rwandese refugees from Burundi has been gaining momentum. Between 5 and 25 September 1995, more than 4,000 refugees were repatriated under UNHCR auspices from the camps in northern Burundi, bringing to a total of some 18,000 the refugees who have been assisted by UNHCR since June 1995. UNHCR further estimates that an equal number repatriated spontaneously. The number of Rwandese refugees remaining in Burundi is 155,000.

14. From Zaire, which currently hosts 1 million Rwandese refugees, 3,500 new caseload and 5,934 old caseload refugees were repatriated under UNHCR auspices during the month of September. During the same period, 147 refugees returned to Rwanda from Bukavu. As a result of recent developments described above, and in view of repatriation deadlines imposed by the Government of Zaire, it is hoped that the pace of repatriation will quicken substantially.

15. Crucial as these improvements are, national reconciliation depends not only on the repatriation and safe reintegration of the refugees but also on the establishment of an effective and credible national judiciary to ensure justice and equal treatment for all Rwandese nationals. Currently the judiciary remains largely inoperative. Up to 500 people continue to be arrested weekly, usually on suspicion of involvement in the genocide, adding to the more than 50,000 currently detained in inhuman conditions in Rwanda's overcrowded jails. An effective judiciary is vital to correct this dangerous situation.

16. An improved judicial system could also help to avert a potentially damaging crisis in the long-simmering area of property rights. This problem discourages the return of refugees and is a source of much of the tension that confronts communities in various parts of Rwanda, especially in Kigali.

17. It is vital to translate into concrete action the good intentions expressed by the Government of Rwanda regarding various recovery efforts. Government officials have insisted that the continuing lack of adequate resources limits their ability to act effectively. Greater effort, however, is needed in some areas to put the Government's policies into practice. For instance, appropriate action is still awaited to finalize the selection, by the National Assembly, of the President and five Deputy Presidents of the Supreme Court.

18. The neighbours of Rwanda recognize the link between Rwanda's stability and that of the region as a whole and are supportive of my effort to convene, jointly with the Organization of African Unity (OAU), a regional conference on peace, security and development. My Spe-

cial Envoy to the Great Lakes region, Mr. José Luis Jesus, having secured the full support of OAU, is currently consulting the countries concerned.

III. Human rights

19. The United Nations Human Rights Field Operation for Rwanda continued its activities in the field of human rights monitoring, technical assistance to the judicial system, improvement of prison conditions and educational seminars. By the end of September 1995, it had deployed 130 members with three legal experts being assigned to work with the Ministry of Justice. As part of the working group established by my Special Representative to address the problem of overcrowding in Rwandese prisons, the Field Operation is involved in information gathering, in facilitating the work of the "triage" commissions which have been established to expedite the processing of detainees' cases, and in the coordination of short- and medium-term initiatives for rehabilitating the judicial system.

20. A database has been created with other United Nations agencies to provide accurate information on refugee movements. In this connection, human rights field officers monitor returnees by visiting transit centres and accompanying them to their home communes, where feasible. After the returnees arrive at their final destinations, follow-up visits are made to them on a weekly basis. When possible, field officers visit the home communes prior to the arrival of returnees in order to assess conditions for their reception and resettlement.

IV. International Tribunal for Rwanda

21. Since my last report on the International Tribunal (S/1995/741), submitted pursuant to Security Council resolution 955 (1994) of 8 November 1994, the President of the International Tribunal, Judge Laïty Kama, the Prosecutor, Justice Richard Goldstone, and Mr. Adronico Adede of the Office of Legal Affairs of the Secretariat, who has since been appointed Registrar of the Tribunal, travelled to Rwanda for a three-day visit. They met with senior Rwandese government officials and my Special Representative to discuss the Tribunal's operations, including the functioning of the Prosecutor's office in Rwanda. On 1 September, they visited the seat of the Tribunal at Arusha, United Republic of Tanzania, to inspect the premises designated for it, as well as a proposed prison site and accommodation arrangements for the Tribunal's staff.

22. A Headquarters Agreement relating to the seat of the Tribunal was signed on 31 August between the United Nations and the United Republic of Tanzania, and a Memorandum of Understanding with the Government

of Rwanda covering the Prosecutor's office at Kigali is currently being negotiated. Despite continuing administrative and logistical difficulties, it is hoped that the Tribunal will be able to begin its proceedings before the end of the year, though this objective is threatened by the financial crisis currently afflicting the United Nations. I would like, once again, to express my gratitude to those Governments which have contributed personnel and other resources to the Tribunal and my hope that such support will continue.

V. Military aspects

A. UNAMIR deployment and activities

23. The reduction of the UNAMIR force level, mandated by Security Council resolution 997 (1995), continued during the reporting period. In that resolution, the Council decided to reduce the UNAMIR strength from 5,500 to 2,330 by 8 September and to 1,800 by 8 October. As at 30 September, the force stood at 1,836; a total of 288 military observers out of an authorized level of 320 were also deployed in the country (see the annex to the present report).

24. In accordance with resolution 997 (1995), UNAMIR continued to assist the Government of Rwanda in facilitating the voluntary and safe return and resettlement of refugees and in promoting a climate of confidence and trust. When Rwandese refugees were forced across the border from Zaire between 19 and 24 August, UNAMIR troops and military observers, in coordination with UNHCR and other United Nations agencies, supported the Government's resettlement efforts in several ways. This included helping to construct transit camps for the temporary accommodation of the returnees; providing vehicles to help transport the returnees from the transit camps to their home communes; and contributing to a sense of confidence among the returnees by providing a presence at the border checkpoints, in transit camps and in communes of destination. UNAMIR is helping to improve conditions in transit camps, in anticipation of a future large-scale return of refugees.

25. UNAMIR continued to make available to the Rwandese authorities its engineering and logistics capacity. The force has helped construct and renovate detention centres to relieve the overcrowding in Rwandese jails. It has also assisted in the construction or repair of bridges, roads and schools and in the transport of humanitarian assistance, including food and medicines.

B. Security aspects

26. The killing of some 110 men, women and children at Kanama, in north-western Rwanda, on 12 September was the most serious incident of violence

since the Kibeho tragedy five months earlier. It seriously endangered the improvement in the security situation which had occurred in recent months. The tragedy took place in an area where reports of cross-border infiltration and sabotage from refugee camps in neighbouring Zaire had been increasing. It was the latest in a spate of killings which also took the lives of local and provincial government officials, clergymen and judges. Such acts can only exacerbate tensions, deepen fears and impede repatriation.

27. I issued a statement on 13 September expressing my serious concern about the Kanama incident and welcoming the establishment of a joint investigation team including representatives of the Government, UNAMIR and United Nations human rights monitors. I also expressed the hope that the investigation would promptly ascertain the facts and recommend measures to prevent the recurrence of such incidents. UNAMIR, human rights monitors and various United Nations agencies acted quickly to coordinate their assistance in the wake of this tragic event.

28. Cross-border infiltration and sabotage, leading to countermeasures by the Government, constitute the most worrying security problem in the country at the moment. As requested by the Security Council in resolution 1013 (1995) of 7 September 1995, I am working to set up an international commission of inquiry to look into allegations of arms supplies to and training of former Rwandese government forces. I am confident that the Commission's work will refocus attention on the need to prevent the destabilization of Rwanda. These security problems, however, are symptomatic of the underlying political impasse. It is the Rwandese people themselves who have the primary responsibility for improving the situation in their country and I again emphasize the need for all segments of Rwandese society to work together to build a stable and more secure society.

VI. Civilian police

29. During the reporting period, a major activity of the civilian police component of UNAMIR continued to be the training of the Rwandese National Police Force as mandated under Security Council resolution 997 (1995). The training of the third group of 515 gendarmes, which started on 31 July, is in progress and is scheduled to end early in December, giving Rwanda a total of about 900 of the estimated 6,000 trained gendarmes it needs. The training of the communal police, the second component of the Rwandese National Police Force, has been delayed because of the ongoing rehabilitation of the Communal Police Training Centre. It is expected that a 13-week intensive training programme will begin in Oc-

tober with the first of three groups of 750 communal police officers.

30. In addition to their training tasks, the UNAMIR civilian police continued to carry out monitoring duties, together with the military observers, in areas including the prisons and other places of detention and to maintain close liaison with local government authorities in Rwanda's 11 *préfectures*. Civilian police observers also continued to assist United Nations agencies, non-governmental organizations and human rights monitors in supporting humanitarian operations, especially during the forced repatriation of Rwandese refugees from Zaire.

31. In its resolution 997 (1995), the Security Council decided to maintain the current authorized level of the Mission's civilian police component. As at 30 September, a total of 87 observers from 12 countries were deployed (see annex).

VII. Humanitarian aspects

32. The deadline of 31 December 1995 set by the Government of Zaire for the voluntary departure of all refugees from its territory intensifies the enormous humanitarian challenges facing Rwanda and the international community in the months ahead.

33. The task of organizing voluntary repatriation of the estimated 2 million refugees currently hosted by neighbouring countries is an extremely difficult one. Following her recent visit to the region, the United Nations High Commissioner for Refugees believes that a realistic target for voluntary repatriation is between 500,000 and 600,000 persons by the end of the year. This incomplete target is, in part, due to the limited absorption capacity of many of the home communes in Rwanda. The Government of Rwanda has reaffirmed its commitment to receive and reintegrate all Rwandese refugees who wish to return. While the efficient manner in which the Government handled the forced repatriation from Zaire in August is a strong indicator of its commitment, it must be made clear to the international community that, for successful reintegration to occur, the resources required to rebuild and strengthen the capacity of communes to receive refugees have yet to be made available.

34. At my request, UNHCR is currently undertaking a demographic survey and assessment of existing infrastructure and population groups in Rwanda's communes. This exercise should help to identify the communes that are ready to receive returnees and those which need infrastructural rehabilitation. I have also requested UNHCR and the Department of Humanitarian Affairs to work with United Nations agencies and non-governmental organizations in the field to produce a special emergency appeal for the region later this month.

35. In spite of some progress since my last report, conditions in the prisons continue to constitute a major humanitarian crisis. More than 52,000 people are currently incarcerated, with arrests continuing to take place. In August, I requested the Under-Secretary-General for Humanitarian Affairs to initiate, in coordination with the Government of Rwanda and the international community, effective and urgent measures to alleviate the present appalling situation in the prisons.

36. A Plan of Action, drafted by representatives of the Government of Rwanda and UNDP, for urgent action on prisons and in the justice sector has been circulated to the international community. A small team has been set up under my Special Representative to help mobilize resources and to accelerate the improvement of prison conditions. So far, US\$ 260,000 has been provided to the Secretary-General's Trust Fund for Rwanda against identified needs of more than \$43 million, of which \$15 million is required for prison improvements and new detention space. Pending the provision of additional resources, I have made \$2 million available for these efforts from the Central Revolving Fund.

37. In September, construction of the Nsinda detention centre, which will provide an additional detention capacity of 5,000, was completed. This facility, built with the assistance of UNAMIR, UNDP and the International Commission of the Red Cross, will help alleviate the worst prison conditions by receiving detainees from the most overcrowded ones, such as Gitarama. Two out of seven temporary detention sites are also near completion, providing short-term space for another 9,500 detainees. In view of the gravity and urgency of the situation, the World Food Programme (WFP) has also made available five of its warehouses for use as temporary detention sites. Meanwhile, agreements have been reached with the Government of Rwanda on the establishment of special detention centres for women and children. It is clear, however, that these various initiatives are temporary in nature, designed to respond to an emergency humanitarian situation. Any sustained improvement in prison conditions over the long term can be secured only through parallel action to help restore the Rwandese judicial system.

38. The situation with regard to the provision of humanitarian assistance, although improved since last year, remains exceedingly fragile. The preliminary results of a survey undertaken by the Food and Agriculture Organization of the United Nations and WFP indicate that some 15 per cent of Rwanda's estimated 1 million families are vulnerable. Some 30 per cent of households are headed by women, with just under 11 per cent farming less than half a hectare of land. In this respect, I am pleased to note that efforts to promote household

food security and income generation for women have been intensified during the reporting period. The United Nations Children's Fund has recently launched the first of several projects designed to assist widows and female-headed households. WFP is also helping 6,000 female-headed households through targeted assistance programmes and 4,000 through development projects for women.

39. Following the forced repatriation of refugees in August, I have decided that the United Nations Rwanda Emergency Office, which, as I informed the Security Council in my last report, had begun preparing for its eventual closure, should be extended until the end of October 1995. Transitional arrangements between the Office and the United Nations Resident Coordinator are being put in place to ensure that the coordination of humanitarian assistance will continue after this period, including the strengthening of the United Nations Disaster Management Team, headed by the Resident Coordinator. Efforts are also being made by United Nations agencies and non-governmental organizations to support the Government of Rwanda's Humanitarian Assistance Coordination Unit, which, together with UNHCR, oversees refugee movements and the initial phase of returnee assistance.

VIII. Economic and social aspects

40. Following the mid-term review of the Geneva Round-Table Conference, held at Kigali on 6 and 7 July 1995, there has been a sizeable increase in the commitment and disbursement of funds pledged for the Government's Programme of National Reconciliation and Socio-Economic Rehabilitation and Recovery. As at 14 September, \$523 million had been committed (up from \$345 million in July) and \$252 million disbursed (up from \$86 million in July) against total pledges of \$587 million made at Geneva in January 1995. In fact, since the Geneva Conference, total pledges have risen to \$1,089 million. Some of these additional funds are to be disbursed over the period 1996-1997. Implementation of Round-Table projects appears to have made the most progress in the agricultural sector, whereas programming in the infrastructure sector is proceeding more slowly than expected.

41. In my last report, I informed members of the Security Council of a joint programme of the World Bank, the International Monetary Fund (IMF) and UNDP to strengthen the Government's capacity to manage its economic, financial and human resources. Since then, UNDP, in consultation with the Government, has begun developing a programme designed to enhance the latter's administrative capacity at the communal level. A further project would help to strengthen prefectural administra-

tion by developing government capacity to monitor the return of refugees and to programme rehabilitation/reintegration activities within the framework of the Government's Plan of Action for the Repatriation, Resettlement and Reintegration of Refugees.

42. Through several food-for-work and income-generating activities, WFP is now not only providing more than 100,000 needy individuals with food, but is also assisting Rwanda's agricultural recovery, rehabilitation of destroyed infrastructure and construction of new houses, schools and water facilities. UNICEF, ICRC and several non-governmental organizations, which have been active in the construction and repair of water-supply systems, are also training local communities to manage their own water points.

43. The international community continues to pursue a series of initiatives designed to help reinvigorate the Rwandese judicial system. Judicial offices and court buildings are being repaired and refurbished and, together with the Ministry of Justice, are being supplied with office equipment, vehicles and other materials. Training programmes are targeting various levels of the judicial and corrections systems in order to restore staffing levels in the professional and clerical ranks. UNDP is supporting the training, by UNAMIR, of the gendarmes and communal police who make up Rwanda's National Police Force (see para. 29 above).

44. Following a sharp depreciation in July, the Rwandese franc stabilized in August, in part because of proceeds from exports, and disbursements from the World Bank's Emergency Recovery Credit. While the prices of basic food items have also stabilized, they remain high compared with levels prevailing earlier in the year. Steps were taken by the Government in August to clamp down on unauthorized foreign exchange transactions involving the Rwandese franc, which was allowed to float freely in March. The Government has also requested that all payments involving Rwandese enterprises and individuals be made in the local currency.

IX. Financial aspects

45. In its resolution 49/20 B of 12 July 1995, the General Assembly decided, as an interim measure pending the submission at its fiftieth session of revised cost estimates and the report of the Advisory Committee on Administrative and Budgetary Questions, to appropriate \$109,951,900 gross (\$107,584,300 net) for the operation of UNAMIR for the period from 10 June to 31 December 1995. As requested by the Assembly, my report containing revised cost estimates for UNAMIR is

in preparation and will include the requirements for the current mandate period.

46. As at 26 September 1995, the total outstanding contributions to the UNAMIR special account since the inception of the mission amounted to \$159.3 million. The total outstanding assessed contributions for all peace-keeping operations amounted to \$2,589.7 million.

X. Concluding observations

47. Since my progress report of 8 August (S/1995/678), UNAMIR has continued to discharge the tasks entrusted to it under Security Council resolution 997 (1995). The efforts of UNAMIR, as well as the assistance provided by United Nations agencies, non-governmental organizations and the international community as a whole, have made an important contribution to Rwanda's rehabilitation programme. Although much remains to be done, visible progress towards normalization and stability has been achieved.

48. It is clear that sustainable recovery is possible only in conditions of genuine peace and stability. Creating and sustaining such conditions is a matter primarily for the Rwandese themselves. Their country has come a long way from the carnage and chaos of just over a year ago. Yet the recent crises created by the expulsion of Rwandese refugees from Zaire and the killings near Gisenyi have underlined the fragility of the current recovery process.

49. The damage done to Rwanda's society and psyche by last year's tragic events has been brutal and profound. It is essential that those responsible be brought to justice so as to put an end to the prevailing culture of impunity and to prevent a recurrence of such atrocities. I am hopeful that the International Tribunal will soon commence its proceedings and that substantial, timely progress will be made on the installation of an effective national judiciary.

50. The refugee problem is perhaps the most immediate cause and consequence of the instability and political divisions confronting Rwanda and the Great Lakes region as a whole. If satisfactory solutions are to be found, it will be necessary to tackle the underlying political causes. This will require a process of genuine national reconciliation between the various segments of Rwandese society as envisaged under the Arusha Peace Agreement (A/48/824-S/26915, annexes). To this end, I wish to stress once again the importance of dialogue and to recall the discussions I had with Rwandese officials during my visit to their country in July concerning the possibility of organizing informal round-table meetings

and inviting participants from all sectors of Rwandese society, including the refugee community.

51. The issues before us go beyond Rwanda's borders. I remain convinced that long-term peace in Rwanda will continue to be elusive as long as large concentrations of Rwandese nationals remain encamped in neighbouring countries. I hope that the Commission of Inquiry recently approved by the Security Council to investigate reports of military training and arms transfers to former Rwandese government forces will help defuse tensions and promote mutual confidence along Rwanda's borders. I welcome recent efforts to improve relations among the States in the region, which should help pave the way for the proposed Regional Conference on Peace, Security and Development. In this regard, I will soon be reporting to the Council on the results of my Special Envoy's first round of consultations in the Great Lakes region.

52. In conclusion, while Rwanda has made visible progress in its efforts to overcome the problems created by the tragic events of 1994, the country still has a long road to travel in its search for reconciliation and recovery. The mandate of UNAMIR is set to expire on 8 December 1995 and it is now time for the Government of Rwanda and the international community to give serious consideration to the future role of the United Nations in Rwanda.

53. Meanwhile, in view of the acute financial crisis currently faced by the Organization (the United Nations is today owed \$3.24 billion), I have instructed all the heads of peace-keeping operations to explore ways to effect immediate savings, including possible troop reductions. In the case of UNAMIR, the Special Representative is currently studying, in consultation with the Government, the possibility of a very substantial troop reduction. I will be reporting to the Security Council in due course on this matter.

54. In submitting this report, I wish to express warm thanks to my Special Representative, Mr. Shahryar Khan, to the Force Commander, Major General Guy Tousignant, and to the military, police and civilian personnel of UNAMIR for their dedicated efforts, on behalf of the United Nations, to help the people of

Rwanda and to promote the cause of peace in extremely difficult circumstances.

Annex Composition of UNAMIR as of 30 September 1995

| Country | Military personnel | | | Civilian police | Grand total |
|--------------------|--------------------|------------|--------------|-----------------|--------------|
| | Troops | Observers | Total | | |
| Argentina | | 1 | 1 | | 1 |
| Australia | 0 | | 0 | | 0 |
| Austria | | 15 | 15 | | 15 |
| Bangladesh | | 36 | 36 | | 36 |
| Canada | 100 | 10 | 110 | | 110 |
| Chad | 2 | | 2 | 5 | 7 |
| Congo | | 7 | 7 | | 7 |
| Djibouti | | | 0 | 5 | 5 |
| Ethiopia | 0 | | 0 | | 0 |
| Fiji | | 1 | 1 | | 1 |
| Germany | | | 0 | 7 | 7 |
| Ghana | 313 | 34 | 347 | 10 | 357 |
| Guinea | | 17 | 17 | | 17 |
| Guinea-Bissau | | 1 | 1 | 6 | 7 |
| India | 943 | 22 | 965 | | 965 |
| Jordan | | 5 | 5 | 4 | 9 |
| Malawi | 136 | 14 | 150 | | 150 |
| Mali | 132 | 13 | 145 | 10 | 155 |
| Nigeria | 152 | 17 | 169 | 10 | 179 |
| Niger | | | 0 | 7 | 7 |
| Pakistan | | 5 | 5 | | 5 |
| Russian Federation | | 17 | 17 | | 17 |
| Senegal | 1 | 2 | 3 | | 3 |
| Switzerland | | | | 3 | 3 |
| Tunisia | 19 | 0 | 19 | 10 | 29 |
| Uruguay | | 26 | 26 | | 26 |
| Zambia | 32 | 20 | 52 | 10 | 62 |
| Zimbabwe | 0 | 25 | 25 | | 25 |
| Total | <u>1 836</u> | <u>288</u> | <u>2 124</u> | <u>87</u> | <u>2 211</u> |

[Editor's note: Map of UNAMIR Sectors of Operation and Deployment as of 30 September 1995 is not reproduced here.]

Document 151

Statement by the President of the Security Council expressing the Council's willingness to study further recommendations that the Secretary-General might make on the issue of force reductions in relation to the fulfilment of UNAMIR's mandate

S/PRST/1995/53, 17 October 1995

The Security Council has considered the Secretary-General's report on the United Nations Assistance Mission for Rwanda (UNAMIR) of 7 October 1995 (S/1995/848).

The Security Council welcomes progress made by the Government of Rwanda in the reconciliation process, including the integration of more than 2,000 members of former Rwandan Government Forces (RGF) troops into the Rwandan Patriotic Army (RPA). The Council calls on the Government of Rwanda to intensify its contacts with all sectors of Rwandan society, except with those directly responsible for the genocide. The Council reiterates its concern at reports about continuing cross-border infiltrations from neighbouring countries which have a destabilizing effect within Rwanda. The Council also reiterates its concern at the danger for peace and stability in the Great Lakes Region which would be caused by uncontrolled arms flows and in this context reaffirms the relevant provisions of its resolution 1013 (1995). The Council condemns all acts of violence in Rwanda. The Council welcomes the fact that the Government of Rwanda has voluntarily and without delay initiated an investigation into the killing of civilians at Kanama and expects that prosecution of those responsible will follow.

The Security Council calls again upon all States to act in accordance with the conclusions of the summit meeting of the leaders in the subregion in Nairobi in January 1995 and the recommendations by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held in Bujumbura in February 1995. The Council welcomes recent efforts to improve relations among the States in the region, which should help pave the way for the proposed Regional Conference on Peace, Security and Development. In this regard, the Council supports the efforts of the Special Envoy of the Secretary-General to the Great Lakes region for the preparation and convening of such a conference. It requests the Secretary-General to submit his report on the results of the first round of consultations of the Special Envoy in the region as soon as possible.

The Security Council reaffirms the important role UNAMIR has played in Rwanda and the subregion. In this respect, the Council underlines its commitment to

UNAMIR which, *inter alia*, assists the Government of Rwanda in facilitating the voluntary return and resettlement of refugees and has made available to the Rwandan authorities its engineering and logistics capacity. The Council underlines that UNAMIR can effectively implement its current mandate only if it has an adequate force level and sufficient means. The Council stands ready to study carefully any further recommendations that the Secretary-General might make on the issue of force reductions in relation to the fulfilment of the mandate of UNAMIR.

The Security Council reaffirms its view that genuine reconciliation as well as long-lasting stability in the region as a whole cannot be attained without the safe, voluntary and organized return to their country of all Rwandan refugees. In this respect, the Council welcomes the joint efforts of Rwanda, neighbouring countries and UNHCR to speed up the voluntary return of refugees through, *inter alia*, the work of the Tripartite Commissions. The Council underlines that, in order to foster the process of national reconciliation, an effective and credible national judiciary has to be established. In this respect, it welcomes the appointment of the members of the Rwandan Supreme Court. The Council further underlines that the International Tribunal for Rwanda should begin its proceedings as soon as possible. The Council calls on Member States to comply with their obligations with regard to cooperation with the Tribunal in accordance with resolution 955 (1994). It urges once more all States to arrest and detain persons suspected of genocide and other serious violations of international humanitarian law in accordance with resolution 978 (1995). The Council underlines the necessity for the Tribunal to be fully financed, as a matter of priority, and for continued access to the Voluntary Trust Fund established for the Tribunal. The Council continues to support the work of human rights monitors in Rwanda in cooperation with the Rwandan Government.

The Security Council reaffirms its concern at the appalling situation in the Rwandan prisons. In this respect, it welcomes measures initiated by the Department of Humanitarian Affairs, in coordination with the international community and the Government of Rwanda, to alleviate the intolerable conditions in Rwandan prisons.

It calls on the international community to continue its assistance in this regard and encourages the Rwandan Government to continue its efforts to improve the situation in the prisons. The Council underlines the importance of parallel action by the Rwandan Government to restore the Rwandan judicial system and requests the international community to assist the Rwandan Government in this urgent task.

The Security Council underlines that sound economic foundations are also vital for achieving lasting

stability in Rwanda. In this respect, it welcomes the increased commitments and funds pledged for the Government's Programme of National Reconciliation and Socio-Economic Rehabilitation and Recovery following the mid-term review of the Geneva Round-Table Conference, and calls on the international community to continue to support Rwanda's rehabilitation process.

The Security Council will remain seized of the matter.

Document 152

Report of the Secretary-General to the General Assembly on emergency international assistance for a solution to the problem of refugees, the restoration of total peace, reconstruction and socio-economic development in Rwanda

A/50/654, 19 October 1995

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 49/23 of 2 December 1994 on emergency international assistance for a solution to the problem of refugees, the restoration of total peace, reconstruction and socio-economic development in Rwanda. In the resolution, the Assembly expressed its grave concern over the disastrous humanitarian situation in 1994 of the Rwandan population, including 2 million refugees and displaced persons who must be reintegrated into society and employment; urged all States, United Nations organizations, specialized agencies, other inter-governmental and non-governmental organizations and the international financial and development institutions to provide all possible financial, technical and material assistance with a view to facilitating the restoration of basic services, rehabilitating the economy and ensuring the reconstruction of the social and economic infrastructure of Rwanda and the return and resettlement of refugees and internally displaced persons in Rwanda; urged all States, in particular the donor countries, to contribute generously to the trust fund established by the Secretary-General on 14 July 1994 to finance humanitarian relief and rehabilitation programmes in Rwanda; and requested the Government of Rwanda and other partners concerned, including the States of the subregion, to meet without delay to consider the problems relating to Rwandan refugees at a subregional conference within the framework of the plan of action adopted under the Arusha Peace Agreements (A/48/824-S/26915, annexes).

II. Key developments from January to September 1995

A. Refugees

2. The safe return of refugees is crucial to stability and harmony in Rwanda and the region as a whole. This concept was accepted in the Declaration of the Regional Summit on Rwanda held at Nairobi on 7 January 1995, in the Plan of Action of the Bujumbura Conference organized jointly by the Organization of African Unity (OAU) and the Office of the United Nations High Commissioner for Refugees (UNHCR) from 15 to 17 February 1995 and included in the tripartite agreements between Rwanda, UNHCR and neighbouring countries.

3. The OAU/UNHCR Regional Conference, which was called for in resolution 49/23, addressed the problem of refugees, returnees and displaced persons in the Great Lakes region on a humanitarian and non-political basis. It adopted a Plan of Action with a primary focus on voluntary repatriation instead of care and maintenance of camps for refugees and internally displaced persons. Participants agreed that the camps could not sustain their occupants over a long period without putting them at serious risk. There was concern that the uncontrolled elements in the camps could destabilize the entire central African region. The Conference also recognized that the problem of refugees, returnees and displaced persons was a global one. It therefore emphasized the need for equitable burden-sharing. To that end, the Conference requested the United Nations Development Programme (UNDP) to convene a round-table meeting of donors and the countries of the region in order to coordinate actions

to be undertaken in those areas affected by the presence of refugees.

4. UNHCR estimates that, since January 1995, some 150,000 refugees have returned to the country. Out of that number, some 122,000 are refugees belonging to an old case-load dating back to 1959-1960 and to subsequent years of conflict. About 27,000 are refugees who fled in the 1994 crisis. Most old case-load refugees have not found permanent settlement. A good number of them are lodged in houses and use or work on land belonging to those who died or fled in 1994. Many are living with friends and family. A significant number of more recent refugees and formerly displaced persons are living in similar precarious conditions.

5. Organized repatriation of Rwandans who fled to Zaire, the United Republic of Tanzania and Burundi during the events of 1994 has been difficult. This has been due mainly to the fact that elements of the former Government control and intimidate the population within refugee camps. UNHCR and the Government of Zaire signed an agreement in late January 1995 to place 1,500 military and police personnel inside the refugee camps in that country. With that deployment, security inside the camps has improved and intimidation of refugees has decreased. The number of refugees departing from the Goma camps rose from 2,000 in January to 10,000 a month later. In March, however, partly as a result of reports reaching the refugees about increased arrests and detentions in Rwanda, the numbers of people willing to leave the camps declined substantially. Contributing further to the decline was the reduction of food rations in the camps. Although this was due to overall shortages of food aid in the region, it was perceived by many refugees to be a deliberate measure to force their repatriation.

6. On 22 May, the Joint Commission for the Repatriation of Rwandan Refugees was officially launched. The Commission, mentioned in article 9 of the Arusha Protocol, is composed of five representatives from the Government of Rwanda, two representatives from UNHCR, one representative of OAU, one person representing old case-load refugees and one person representing new case-load refugees. Its principal functions are to propose repatriation plans, study ways of putting those plans into practice, to assist the Government in mobilizing resources and, generally, to facilitate cooperation among the various partners in the area.

7. There have recently been some encouraging signs to indicate that large-scale repatriation of refugees to Rwanda may be possible. UNHCR reports that some 7,000 Rwandan refugees returned from Burundi in June either through organized programmes or spontaneously, and that the numbers returning in July may be much higher. July has also seen the return of small but steady

numbers of refugees from Zaire and the United Republic of Tanzania. The trend of spontaneous return of large numbers of refugees, however, is a concern. Since they do not register with UNHCR, the provision of the normal repatriation package of emergency assistance, including food, is extremely difficult. Many of the people who have spontaneously returned have also not registered with the local authorities in Rwanda and this renders them ineligible for general food assistance.

8. On 5 July, UNHCR resumed its voluntary repatriation programme for Rwandan refugee camps in Goma. A tripartite agreement has been signed by Rwanda, the United Republic of Tanzania and UNHCR for the repatriation from Tanzania. Confidence-building measures have been stepped up in Burundi. As part of those measures, refugees in camps in Burundi have been assisted to return to Rwanda to see conditions in their home communes. There have also been visits by senior Rwandan and Burundian government officials to the camps. However, as at the end of July, the camps in Zaire still held more than one million refugees, some 727,000 in Goma and some further 372,000 refugees in Bukavu/Uvira. The United Republic of Tanzania hosts another 566,000 Rwandan refugees and Burundi 180,000.

9. As at 7 July, and against needs which total \$205 million, \$72 million had been pledged towards the Government's resettlement programme for refugees and displaced persons. It is hoped that additional donor funding will be made available for the specific projects that are now being prepared on the basis of the general Plan of Action for resettlement of refugees and internally displaced persons, presented by the Government at the round-table mid-term review. The Plan of Action envisages a series of actions designed to meet the basic needs of returnees with priority initially given to seven sites identified by the Government for resettlement. Those actions include the rehabilitation of social infrastructure, the construction of housing, the promotion of small-scale, income-generating activities and the reform of existing land ownership legislation. Specific components of the Plan of Action will be implemented as donor funding becomes available. In recent months, United Nations agencies and non-governmental organizations have increased their assistance to home communes. Without adequate donor support, the Government will lack the means to ensure that conditions in the communes are created to encourage refugees to return home.

10. Equally important is action on the part of the Government of Rwanda to improve security in Rwanda and a firm commitment from the international community, as well as the Governments of the region, to support those efforts. Furthermore, the institution of asylum con-

tinues to face severe difficulties in the Great Lakes region. This is of deep concern. Countries hosting Rwandan and Burundian refugees have shown increasing signs of impatience. The United Republic of Tanzania, long known for its generosity to asylum-seekers, closed its borders to Burundian and Rwandan refugees in March. Soldiers in Burundi have regularly turned away Rwandan refugees despite assurances from officials in the capital, Bujumbura, that their frontiers are open. Zaire, while still admitting refugees, has threatened to keep them out and forcibly expel those currently in the country.

B. *Displaced persons*

11. For the first four months of the year, the problem of displaced persons living in some 20 camps, mainly in the south-west of Rwanda, was a major focus for the Government of Rwanda, the United Nations Assistance Mission for Rwanda (UNAMIR), United Nations agencies and international and non-governmental organizations. By the beginning of January 1995, the camps housed approximately 300,000 people, many of whom lived only a short walk from their original communes, to which they were reluctant to return for reasons that included the loss of their homes, insecurity in their communes and guilt or fear of being falsely accused in connection with the genocide. Intimidation and harassment by members of the former Rwandese Armed Forces and militia within the camps contributed greatly to the fears and tensions.

12. The Government of Rwanda saw the camps as sanctuaries for elements of the former government forces and military, a source of instability and an obstacle to restoration of normalcy. Although there had been attempts by UNAMIR and UNHCR/International Organization for Migration (IOM) in 1994 to assist people to return home voluntarily, the Government appeared to be frustrated with the slow pace of such efforts.

13. The threat of forced camp closures and a growing number of violent incidents involving the Rwandese Patriotic Army (RPA) led to the creation of new mechanisms for more effective coordination and an accelerated pace of voluntary return. In November 1994, the Integrated Operations Centre was established. It brought together officers of the relevant government ministries, UNAMIR, representatives of United Nations agencies and non-governmental organizations to coordinate the day-to-day aspects of the accelerated programme of voluntary return, code-named Operation Retour. At the same time, an Integrated Displaced Persons Task Force, headed by the Director-General of the Ministry of Rehabilitation and Social Integration, was established to determine policy concerning displaced persons. The Task Force comprised the Government of Rwanda, including

representatives of the RPA, the Ministries of Planning and Justice, UNAMIR and senior members of United Nations agencies.

14. Within the first two months of Operation Retour, some 40,000 displaced persons were transported back to their home communes and a further 40,000 had left the camps spontaneously. However, by March 1995, the number of people willing to return voluntarily to their home areas had declined. There were also indications that people from the communes were moving into the camps, some for the first time. Preparations in April for the commemoration of the anniversary of the start of the 1994 genocide also heightened fears of reprisal and led to increases in camp populations. On 18 April, as negotiations were ongoing with the Government and the United Nations regarding the voluntary closure of the camps, the Government of Rwanda took action to cordon off and close the eight remaining camps, of which Kibeho was the largest. Seven of the camps were closed without serious incident. However, at Kibeho the estimated 80,000 displaced persons in the camp spent five days herded together without adequate space, shelter, water or sanitation. The limited delivery of food and water was used as an incentive for the internally displaced persons to leave the camp. On 22 April, a large group of internally displaced persons broke the cordon that the RPA had established around the camp and tried to escape. RPA witnesses indicated that some internally displaced persons carried rifles and others were armed with traditional weapons such as machetes and stones. A large number of deaths occurred as a result of the RPA firing into crowds of people. Others were trampled to death and crushed as the population panicked.

15. Shortly after the events of 18 to 22 April, the Special Envoy of the Secretary-General, Mr. Aldo Ajello, carried a personal message of concern from the Secretary-General to the Government of Rwanda. In that message, the Government was urged to allow unhindered and safe movement of humanitarian convoys, as well as protection for people leaving the camps and in their home communes. An Independent International Commission of Inquiry, called for by the Government of Rwanda, was also established to investigate the events of 18 to 22 April, including the role played by the RPA. The inquiry concluded that the tragedy of Kibeho was neither premeditated nor an accident that could not have been prevented.

16. In the face of the humanitarian emergency triggered by the camp closure, humanitarian relief agencies responded in a fast and coordinated manner. The prompt reaction of UNAMIR forces, United Nations agencies, non-governmental organizations, the International Committee of the Red Cross (ICRC) and IOM both in Kigali and in the Butare and Gikongoro prefectures

undoubtedly prevented further unnecessary suffering and deaths. During the initial phase of the emergency, the transport assets of UNHCR, IOM and UNAMIR, along with trucks made available by the World Food Programme (WFP) and non-governmental organizations, were pooled to enable people who had left the camps to be carried to their home communes. Medical organizations set up emergency facilities, mainly in Butare, to attend to the sick and wounded. Mobile medical teams ensured that assistance was also available in the way stations. At some way stations, food and other emergency supplies were delivered to the former camp populations as they made their way home.

17. The initial phase of the emergency has now passed and many of the former displaced persons have settled back well into their home areas. In some areas, however, the problems related to the closures are far from solved. The massive return of people, many of whom were forced to leave their possessions in the camps, or were robbed en route to their communes, has placed heavy strains on the already fragile conditions in the communes. Land and housing disputes have intensified and there are continued reports from some communes of harassment, attacks and disappearances. Also, because of their fear of being arrested or ill-treated, large numbers of people have not registered in their home communes and remain in hiding. United Nations and non-governmental organization efforts to improve conditions in communes have increased in recent months. Those efforts include the provision of office equipment and vehicles to strengthen the capacity of local administration, as well as reconstruction of houses. Nevertheless, further substantial amounts of assistance will be needed in the months ahead in terms of relief support, as well as development assistance.

C. Justice

18. The restoration of a functioning judicial system and the parallel establishment of the rule of law are prerequisites to national reconciliation, sustained stability and peace in Rwanda. The Government has stated that the punishment of those responsible for the 1994 genocide is essential if aggrieved survivors are to be prevented from taking the law into their own hands. At the same time, the prevailing situation points to the need to break with the tradition of impunity that has prevailed in Rwanda over the past decades. The challenges are considerable, given the devastating impact of the 1994 genocide and civil war, which together have resulted in the near total destruction of Rwanda's existing judicial system. Of the 750 magistrates who were working before the war, only 256 are still available for work. The rest have been killed or have fled abroad. The judicial infra-

structure was either damaged, looted or destroyed during the war.

19. In its Programme for National Reconciliation and Socio-Economic Rehabilitation and Reconstruction, presented at the round table at Geneva in January 1995, the Government set out its objectives for the justice sector: the reorganization of the judicial system; the prosecution of suspected perpetrators of genocide; law reform; and the overhaul of the security system. A Plan of Action, prepared by the Ministry of Justice in March, set out the steps that needed to be taken in order to reach those objectives. As at the end of July 1995, the objectives were far from being attained. No trials of genocide suspects have been held; no courts in the country are functioning normally; and while public prosecutors and judicial police inspectors are involved in the preparation of cases for trial, their work is severely constrained by a lack of resources. By the end of July, some 450 gendarmes had been trained, yet were not yet deployed in all the prefectures. In a great many cases, arrests were being conducted with little regard for due process.

20. Conditions in Rwanda's prisons and other places of detention, caused by overcrowding, resulted in yet another humanitarian crisis. Although a government decision to limit arrests has reduced the number of new detainees to roughly 600 a week, some 50,000 detainees are being held in 12 prisons, with an official capacity of 12,250 and 198 detention centres. In some places of detention, overcrowding is so bad that many people have to stand jammed together in unsanitary conditions day and night. Seven screening commissions (*commissions de triage*) to speed up the release of those for whom there is insufficient evidence of wrongdoing began functioning in July. As yet, the number of releases is low, with only some 40 individuals freed during the month of July. Some of these same people have subsequently been rearrested.

21. The dimension of the problems in Rwanda has prompted United Nations agencies, UNAMIR, ICRC, and non-governmental organizations, with the support of donor countries, to rehabilitate and create additional prison capacity. A new detention centre, with a capacity of 5,000 detainees, was constructed at Nsinda and will open in October. Also at the end of July, work began on the conversion of four out of seven facilities identified by the Government, including warehouses, bus stations and so on that can be converted into other temporary detention centres. Other initiatives have been launched by the donor community, in collaboration with the Government, in an effort to improve the prison situation. These include the establishment of detention structures for children, the elaboration of legal safeguards for minors, the registration of all detainees in the country and the provision of food, water/sanitation and medical care to the

existing prison population. Additional efforts have been undertaken to release children.

22. The situation in the prisons calls for urgent and extraordinary actions, if the misery and suffering of detainees is to be alleviated. Following his visit to Rwanda in July, the Secretary-General instructed the Emergency Relief Coordinator to meet with the international community to find innovative and concerted approaches to address the problem of overcrowding in prisons and to speed up the processing of detainees. Following two meetings with United Nations agencies, donors and non-governmental organizations, one in New York and one in Geneva, a detailed plan of action is now being prepared in cooperation with the Government of Rwanda.

23. The restoration of the functioning of the Rwandan judicial system, must also be accelerated. As at the end of July, the offices of prosecutors, judicial police inspectors, together with court buildings of all levels, have been repaired and refurbished and office equipment, vehicles and other needed materials are being supplied to judicial offices, courts and the Ministry of Justice. In order to restore staffing levels within the system, among both professional and secretarial ranks, the donor community organized a series of training programmes. These have targeted all parts of the judicial and corrections systems and will continue and accelerate over the second half of the year. In order to build needed capacity within the systems as quickly as possible, foreign experts with a wide variety of backgrounds have been put at the disposal of the Ministry of Justice.

24. With the appointment of the Deputy Prosecutor of the International Tribunal for Rwanda, the process of investigating acts of genocide and other serious violations of international humanitarian law committed in Rwanda has begun. Investigations are being carried out inside and outside Rwanda, covering 400 identified suspects, most of whom have sought refuge abroad. Under article 28 of the statute of the Tribunal, States are under an obligation to cooperate with it and to comply with its requests, including the arrest or detention of persons and the surrender or transfer of suspects. On 20 July, the General Assembly approved \$13.5 million for the Tribunal to cover costs through 31 October 1995. In addition, the Trust Fund for the International Tribunal for Rwanda has received pledges worth \$6 million.

D. Rehabilitation and reconstruction and socio-economic development

25. At the round-table conference held at Geneva on 18 and 19 January 1995, organized by UNDP in cooperation with the Government of Rwanda, the Programme for National Reconciliation and Socio-

Economic Rehabilitation and Recovery was presented to the donor community. The round-table programme comprises three subprogrammes: (a) financial support; (b) re-integration of refugees and displaced persons; and (c) rehabilitation and development. In response to the Government's request for \$764.1 million for the implementation of the round-table programme, international donors at the conference pledged \$586.8 million. All of these funds, except for \$40.8 million, fell within the scope of the programme. On 6 and 7 July 1995, the round-table mid-term review was held at Kigali as a follow-up. It was noted that much progress had been made in the re-establishment of physical infrastructure in Rwanda and in achieving pre-crisis levels of production. Over and above the pledges announced at Geneva and the additional contributions made between January and June 1995, donors announced they would make available further funds totalling \$128 million. It was decided that the next round-table conference for Rwanda would be held at Geneva in January 1996.

26. The Government decision not to resort to monetary creation to finance the budget deficit will undoubtedly benefit the economy in the long-term, as will its introduction of a market-determined exchange rate system in March 1995. The implementation of a sound macroeconomic policy framework is seen as a key determinant of future financial stability and rapid economic recovery. During the first half of 1995, the Government has been working closely with the World Bank, the International Monetary Fund (IMF) and UNDP with a view to strengthening its capacity for macroeconomic management.

27. In terms of humanitarian assistance, the food aid pipeline, which was becoming a source of concern at the beginning of the year, has continued to improve over the last few months. The main food aid distributors, WFP, ICRC and the Catholic Relief Services (CRS) report that they have sufficient quantities of food to cover planned distribution programmes. Food stocks in country are also sufficient to meet new emergencies, should they arise. However, in spite of the massive amounts of emergency aid provided in 1994 and 1995, preliminary results from a country-wide nutrition survey by UNICEF of children under five highlight the effects of conflict, mass population movements and the continued vulnerability of the country. From a pre-war figure of 3.8 per cent, the global malnutrition for children under five now stands at 9.7 per cent and the rate of chronic malnutrition, an indicator of socio-economic conditions, is as high as 44 per cent.

28. The plight of Rwandan children, many of whom continued to be traumatized by the horrors they witnessed in 1994, continues to remain a concern. Nev-

ertheless, there have been a number of significant improvements in their situation in the last two months. Of the 45,000 children in Rwanda who are unaccompanied, over 28,000 are now in foster care. As part of its agreed policy, the Government is continuing efforts to make similar arrangements for some 12,000 other children who remain in children's centres. The transfer of 155 child prisoners aged between 7 and 14 years from various prisons in Rwanda to a new centre especially for children also began in the middle of June. In addition to separating them from adults, the new centre is providing the children with basic education, community services and development of practical skills. Around 2,000 child soldiers have also been moved to a residential compound on the outskirts of Butare, with the objective of gradually reintegrating them into their former communities.

29. The problem of mines, as people return and begin to till their land, has continued to be a concern. Following a bilateral agreement between the United States Government and the Government of Rwanda, a national demining programme was established in July. Under the terms of the agreement a national demining office will be opened and a mine database created. The office will also act as a focal point for a mine-awareness programme and demining training, beginning with an initial 80 RPA soldiers.

30. Notwithstanding the many achievements in 1995, the road to recovery is a long and hard one and there remain a wide range of issues for which the Government, with the support of the United Nations system, non-governmental organizations and international organizations, need to prepare. These include the possibilities of new emergencies resulting from escalating conflict in Burundi or actions that may be taken by the former Rwandese Government in exile. Presently a contingency planning exercise is being undertaken in Rwanda to review possible scenarios and to constitute a United Nations disaster management team. This team will work closely with the Government and non-governmental organization community in the preparation of contingency plans.

III. Humanitarian development responses provided by the international community

A. Assistance by Member States and other donors

31. On 8 May 1995, the Secretary-General invited Member States and other donors to provide information on assistance extended to Rwanda in the framework of General Assembly resolution 49/23. Replies were received from the following States:

China

32. On 22 March 1995, the Government of China signed an exchange of letters with the Government of Rwanda by which China would grant Rwanda a total value of Y 5 million (US\$ 601,419) of general goods to be delivered upon receipt of a requisition list.

Cyprus

33. Cyprus has contributed to the Rwandan crisis as follows:

(a) Pharmaceuticals of £C 31,765 on 26 January 1995;

(b) Voluntary contribution of \$1,000 for the United Nations consolidated inter-agency appeal for Rwanda.

Finland

34. Finnish contributions to Rwanda/Burundi, as at June 1995, are as follows:

| <i>Organization</i> | <i>Amount (Markkaa)</i> | <i>Decision</i> |
|----------------------|-----------------------------|-----------------|
| WFP | 4 000 000 | 5 April 1994 |
| UNHCR | 2 000 000 | 4 April 1994 |
| World Vision | 210 000 | 4 April 1994 |
| Free Foreign Mission | 215 000 | 29 May 1994 |
| ICRC | 1 200 000 | 6 June 1994 |
| IFRC | 1 000 000 | 6 June 1994 |
| UNICEF | 449 742 | |
| Total | <u>9 074 742</u> | |

Germany

35. In 1994 and 1995, the amount of humanitarian assistance provided by the Government of Germany to Rwandan refugees and displaced persons totalled DM 312,797,669, DM 155,100,000 of which constitutes Germany's portion of the assistance rendered by the European Union (EU). In addition, Germany pledged another DM 150 million in April 1995 to be used towards long-term rehabilitation programmes in Rwanda, especially in the following sectors: health, water and sanitation, the judiciary system, education, the reintegration of refugees and displaced persons, protection of natural resources and assistance to orphans and single women.

India

36. India provided transport equipment worth Rs 15 million, consisting of buses, trucks, jeeps, motorcycles and bicycles, to Rwanda as emergency relief sup-

plies to facilitate refugee rehabilitation and reconstruction efforts.

Italy

37. In 1994, the Government of Italy allocated a total of Lit 24 billion to emergency operations, requiring the establishment of an Italian logistic base in Kigali to support programmes being implemented by Italian non-governmental organizations in the framework of multinational operations.

38. In 1995, further emergency programmes are planned worth approximately Lit 5 billion, to be allocated through multilateral channels. These include an Italian contribution to the United Nations Children's Fund (UNICEF) worth Lit 1.6 billion that will also be utilized to expand basic health services and improve the conditions of some primary schools. In addition plans are in place to implement through bilateral channels a project worth Lit 2 billion to fight tuberculosis and leprosy.

39. Finally, Italy has worked to implement the decision of the EU Development Council, adopted on 25 November 1994, for a joint action programme worth ECU 60 million. The programme includes the deployment of 50 observers to monitor respect for human rights, support to the educational sector and rehabilitation of basic structures.

Japan

40. During fiscal year 1994 special assistance provided by the Government of Japan was as follows (including relief operations in Burundi):

| | United States dollars |
|---|--------------------------|
| Relief operation for persons affected by conflict in Rwanda (through UNHCR) | 42 750 000 |
| Transport cost of crackers (151 tons) (through WFP) | 650 000 |
| Relief operation (through WFP) | approx. 11 000 000 |
| Relief operation (through ICRC) | 4 600 000 |
| Relief operation (through ICRC) | 1 400 000 a/ |
| Relief operation (through UNICEF) | 1 000 000 |
| Relief operation (through WHO) | 950 000 |
| Relief operation (through IOM) | 900 000 |
| Assistance for human rights operation (through the Centre for Human Rights) | 500 000 |
| Relief operation (through UNHCR) | 300 000 |
| Relief operation (through UNV) | 200 000 |

a/ In Swiss francs.

Luxembourg

41. In 1994, Luxembourg provided humanitarian and emergency assistance totalling \$851,636.

Republic of Korea

42. The Government of the Republic of Korea participated in United Nations assistance activities as follows:

(a) Provision of motor vehicles to UNAMIR (\$671,000);

(b) Financial assistance through UNHCR to the Rwanda Special Fund (\$100,000);

(c) Provision of medicine through UNHCR (\$132,000);

(d) Provision of six personnel to assist in water/sanitation projects;

(e) Photo exhibition of refugees from Rwanda;

(f) Provision of further apparatus in 1995 (\$77,000);

(g) In addition, the Korean private sector, including national non-governmental organizations, provided cash and relief good contributions, in the amount of \$1.3 million. Sixty medical volunteers were dispatched to Rwanda.

Spain

43. In 1995, Spain funded humanitarian and emergency assistance to Rwanda as follows:

(a) In cooperation with UNHCR, a repatriation project for Rwandan refugees (Ptas 325 million);

(b) Repatriation project for children in refugee camps in Goma, Zaire (Ptas 5,138,000);

(c) Project funding the International Tribunal established to investigate crimes committed in Rwanda (Ptas 19 million);

(d) Contribution to the Trust Fund for Rwanda, to support the rehabilitation of the judicial system and other basic programmes in cooperation with UNDP (Ptas 26 million);

(e) Contribution to the programme of human rights monitors in Rwanda (Ptas 19.5 million).

Switzerland

44. Below is a list of contributions of Switzerland to assist the population in Rwanda:

| | 1994 | 1995 |
|---------------------------------|----------------------------|------|
| | (Millions of Swiss francs) | |
| Cooperation and development | 0.51 | 0.74 |
| Humanitarian assistance | 26.42 | 7.40 |
| Search for a political solution | 0.50 | 0.10 |

| | 1994 | 1995 |
|---|-----------------------------------|-------------|
| | <i>(Millions of Swiss francs)</i> | |
| Civil society, media | 0.70 | 0.20 |
| Restoration of the judicial system | <u>0.01</u> | <u>0.20</u> |
| Restoration of the rule of law, promotion of human rights and national reconciliation subtotal | <u>1.21</u> | <u>0.50</u> |
| Total | 28.14 | 8.64 |

B. Assistance by organizations of the United Nations system and intergovernmental organizations

45. As the crisis began to abate in the later part of 1994, it was recognized by the United Nations and its humanitarian partners that, while it was important to maintain emergency relief programmes for those in dire need, there was an urgent need to move beyond relief to recovery. Following extensive consultations with the Government, United Nations agencies, non-governmental organization representatives, ICRC, IOM and other intergovernmental organizations, the Department of Humanitarian Affairs of the Secretariat sent a team to Kigali in November 1994 to help prepare a new United Nations consolidated inter-agency appeal for Rwanda. The appeal, which also included some non-governmental organization projects, requested \$208 million for programmes inside Rwanda. The appeal was launched in January 1995, covering programmes and activities for the whole of 1995. So far, some \$91 million has been received or pledged. The shortfall has led to some important programmes either not starting or being curtailed.

*Department of Humanitarian Affairs
of the Secretariat*

46. The Department of Humanitarian Affairs, through its field office, the United Nations Rwanda Emergency Office (UNREO), has continued to support the United Nations Humanitarian Coordinator in order to facilitate effective coordination of humanitarian assistance in Rwanda. UNREO has provided weekly and monthly situation reports and analysis for the humanitarian and donor communities so as to ensure a more effective humanitarian response. Throughout the first half of 1995, UNREO served as focal point for the integrated efforts established to assist displaced persons return to their home communes, providing staff to the Integrated Operations Centre and the Integrated Displaced Persons Task Force, established within the Ministry of Rehabilitation and Social Integration.

47. In December 1994, the Department also worked with the Government, United Nations agencies, non-governmental and intergovernmental organizations

in the preparation of a United Nations consolidated inter-agency appeal. The appeal, which was launched in January 1995, covered the emergency and initial rehabilitation needs of the country until the end of December.

48. The sudden and continued expulsion of Rwandan refugees from Zaire in August and its impact on both Rwanda and the region continues to require a substantive humanitarian coordinating system on the ground. UNREO assumes this responsibility, while rapidly assisting to train the Resident Coordinator's office to assume the role at a later stage.

49. Viewing the problems in the Great Lakes region cross-sectorally, the Department of Humanitarian Affairs is currently establishing a Regional Integrated Information Unit (RIIU), in line with the recommendations of the Inter-Agency Standing Committee. Based in Nairobi, the Unit will fill gaps in the flow and analysis of information, thereby enhancing the international humanitarian community's capacity to develop and implement an integrated approach.

*Department for Peace-keeping Operations
of the Secretariat*

50. On 29 December 1994, UNAMIR began Operation Retour, an inter-agency initiative aimed at facilitating the safe resettlement of internally displaced persons (see paras. 13 and 14 above). The operation used the combined assets of the United Nations system, such as transportation, food, security and other confidence-building incentives, including the presence of human rights officers, to provide assistance not only in the camps but at the commune level as well.

51. The mandate of UNAMIR was unanimously extended by the Security Council in its resolution 997 (1995) of 9 June 1995. The Security Council authorized a reduction of its force to 2,330 troops over three months and to 1,800 troops over four months. UNAMIR is now mainly assisting the Rwandan authorities to promote national reconciliation, the return of refugees and the setting up of a national police force. UNAMIR is also in charge of the protection of humanitarian organizations, human rights observers and members of the International Tribunal.

United Nations High Commissioner for Human Rights

52. There are presently 114 human rights field officers from 45 countries working in 11 field offices in Rwanda. Sub-offices, which cover a smaller number of communes, will be part of the next phase, which has already been initiated in the Cyangugu and Kibungo prefectures. Throughout 1995, field officers have continued to travel from commune to commune meeting with

civil, judicial and military authorities and local populations to learn about the general conditions of each commune, including security, access to property, the material needs and the functioning of the judiciary, conditions of detention centres and alleged human rights violations. Allegations are investigated and solutions are sought with local, or when needed, national authorities.

53. During the High Commissioner's visit to Kigali from 31 March to 3 April a large collection of grass-roots information gathered by the Human Rights Field Operation for Rwanda Special Investigative Unit was given to the Deputy Prosecutor of the International Tribunal for Rwanda. During the same period, relations with the Government of Rwanda improved significantly. Recent initiatives of the Human Rights Field Operation for Rwanda have been supported by the Government.

54. The structure of the operation has been modified to address the needs in the field. It currently consists of a Field Coordination Unit, which manages information gathering and field support, a Technical Cooperation Unit supervising human rights promotion and assisting in the establishment of permanent structures that will safeguard human rights in Rwanda and the Legal Analysis and Coordination Unit, which conducts in-depth investigations into the genocide and present human rights violations, and analyses information coming from the field. The Technical Cooperation Unit has developed a number of projects with the Government to address the daunting problem of ending the cycle of impunity in a post-genocide society. At present the Technical Cooperation Unit in cooperation with the Government, is organizing a conference to promote a viable Rwandan response to genocide. Experts from several parts of the world are invited to compare methods of fostering national reconciliation after massive human rights violations. The Human Rights Field Operation for Rwanda has also been distributing equipment donated by various Governments and non-governmental organizations to judicial authorities around the country.

United Nations Development Programme

55. UNDP supports the implementation of the Government's Programme of National Reconciliation and Socio-Economic Rehabilitation and Recovery (round-table programme) in three key areas: (a) state capacity-building; (b) support for rehabilitation of the judicial system; and (c) support for the resettlement and reintegration of refugees and displaced persons. It uses two funding mechanisms for this purpose: cost-sharing arrangements under which UNDP and IPF funds are combined with donor contributions, and the UNDP Trust Fund for Rwanda. As at 5 July, UNDP had programmed virtually all of the funds it had received through the Trust

Fund over the preceding four months (\$12.8 million) and had disbursed 58 per cent of the total.

56. In the area of state capacity-building, the most important UNDP project, budgeted at approximately \$9.5 million, with IMF and World Bank participation, is designed to enhance the economic, financial and human resource management capacity of the Government through the provision of training, equipment and short-term consultancies to six key government ministries.

57. In the judicial sector, UNDP has drawn up a Framework Programme for Support to the Rehabilitation of the Rwandan Judicial System. Phase I of the Framework Programme seeks, in part, to relieve the critical overcrowding in Rwanda's prisons by rehabilitating existing prison space and constructing new detention centres in order to increase overall capacity. In order to remedy the acute shortage of judicial personnel in Rwanda, UNDP is implementing a programme under Phase II that provides for the training of Rwandan judicial and administrative personnel and the deployment of 50 expatriates in support roles. An additional objective of both Phases I and II of the Framework Programme is to strengthen the administrative capacity of the Rwandan judicial and corrections systems. To that end, vehicles and office equipment worth \$378,000 are being supplied to courts and judicial police inspectors.

58. In the area of resettlement and reintegration of refugees and displaced persons, UNDP has implemented a project designed to meet the basic needs of this group, including housing requirements, and reinforce local administrative capacity in target communes.

United Nations High Commissioner for Refugees

59. Throughout the year UNHCR has been promoting conditions conducive to the return of Rwandan refugees. In addition to monitoring the conditions of return of refugees, UNHCR has continued to provide direct material assistance to both organized and spontaneous returnees to Rwanda. Returnees, internally displaced persons and needy local communities continue to benefit from the UNHCR community assistance programmes, which cover water, health, education and institutional projects.

60. As a result of relatively more promising security conditions in Rwanda, organized repatriation of Rwandan refugees resumed from Zaire after the two-month lull that followed the closure of Kibeho and other camps for internally displaced persons inside Rwanda. Repatriation of the "new case-load" continues to gain momentum from Burundi. Two tripartite meetings (Government of Rwanda, UNHCR and Government of Burundi/Government of the United Republic of Tanzania)

were held in June and July respectively to find ways and means of accelerating repatriation of refugees.

61. Direct material assistance to all categories of returnees continues to be provided when returnees enter Rwanda and at transit centres until they reach their home communes. Between August 1994 and June 1995, UNHCR, with IOM and UNAMIR, transported 275,508 people returning from outside the country and 229,701 displaced persons from several camps within Rwanda. In addition to transportation, returnees are provided with a one-month food ration, essential non-food items, seeds and agricultural tools.

62. UNHCR is also rehabilitating 60 school buildings in four prefectures by making basic repairs, providing school equipment and promoting non-formal education and training programmes for women and young girls. Ten district hospitals and 42 health centres were also rehabilitated and, at most sites, equipped. Training of medical staff in diagnostics, maternal and paediatric care, nutrition and trauma treatment were offered at the hospitals and clinics where UNHCR was involved in physical repairs. Limited amounts of medical supplies, including drugs, were also purchased to support isolated centres and hospitals. Immunization and related triage activities were carried out at primary health care stations at the six official points of entry into Rwanda. UNHCR is also implementing a programme of shelter construction that will provide 28,500 homes for returnees to Rwanda and will ease some of the pressure on potential new returnees, whose houses are frequently occupied, in their absence, by others. UNHCR is also involved in the repair of old water systems and in establishing new ones where possible. Three existing water supply systems have been rehabilitated; in addition, springs were captured in many places and water is being piped to different locations in the rural areas.

63. Several ministries involved in the implementation of refugee/returnee programmes have benefited from UNHCR institutional assistance. To date, UNHCR has provided 47 vehicles and 34 motor-cycles to various ministries, with a view to building their capacity.

United Nations Children's Fund

64. As a result of the events of 1994, some 95,000 children have been separated from their families, over 12,000 of whom have been sheltered in unaccompanied children's centres. As the designated lead agency on unaccompanied children, UNICEF has promoted the use of the Convention on the Rights of the Child as an instrument for the design of social policies and programmes benefiting unaccompanied children. Children's centres have been provided with safe water, sanitation facilities, health care services and supplementary food.

UNICEF has supported its partner non-governmental organizations in the registration, documentation, tracing and reunification of unaccompanied children. Since late February 1995, over 7,000 children have been reunified in Rwanda. Through its trauma recovery programme, UNICEF has trained over 2,600 Rwandan social agents in trauma healing, who have been able to reach some 67,000 children. UNICEF has also provided technical assistance to the Government for the creation of national policy guidelines for psychosocial trauma interventions. A National Trauma Recovery Centre opened in June to serve as a focal point for training, research, documentation, as well as an out-patient clinic for direct treatment of severely traumatized children.

65. In addition to supplying water to camps for the displaced prior to their closure, UNICEF has continued in 1995 with the rehabilitation of water and sanitation facilities in both urban and rural areas. Such projects have benefited over 2.5 million people. Because of the lack of expertise and manpower at both the national and regional levels, UNICEF will now concentrate on training and capacity-building until the end of 1995.

66. Over one million Rwandan children are attending school as a result of efforts by the Government, UNICEF and the United Nations Educational, Scientific and Cultural Organization (UNESCO) in re-establishing primary education. UNICEF has introduced "Education for Peace" into the school system, which aims to foster capacities of mutual understanding, tolerance and peaceful conflict resolution. As in other sectors, UNICEF is assisting the Government in becoming self-reliant through provision of technical support, equipment and vehicles.

67. Since January 1995, UNICEF and the Ministry of Health have completed the repair of 21 health facilities, participated in policy development of major disease control programmes and continued the training of health personnel at national level. Health and nutrition promotion campaigns such as Operation Clean Hands, cholera awareness and HIV/STD prevention have been launched. Vaccination results for the first quarter of 1995 show that coverage is gradually increasing to its pre-war levels.

68. UNICEF and partner non-governmental organizations have also been supplying and distributing key agricultural inputs. Income-generating projects targeted at rural women's groups have been initiated as pilot schemes. However, community-based groups are still embryonic as a result of the breakdown of social structures during the war. During the past six months, UNICEF has helped the Government re-launch a national programme to combat vitamin A, iron and iodine deficiencies. Technical expertise was provided in the devel-

opment of a national nutrition policy, which will be finalized by the end of the year.

69. Some 80 per cent of 266 damaged nutritional centres have been rehabilitated in 1995. UNICEF has also distributed supplementary food to nutritional centres as well as to unaccompanied children's centres and vulnerable returnee families. For the rest of the year, UNICEF will continue with national-capacity building and will work towards a more community-based approach to nutritional problems.

United Nations Volunteers

70. UNV has fielded 42 human rights monitors in Rwanda and a further 64 UNV specialists to support ongoing programmes in Rwanda and the subregion. UNV specialists have been attached to UNHCR, the United Nations Office for Project Services, FAO, UNICEF and the Department of Humanitarian Affairs. UNV air traffic controllers, aeronautical information service officers and communications officers have also assisted the International Civil Aviation Organization (ICAO) to ensure the functioning of Kigali airport.

World Food Programme

71. During the first half of 1995, WFP distributed 28,726 million tons of food aid to a monthly average of 520,000 beneficiaries throughout the 10 prefectures of Rwanda. These beneficiaries include returnees, vulnerable persons in home communes, hospital patients, orphans and unaccompanied children. All WFP projects implemented during the period have been both emergency assistance and to a certain extent rehabilitation. Since January 1995, WFP has also been feeding 3,300 refugees from Burundi and 1,700 internally displaced persons still awaiting return to and resettlement in their communes of origin.

72. In order to assist Rwandan farmers and their families during planting seasons and to stop them from resorting to eating seeds when food shortages arise, WFP has been implementing a seed protection programme during the two last planting seasons. This has benefited some 318,000 beneficiaries on each occasion, thus supplementing distributions of seeds and tools undertaken by other aid agencies. Between January and March 1995, WFP assisted 18,000 primary school teachers who were receiving low and irregular salaries through the food-for-work programme. The food ration distributed was adequate to support 72,000 of the teachers' family members. The project restarted in June and is expected to continue for two months. During 1995, a monthly average of 62,000 civil servants and their family members also benefited from a similar project.

73. In order to assist the Rwandan society in post-emergency rehabilitation and reconstruction programmes and to create additional jobs for the unemployed, WFP implemented a variety of other food-for-work projects throughout the country. These have focused primarily on increased food production, including land terracing, swamp drainage, seed multiplication, rehabilitation of fish ponds and income-generating activities such as production of vegetables, poultry and livestock. The projects have been targeted at women's groups in particular. Other projects have a focus on the rehabilitation of basic infrastructure (road rehabilitation and construction of houses and schools). Some 29,000 workers and their family members were assisted between January and June 1995 on a monthly basis.

74. To streamline the overall land transportation of food deliveries within the subregion, WFP has created a special section within the Rwanda Country Office, the Transport Coordination Unit, whose task is to coordinate all WFP transportation assets and food deliveries within the subregion. The Unit has also been involved in facilitating other overland movements into and within Rwanda, and in transit to other locations in the subregion. Subsequent to the establishing of the Transport Coordination Unit and signing of a protocol with the Government of Rwanda, WFP has been able to increase the trucking capacities by 30 per cent and to decrease unnecessary movements of the trucks between loading points outside Rwanda and delivery points inside the country. In addition, the Unit has also been useful in coordinating with IOM and UNHCR the use of WFP trucks for the transportation of returnees.

Food and Agriculture Organization of the United Nations

75. With the funding support of several European donors, the World Bank and a large number of non-governmental organizations, agricultural materials in the form of seeds, tools and fertilizers were distributed to farm households by the Ministry of Agriculture and FAO. Timely rains have helped harvests to reach about 60 per cent of normal, which has resulted in an encouraging food and seed supply for the 1996 "A" season commencing in September. At the same time, seed multiplication activities have begun, especially for beans, sweet potatoes and cassava, with broader programmes planned in collaboration with international research centres. In spite of improvements in crop production, large areas of land lie uncultivated by their absent owners, who are either refugees outside Rwanda or victims of the genocide.

76. Action is under way by FAO to enhance disease control and livestock management, in particular in the

Mutara region, where cattle numbers far exceed forage capacity and environmental sustainability.

77. The Global Information and Early Warning System (GIEWS) of FAO constantly monitors the crop prospects and food supply situation in all the countries of the world, including those affected by conflicts. These assessments are disseminated to the international community through regular reports "Foodcrops and Shortages", "Food Supply Situation and Crop Prospects in Sub-Saharan Africa" and "Food Outlook". GIEWS has fielded two joint FAO/WFP crop and food supply assessment missions to Rwanda and issued special reports on 21 December 1994 and 24 March 1995, respectively.

United Nations Educational, Scientific and Cultural Organization

78. UNESCO, especially through the Programme of Education for Emergencies and Reconstruction and its continuing close collaboration with UNICEF, has sought to assist the recovery of basic education inside Rwanda and the provision of emergency educational services in refugee camps. Particular attention has been paid to in-service teacher training by means of the Teacher Emergency Package, of which 8,500 copies have been distributed. By the end of March, 12,000 teachers had received training related to the use of the package.

79. In addition, UNESCO and UNICEF have sponsored a number of workshops and conferences, including a conference on the policy and planning of education in Rwanda, to stimulate policy development and the improvement of educational programmes. Jointly with UNICEF, technical assistance has been provided regarding a database management system in the Ministry of Primary and Secondary Education.

World Health Organization

80. WHO has continued to assist the Government to re-establish or improve a wide range of health programmes. This has included material, operational and personnel assistance for the review of pharmaceutical policy. With the Ministry of Health, WHO has undertaken a comprehensive assessment of the health system and helped develop a national health system rehabilitation plan.

81. Support for the rehabilitation of hospitals and health centres, especially Ndera Hospital, has also been extended, including financial support, provision of materials, technical equipment and drugs and the training of personnel. A computerized data-collection system and analysis has been established to assist the national epidemiological surveillance and a review of the blood transfusion programme has been undertaken. Particular

attention has been given to improve mother and child health at all levels of the national health system.

World Bank

82. In late 1994, the World Bank initiated consultations with the Government on an emergency assistance programme to support Rwanda's socio-economic rehabilitation and recovery. As a result, a \$50 million emergency reconstruction credit was agreed with the Government in February 1995. The first tranche of the credit, \$18 million worth of support to the balance of payments, was released to the National Bank of Rwanda at the end of July.

83. Since the formal reopening of the World Bank's Kigali offices at the end of January 1995, several missions have visited Rwanda with a view to restructuring the project portfolio in place before the 1994 crisis so as to match current circumstances and needs better. Following that assessment, 11 development projects have been re-started. They are designed to support activity in key sectors of the national economy. These include education, communications, transport, energy and agricultural services within the private sector as well as in state companies. Together with the \$50 million credit, the total value of the World Bank's project portfolio is \$233 million as at 31 July 1995. The report of a World Bank mission, sent to Rwanda in early 1995 to study the problem of the repatriation and reintegration of refugees, helped the Ministry of Rehabilitation and Social Integration in its preparation of a plan of action for the sector.

C. Assistance by non-governmental organizations

84. Throughout 1995, non-governmental organizations have continued to play a major role in the relief effort in Rwanda. A number of United Nations programmes have been implemented in collaboration with international and national non-governmental organizations to address immediate needs, as well as lay the groundwork for rehabilitation and recovery. There are currently some 110 international and around 80 national non-governmental organizations working in Rwanda on a wide range of programmes, covering food distribution, medical assistance, family tracing, agricultural assistance, income-generating activities and education. As has the United Nations system, many non-governmental organizations have focused increasingly on rehabilitation and development assistance. Among the most active were ICRC and IOM.

International Committee of the Red Cross

85. ICRC has had a permanent presence in Rwanda since 1990, protecting and assisting victims of

the conflict and the civilian population at risk. During the tragic events of 1994, the ICRC established an emergency hospital in its delegation compound and surgical teams worked round the clock to save 9,000 lives. Following the events at Kibeho in April 1995, ICRC set up an operational surgical unit at Butare Hospital within 48 hours.

86. ICRC provided emergency food relief to vulnerable groups, internally displaced people and returnees in various regions. Distributions peaked in November 1994 with 1.3 million beneficiaries receiving ICRC aid. In addition, an agricultural programme, which supports 270,000 families, has been carried out since September 1994. ICRC water engineers helped to repair water treatment facilities and rural water supplies have been rehabilitated in three prefectures.

87. With regard to detention-related problems, ICRC has taken the exceptional measure of providing food, water, wood for cooking and medical treatment to about 39,000 detainees held in the 14 main prisons in order to ensure their survival. Furthermore, ICRC supplied a minimal amount of water and installed sanitary facilities to prevent the outbreak of epidemics. ICRC has also agreed to work with the authorities and United Nations agencies to set up a new detention site at Nsinda designed to accommodate 5,000 detainees.

88. As a means of restoring ties between members of families split up by the conflict or by detention, over one million Red Cross messages have been exchanged via the ICRC network since August 1994. Another major activity of ICRC in Rwanda is the dissemination of information on international humanitarian law, especially that intended for the armed forces and government officials.

International Organization for Migration

89. IOM has been providing assistance to displaced persons, Rwandan nationals and third-country nationals since 1994. Together with UNHCR and in close coordination with the Government of Rwanda, IOM has provided transport and resettlement assistance to the communities of origin for both displaced persons and repatriating Rwandan refugees.

90. Many Rwandan nationals have professional experience needed by their Government but are currently residing in other African countries, Europe or North America. Those who are interested in returning but are not always in a position to find employment in advance or to pay the costs of travel and re-establishment are being assisted by IOM. Based on similar programmes that IOM has implemented in other countries, IOM is preparing a programme for assistance in the return and reintegration of qualified Rwandan nationals who could fill vacancies

in high-priority jobs in Government as well as parastatals and private enterprises. Together with the Government of Rwanda, 270 candidates will be matched with vacancies that are considered most important for the rehabilitation process.

IV. Concluding observations

91. Since the adoption of General Assembly resolution 49/23 in December 1994 significant progress has been made by the Government of Rwanda and its international partners to restore the country to a semblance of normality. Thanks to substantial amounts of emergency relief and development assistance in 1994 and 1995, the humanitarian crisis has been averted and a good start has been made on rehabilitation and reconstruction. Electricity and water supplies have been partially restored, schools have reopened and the national banking system is once more functioning. With substantial deliveries of donated seeds, tools and fertilizers, agricultural production in 1995 looks promising. Substantial pledges of bilateral and multilateral assistance have also been made in support of the country's recovery and lasting stability. Although the pace remains slower than many would wish, the disbursement of pledged assistance has picked up since the early months of 1995.

92. The situation in Rwanda nevertheless remains very fragile, with no significant advances in the process of national reconciliation and some 1.8 million Rwandan refugees still to be repatriated from neighbouring countries. The former Government's military forces remain present in neighbouring countries and are reported to have been rearmed and retrained in preparation for an armed invasion. The forced closure by the Government of Rwanda in April 1995 of camps for displaced persons in Rwanda and the resulting tragic and heavy loss of life in Kibeho, the largest camp, serve to underscore the tensions and fears that remain just underneath the surface. The grossly overcrowded prisons, arbitrary arrests and continued human rights abuses also serve to highlight the frustrations caused by delays in bringing to justice those responsible for the 1994 genocide.

93. One year after the genocide claimed the lives of more than half a million Rwandans, none of the leaders of that campaign, including members of the former Government and armed forces, have been brought to justice. The International Tribunal has been established and is expected to try its first cases by the end of the year. The Rwandan justice system remains largely non-functioning and the difficulty the Government has in providing basic public services and the relatively slow pace of national reconstruction and development add to the tension. The scarcity of human resources also continues to limit government administrative and management capacity, both

at the national and regional levels. As a result of the genocide or the flight into exile, the lack of skilled workers affects every sector in its ability to respond to the complex and great needs of populations traumatized by conflict, massacres, genocide and massive population movements.

94. Internal tensions within Rwanda are a source of concern. A major destabilizing threat comes from the rearmed former government forces now based largely in Zaire. These irregular forces operate with impunity. Increased infiltration and terrorist activities have been noted over recent months and banditry, allegedly by former government elements, is a daily occurrence.

95. Repatriation, reconciliation and reconstruction are under way, albeit slowly, at the grass-roots level, but sustained international donor support is required to accelerate the process and build needed government capacity. The progress made with regard to the improvement of security in camps in Zaire remains insufficient to ensure the voluntary repatriation of all the refugees. Ultimately such repatriation will depend on the efforts of the Government of Rwanda to promote national reconciliation and to ensure that people can return to their home communes without fear of persecution or false accusations regarding genocide. In that respect, rebuilding the justice system remains critical and must be hastened for the implementation of Security Council resolution 978 (1995) of 27 February 1995, in which the Council urged States to arrest and detain persons found within their territory and against whom there was sufficient evidence of responsibility for the acts within the jurisdiction of the International Tribunal for Rwanda. Implementation of the resolution will also enhance the process of national reconciliation and hence an early return of refugees.

96. The present conditions in Rwanda's prisons and detention centres have become a humanitarian concern. As at mid-August 1995, there were more than 51,000 detainees in over 200 places of detention. Hundreds of detainees have already died as a result of overcrowding. Consultations were held in New York, Geneva and Kigali to develop a plan to address the problem in a comprehensive manner. A two-pronged strategy was agreed upon: firstly, to alleviate severe overcrowding and to improve detainees' conditions and, secondly, to accelerate restoration of the justice sector and the due process of law, in particular the Government's capacity to process detainees' files. The international community is strongly urged to provide adequate and immediate financial and material support to alleviate the situation.

97. Much progress was made during the first half of 1995 towards the resumption of normal economic activity in Rwanda. At the same time, many, although not

all, of the foundations for the rehabilitation and reconstruction of vital economic and social infrastructure have been laid. The commitment of the donor community to Rwanda's sustained recovery appears positive, as evidenced by the Geneva round-table conference and the Kigali round-table mid-term review. Nevertheless, pledges of support need to be translated quickly into tangible development assistance. The rate of disbursement and delivery of promised funds, though rising, needs to be sustained at high levels in order to ensure full support for the Government's efforts to achieve national reconciliation and socio-economic rehabilitation and recovery.

98. A recent transport capacity analysis carried out by IOM showed an insufficiency in the private transport sector. Although there has been an increase in the number of vehicles, their service focuses on international heavy goods transport and in-town commuting. UNHCR and IOM, which have a combined fleet of 130 buses and trucks, are now assisting in the distribution of food and non-food items to the home communes. This is limited in time, for the first priority will be given to the assistance of returning refugees. Since the lack of domestic private transport may prove to be a serious obstacle to both rehabilitation and development programmes, IOM and the Ministry of Transport are designing a transport rehabilitation plan for Rwanda, which needs further financial support.

99. As Rwanda slowly advances on the road to recovery, close cooperation and coordination between the Government and its partners remains essential. In that respect the widening gulf between some government ministries and their international partners is deeply disturbing. The relationship with non-governmental organizations, in particular, is now so poor that many international organizations are considering leaving Rwanda. Many of the current tensions stem from misunderstandings and, in part, also reflect the Government's limited knowledge of the mandates of non-governmental organizations. However, many of the current difficulties are the result of the moral dilemma that the whole of the humanitarian community has faced in dealing with both the victims and the perpetrators of genocide. Considering the important role that non-governmental organizations can play in the future development of Rwanda, it would be tragic if the valuable work that has been undertaken were to be lost. It would be helpful to both parties if a forum could be found to facilitate closer working relationships and a better understanding of mutual concerns and problems.

100. Equally disturbing is the situation in the Great Lakes region in general and the possibility of further mass turmoil and conflict. In this respect, the Secretary-General, during his visit to the region in July, made it very clear that despite his own appeals for increased interna-

tional support in terms of military assistance, the leaders of the region must find their own solutions to many of their grass-roots problems. He also stressed that the international community no longer had the funds to deal with the myriad problems in the region and that donor fatigue would continue to deepen unless the leaders of the region began to address key issues.

101. Subsequently the Secretary-General requested the United Nations High Commissioner for Refugees to visit Burundi, Rwanda, the United Republic of Tanzania and Zaire in order to identify solutions to the problem of the massive number of refugees in the region resulting from the recent forcible repatriation of Rwandan and Burundian refugees by the Government of Zaire. After having consulted with the Governments of the region, Mrs. Ogata emphasized that only political solutions could effectively address the underlying causes. Humanitarian action could only contribute to supporting political solutions and not replace them.

102. In that context the Secretary-General appointed a Special Envoy to the Great Lakes region to initiate preparations for a conference on peace, security

and development in the region. In order to secure the acceptance of all the relevant countries for the idea of a Great Lakes regional conference, the Special Envoy is conducting intensive consultations with the Governments of Rwanda, Burundi, Uganda, the United Republic of Tanzania, Zaire and Kenya in order to ascertain their readiness in principle to participate actively in the conference and to take responsibility for its success. The role of the United Nations and OAU will be to coordinate the efforts of those nations and to facilitate the process leading to the convening of the conference, the major objective of which will be to achieve a regional agreement on measures to promote lasting security, stability and sustainable development in those countries. Furthermore, the conference will seek to identify and address the underlying causes of conflict in the region and the current situation in the political, humanitarian, military, economic and social fields, as well as developments that have led to the increase of tension among the States of the region.

[Editor's note: Tables III-V of Annex I and map of Rwanda, Annex II, are not reproduced here.]

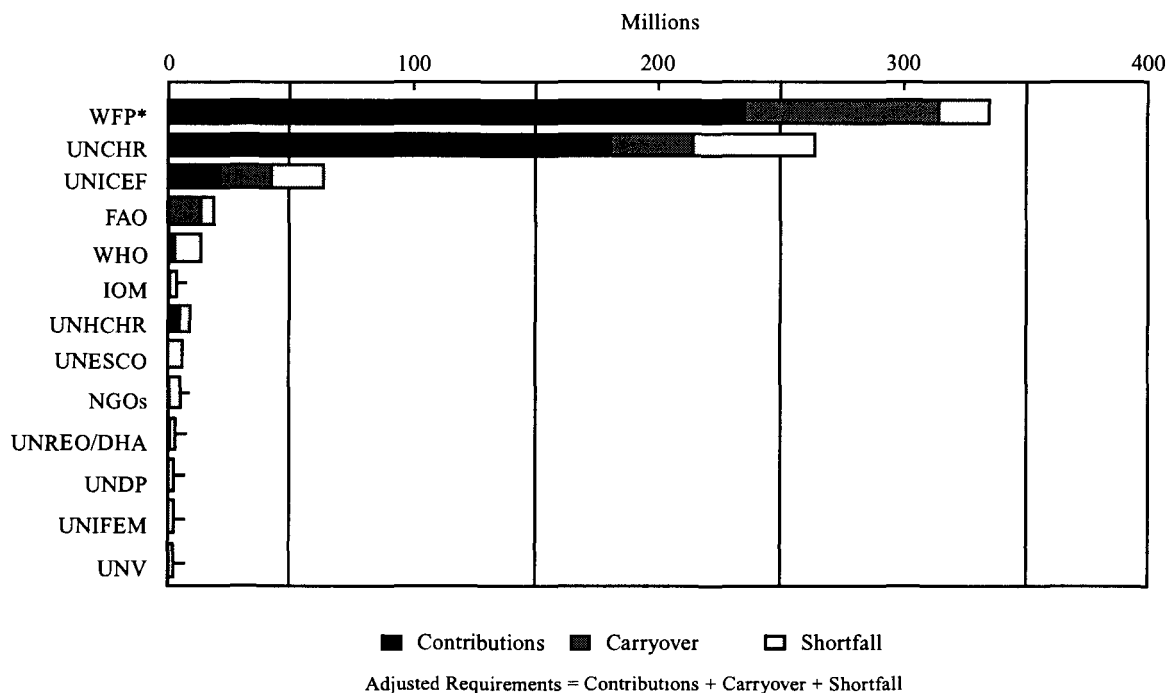
Annex I Rwanda financial update

Table 1: 1995 UN Consolidated Inter-Agency Appeal for Persons Affected
by the Crisis in Rwanda (Rwanda and the Sub-Region)
Summary of Requirements and Contributions—By Appealing Agency
as of 6 October 1995

Compiled by DHA (FTS/CESU) on the basis of information provided
by the respective appealing organizations.

| Appealing Organizations | Adjusted Requirements (US\$) | Pledges/Contributions (US\$) | Carryover Funds (US\$) | Total Funds Available (US\$) | Shortfall (Surplus) (US\$) | % of Needs Covered (%) |
|-------------------------|------------------------------|------------------------------|------------------------|------------------------------|----------------------------|------------------------|
| FAO ** | 18,531,700 | 905,516 | 11,411,173 | 12,316,689 | 6,215,011 | 66.5% |
| UNICEF | 66,812,000 | 21,991,481 | 23,800,000 | 45,791,481 | 21,020,519 | 68.5% |
| UNHCR *** | 263,262,234 | 181,333,063 | 27,426,311 | 208,759,374 | 54,502,860 | 79.3% |
| UNDP | 1,370,000 | 0 | - | 0 | 1,370,000 | 0.0% |
| UNESCO | 6,629,540 | 0 | - | 0 | 6,629,540 | 0.0% |
| UNHCHR | 10,153,050 | 5,364,920 | - | 5,364,920 | 4,788,130 | 52.8% |
| UNIFEM | 1,350,000 | 200,150 | - | 200,150 | 1,149,850 | 14.8% |
| UNV | 1,327,064 | 119,048 | - | 119,048 | 1,208,016 | 9.0% |
| WFP (Food & Non-Food)* | 296,372,652 | 224,987,130 | 89,818,829 | 314,805,959 | 19,006,994 | 93.6% |
| WHO | 11,469,927 | 3,280,997 | - | 3,280,997 | 8,188,930 | 28.6% |
| UNREO/DHA ***** | 2,478,900 | 1,464,031 | - | 1,464,031 | 1,014,869 | 59.1% |
| IOM**** | 4,200,985 | 882,711 | - | 882,711 | 3,318,274 | 21.0% |
| NGOs | 4,124,913 | 132,353 | - | 132,353 | 3,992,560 | 3.2% |
| GRAND TOTAL | 688,082,965 | 440,661,400 | 152,456,313 | 593,117,713 | 132,405,553 | 80.8% |

1995 UN Consolidated Appeal for Persons Affected by the Crisis in Rwanda
Updated Financial Summary—By Appealing Agency



* For WFP, the food shortfall of 2,671 MTs (US\$ 1,452,930) reflects breaks in the pipeline during the period September-December 1995. The shortfall for cash projects stands at US\$ 17,554,064.

**In 1995, minima needs in terms of seed and tools (US\$ 11.4 million) have been covered by the European Community and carryover pledges channelled through FAO.

*** As a result of UNHCR's recent programme review, the total requirements are now estimated at US\$ 263.3 million, a reduction of US\$ 28.5 million from the original programme budget.

**** Total requirements for IOM until December 1995 are now estimated at US\$ 4,200,985, a reduction of US\$ 6,338,815 from the original programme budget.

**** Requirements for UNREO increased by US\$ 475,000 as it represents extension of its operations until 31 October 1995.

Table II. 1995 UN Consolidated Inter-Agency Appeal for Persons Affected
by the Crisis in Rwanda

Updated Financial Summary—By Appealing Agency
as of 6 October 1995
Compiled by DHA (FTS/CESU) on the basis of information
provided by the respective appealing organizations

| Appealing Agency | Appeal Requirements (Jan-Dec 1995) | Adjusted Requirements (US\$) | Income (Pledg., Cont., C/o) (US\$) | Shortfall (Surplus) (US\$) | % of Needs Covered % |
|----------------------------------|------------------------------------|------------------------------|------------------------------------|----------------------------|----------------------|
| A. THE RWANDA PERSPECTIVE | | | | | |
| UNHCR* | 44,275,700 | 22,098,500 | 4,366,007 | 17,732,493 | 19.8% |
| UNICEF | 55,650,000 | 55,650,000 | 42,189,380** | 13,460,620 | 75.8% |
| WHO | 7,482,835 | 7,482,835 | 1,062,147 | 6,420,688 | 14.2% |
| FAO | 18,531,700 | 18,531,700 | 12,316,689*** | 6,215,011 | 66.5% |
| UNESCO | 6,629,540 | 6,629,540 | 0 | 6,629,540 | 0.0% |
| UNHCHR**** | 10,153,050 | 10,153,050 | 5,364,920 | 4,788,130 | 52.8% |
| UNIFEM | 1,350,000 | 1,350,000 | 200,150 | 1,149,850 | 14.8% |
| UNV | 1,327,064 | 1,327,064 | 119,048 | 1,208,016 | 9.0% |
| IOM***** | 10,539,800 | 4,200,985 | 882,711 | 3,318,274 | 21.0% |
| NGOs | 4,124,913 | 4,124,913 | 132,353 | 3,992,560 | 3.2% |
| UNREO/DHA***** | 2,003,900 | 2,478,900 | 1,464,031 | 1,014,869 | 59.1% |
| WFP***** | 57,421,860 | 26,254,996 | 31,725,510 | 67,686 | 99.7% |
| MTs | 116,466 | 51,352 | 65,296 | 58 | 99.9% |
| TOTAL—RWANDA PERSPECTIVE | 219,490,362 | 160,282,483 | 99,822,946 | 65,997,737 | 58.8% |

* Note that UNHCR is appealing for resources to fund activities to meet the needs of Rwandese/Burundese refugees on a regional level. Contributions/pledges not specifically earmarked to the Rwanda Programme and made in response to the Consolidated Appeal will be recorded against UNHCR Sub-Regional budget until a percentage of these funds has been obligated to the Rwandan returnees and IDPs programme within Rwanda.

** UNICEF has determined an estimated carryover of US\$ 23.8 million of which 40% of this amount is set aside for programmes in the Sub-Region pending specific contributions.

*** In 1995, minima needs in terms of seed and tools (US\$ 11.4 million) have been covered through the European Community and carryover pledges channelled through FAO.

**** Income does not include a contribution from the EU of US\$ 6,377,551 for 33 fully equipped Human Rights Field Officers.

***** A new agreement for the amount of US\$1.4 million has been signed between UNHCR and IOM, for the implementation of transport operations in support of UNHCR Operations in the Goma Area by IOM. In connection with this new agreement, UNHCR has funded IOM in the amount of US\$ 500,000 to date. In addition, IOM has received from UNHCR a total of US\$ 2,177,986 for the transportation of refugees and IDPs in Rwanda.

***** Requirements for UNREO increased by US\$ 475,000 as it represents extension of its operations until 31 October 1995.

***** Note the following for WFP:

(1) Revised Requirements: A standardisation of ration rates and rationalisation of WFP Programmes within Rwanda and the Sub-Region, which took place after the finalization of the Appeal document,

led to a revision of the total food aid requirements to 116,466 MTs (US\$ 57.4 million) for Rwanda and 542,819 MTs (US\$ 290.9 million) for the Sub-Region. Against a revised net requirements for 1995 of 480,658 MTs (valued at US\$ 257,001,093), 546,046 MTs has been contributed to date, at a value of US\$ 292,988,464. WFP predicts that approx. 80,000 MTs will be carried forward for use in early 1996.

(2) Shortfall: The shortfall shown above reflects breaks in the pipeline during the period September-December 1995. Requirements for cereals and pulses are fully covered for all locations. However, a shortfall of 2,671 MTs in oil, salt, blended foods, sugar and DSM needs to be covered. This figure also includes 524 MTs of cereals required to repay borrowings made earlier in the year.

| <i>Appealing Agency</i> | <i>Appeal Requirements (Jan-Dec 1995)</i> | <i>Adjusted Requirements (US\$)</i> | <i>Income (Pledg., Cont., C/o) (US\$)</i> | <i>Shortfall (Surplus) (US\$)</i> | <i>% of Needs Covered %</i> |
|--|---|-------------------------------------|---|-----------------------------------|-----------------------------|
| B. THE SUB-REGIONAL PERSPECTIVE | | | | | |
| UNHCR * | 244,802,950 | 241,163,734 | 204,393,367 | 36,770,367 | 84.8% |
| UNICEF | 11,162,000 | 11,162,000 | 3,602,101 | 7,559,899 | 32.3% |
| WHO | 3,987,092 | 3,987,092 | 2,218,850 | 1,768,242 | 55.7% |
| UNDP | 1,370,000 | 1,370,000 | 0 | 1,370,000 | 0.0% |
| WFP Regional Cash Projects | 35,723,074 | 39,371,559 | 21,817,495 | 17,554,064 | 55.4% |
| WFP Food Summary * * * * * | | | | | |
| Burundi Conflict Victims MTs | 57,190,074 | 43,414,399 | 50,316,756 | 217,138 | 99.5% |
| Refugees in Tanzania MTs | 117,330 | 87,410 | 103,809 | 386 | 99.6% |
| Refugees in Tanzania MTs | 65,169,380 | 56,104,531 | 67,407,382 | 214,868 | 99.6% |
| Refugees in Zaire MTs | 150,182 | 128,025 | 149,596 | 417 | 99.7% |
| Refugees in Zaire MTs | 168,534,396 | 131,227,167 | 143,538,816 | 953,238 | 99.3% |
| Total for WFP (Food) MTs | 275,307 | 213,871 | 227,345 | 1,286 | 99.4% |
| Total for WFP (Food) MTs | 290,893,850 | 230,746,097 | 261,262,954 | 1,385,244 | 99.4% |
| TOTAL-SUB-REGIONAL PERSPECTIVE | 542,819 | 429,306 | 480,750 | 2,089 | 99.5% |
| TOTAL-SUB-REGIONAL PERSPECTIVE | 587,938,966 | 527,800,482 | 493,294,767 | 66,407,816 | 87.4% |
| GRAND TOTAL (A+B) | 807,429,328 | 688,082,965 | 593,117,713 | 132,405,553 | 80.8% |

Document 153

Letter dated 30 October 1995 from the Secretary-General to the President of the Security Council, stating that he will continue to monitor conditions for the successful convening of a regional conference on security, stability and development in the Great Lakes region

S/1995/945, 10 November 1995

I have the honour to refer to paragraph 5 of Security Council resolution 1011 (1995) of 16 August 1995, in which the Council requested me to report on my efforts for the preparation and convening, at the earliest possible time, of the Regional Conference on Security, Stability

and Development in the Great Lakes Region of Central Africa.

In a letter addressed to the President of the Security Council on 23 August (S/1995/735), I informed the Council that I had appointed Mr. José Luis Jesús as my

Special Envoy for this purpose. My Special Envoy has now returned from the region, where he held high-level consultations with the Organization of African Unity and the Governments of Burundi, Ethiopia, Kenya, Rwanda, Uganda and the United Republic of Tanzania. He has reported to me that most of these Governments supported the idea of a regional conference.

The Government of Rwanda, on the other hand, expressed strong opposition to the idea of such a conference. The Government of Uganda also indicated that it was not keen to have the United Nations actively involved in this process.

Notwithstanding these reservations, the United Nations will continue to monitor developments in the region and I shall revert to the Security Council if it appears that conditions exist for the successful convening of a conference.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Document 154

Report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Rwanda, including summaries of his missions of 9-20 June, 29-31 June and 14-25 October 1994 and 27 March-3 April and 25-28 May 1995

A/50/709-S/1995/915, 2 November 1995

Note by the Secretary-General

In accordance with Commission on Human Rights resolution S-3/1 of 25 May 1994, endorsed by the Economic and Social Council in its decision 1994/223 of 6 June 1994, the Secretary-General has the honour to transmit to the members of the General Assembly and the Security Council the three reports which the Special Rapporteur on the situation of human rights in Rwanda, Mr. René Degni-Ségui, has prepared since the forty-ninth session of the General Assembly.

[Editor's note: Annex I, the Report on the third visit of the Special Rapporteur to Rwanda (14-25 October 1994), is not reproduced here; visit is summarized in Annex II]

Annex II

Report on the situation of human rights in Rwanda submitted by Mr. René Degni-Ségui, Special Rapporteur of the Commission on Human Rights, under paragraph 20 of resolution S-3/1 of 25 May 1994*

Introduction

1. In accordance with the mandate entrusted to him by the Commission on Human Rights in resolution S-3/1 of 25 May 1994, the Special Rapporteur on the human rights situation in Rwanda has made three visits to that country and neighbouring States. The purposes of these missions were:

(a) The first (9-20 June 1994), in accordance with the Commission's request, "to visit Rwanda forthwith" and "to report on an urgent basis" to its members, submitting a preliminary report within four weeks of the adoption of the resolution. That report (E/CN.4/1995/7 and Corr.1) was issued on 28 June 1994;

(b) The second (28-31 July 1994), to assess the situation in Rwanda following the victory of the Rwandese Patriotic Front (FPR) and to ensure that reprisals would not be inflicted on the Hutu. That report (E/CN.4/1995/12) was issued on 12 August 1994;

(c) The third (16-25 October 1994), to update, supplement and clarify the information contained in the first two reports. That report (E/CN.4/1995/70) was issued on 11 November 1994.

The present report endeavors to summarize the information contained in the three previous reports.

2. The Special Rapporteur wishes at this point to reiterate his sincere thanks to all persons, both Rwandese and foreigners, and United Nations officials who supported him in the execution of these three missions. He wishes to express particular thanks to the Centre for Human Rights and the Committee of Experts on Rwanda for the assistance provided to him by the former in facilitating his work, and for the cooperation he received from the latter in the performance of his mission.

* Previously issued under the symbol E/CN.4/1995/71 of 17 January 1995.

3. It is apparent from these various missions and inquiries carried out that Rwanda has been and remains the scene of serious violations of human rights. In making this observation, however, a distinction should be made between violations committed during and after the hostilities.

I. Violations committed during the hostilities

4. The attack which cost the lives of Juvénal Habyarimana, President of the Rwandese Republic, Cyprien Ntuyamira, President of the Republic of Burundi, and several persons in their entourage occurred on 6 April 1994 in what was already a tense and explosive social and political situation. It undoubtedly constituted the spark which set off the massacre of civilians. These massacres were followed by the armed conflict between the governmental forces and the Rwandese Patriotic Army. The hostilities and, more particularly, the massacres gave rise to violations of human rights.

A. *The massacres*

5. It is true that the people of Rwanda have experienced several massacres, but those perpetrated during the hostilities are without precedent in the history of the country. They are in fact unique in their extent, their planning and their horrific nature.

1. *Their extent*

6. The extent of the massacres has been unequalled in space and in time; they spread like wildfire throughout the country from 6 April up to the end of the hostilities and even beyond that date.

7. Although these massacres are attributable to the two warring parties, who have combined civil war with looting, far more have been committed by the interim Government than by the Patriotic Front.

8. The results have been completely catastrophic: in addition to the massive destruction of property and crops, the loss of human life has been extremely heavy, possibly reaching 1 million.

2. *Their planning*

9. There now seems to be little doubt that the massacres were planned. This is the conclusion reached from a number of consistent indications, not to say evidence, including:

(a) The campaign of incitement to exterminate the Tutsi orchestrated by both the public authorities and the media, including Radio Télévision Libre Des Mille Collines (RTLM). Several audio cassettes of broadcasts by

Radio Rwanda and RTLM have been made available to the Centre for Human Rights;

(b) The distribution of weapons to the civilian population, and more particularly to members of the militias;

(c) The exceptional speed of events at the outset: roadblocks were set up all over Kigali just 30-45 minutes after the assassinations, even before they had been reported on the radio;

(d) The "screening" carried out at the roadblocks by militiamen and soldiers, and the lists drawn up by the public authorities with the aim of identifying Tutsi, after which they were immediately executed.

3. *Their horrific nature*

10. The horrific nature of the massacres is apparent from the way in which the Tutsi were killed: in most cases they were attacked with machetes, axes, cudgels, iron bars, etc. until they breathed their last.

11. Moreover, the massacres were systematic and spared nobody, not even babies. The victims were hunted down even in their final refuge: orphanages, hospitals and churches.

B. *Violations of human rights*

12. The hostilities have given rise to grave, massive and systematic violations of human rights; it is important to analyse the nature, causes and perpetrators of these violations.

1. *Their nature*

13. The charges are threefold: the genocide of the Tutsi, the assassination of the Hutu and other violations of human rights.

(a) *The genocide of the Tutsi*

14. From the definition of the crime of genocide given in article II of the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948 (see E/CN.4/1995/7, para. 44), it is apparent that this crime has three constituent elements which might be summarized as follows: a criminal act, "committed with intent to destroy, in whole or in part," a particular group "as such".

15. There does not seem to be any doubt about the first condition, in view of the massacres perpetrated and even the cruel, inhuman and degrading treatment. The second is not difficult to establish either, since such a clear and unambiguous intention is contained in the constant incitements to murder put out by the media (particularly RTLM) and reproduced in leaflets. And even if that were

not so, the intention could have been deduced from the facts themselves, on the basis of a variety of concordant indications: preparations for the massacres (distribution of firearms and training of members of the militias), number of Tutsi killed and the result of a policy of destruction of the Tutsi. The third condition, on the other hand, requiring that the ethnic group should be targeted as such, raises a problem, because the Tutsi are not the only victims of the massacres, in which Hutu moderates have not been spared. But the problem is more apparent than real, for two reasons: firstly, many witnesses confirm that the screening carried out at roadblocks to check identities was aimed essentially at the Tutsi. Secondly, and above all, the main enemy, identified with the FPR, is still the Tutsi, who is the *inyenzi* (cockroach, to be crushed at all costs. The Hutu moderate is merely a supporter of the main enemy, and is targeted only as a traitor to his ethnic group, which he dares to oppose.

16. The conditions laid down by the 1948 Convention are thus met, and Rwanda, having acceded to it on 16 April 1976, is required to respect its principles, which would be binding upon it even without any treaty obligation, since they have acquired the force of customary law. In the Special Rapporteur's view, the term "genocide" should henceforth be used as regards the Tutsi. The situation is different in the case of the assassination of Hutu.

(b) *The assassination of Hutu*

17. The massacres have not spared the members of the Hutu ethnic group, who have not been targeted *per se*, but for political reasons.

18. On the one hand, the so-called Hutu moderates, with whom certain foreigners are associated by extension, have been massacred by members of the government militias for having associated themselves with the main enemy, thereby betraying their ethnic group. The victims are chiefly human rights activists and political opponents.

19. On the other hand, the so-called Hutu extremists, and in particular the members of the militias, are executed by the Rwandese Patriotic Army in the area controlled by the Rwandese Patriotic Front, notably for their involvement in the massacres.

20. These acts constitute assassinations, and more specifically political assassinations, violating the right to life, which is a fundamental right established by certain conventions binding on Rwanda.

(c) *Other violations*

21. A number of other fairly diverse, but no less important, rights have also been seriously violated by the parties to the conflict. We would mention the following:

(a) The right to physical and moral integrity, whereby torture and other cruel, inhuman and degrading treatment are forbidden;

(b) International humanitarian law with regard to murders, political assassinations, executions of hostages and other inhuman acts constituting crimes that violate the four Geneva Conventions of 12 August 1949;

(c) Other violations of rights which amount to crimes against humanity because of the assassinations and other inhuman acts committed against the civilian population, and also the acts of persecution for political motives combined with the serious violations of international humanitarian law applicable to armed conflicts.

2. *The causes*

22. The causes of the hostilities, and more specifically the massacres, are of various kinds: economic, political, social and cultural. Three are immediately apparent and indicative of the situation in Rwanda: the rejection of alternate political power, incitement to racial hatred and impunity.

(a) *The rejection of alternate political power*

23. The rejection of alternate political power, which typifies French-speaking black Africa in general, takes on a special form in Rwanda, where it has strong ethnic overtones. The reason for what is taking place in Rwanda is not ethnic as such, but political, the aim being the seizure of political power, or rather the retention of power, by the representatives of one ethnic group, previously the underdogs, who are using every means, principally the elimination of the opposing ethnic group, but also the elimination of political opponents within their own group. From this standpoint, the portrayal of the main enemy and their supporters, as mentioned above, is quite revealing (see para. 15). The resistance to the Arusha Peace Agreements of 4 August 1993 is indicative of this and even of the rejection of simple power-sharing or political coexistence.

(b) *Incitement to ethnic hatred and violence*

24. Since incitement to ethnic hatred and violence has already been the subject of much comment, it will not be dealt with in detail below. Attention is simply drawn to the fact that, unlike what happened prior to 6 April, the public authorities have openly involved themselves in the perpetration of the massacres of Tutsi by giving clear and unequivocal orders. This would seem to be the case with Mr. Sindikubwabo, President of the Interim Government, who, in a speech at Butaré on 19 April 1994, urged the population to "get to work" in the Rwandese sense of the term by using their machetes and axes.

(c) *Impunity*

25. Impunity, like incitement to murder, is a recurrent cause of the massacres. No legal action has been taken against the chief criminals, the perpetrators of the earlier massacres, whether they are civilians or members of the armed forces and although they are known to all. On the contrary, some have been promoted while persons who showed humanity and refused to soil their hands have been dismissed.

3. *The perpetrators*

26. Although it has not been possible to identify by name all those responsible for the atrocities, as far as the authorities or organs involved are concerned responsibility can immediately be apportioned to:

(a) The Rwandese State authorities and, in particular, senior national political figures, such as a number of ministers, various elements of the government security forces such as the Presidential Guard, the Rwandese Armed Forces and the gendarmerie, and certain local authorities, prefects and mayors;

(b) FPR organs, particularly those in charge of military activities;

(c) Private individuals such as members of the militias, leaders of extremist political parties (National Republican Movement for Development and Democracy (MRND) and Coalition for the Defence of the Republic (CDR)), and the founders and broadcasters of RTLM;

(d) Certain foreign States, in the light of their interference in Rwandese politics, which remains to be clarified;

(e) The international community and, in particular, the United Nations, whose response to the urgent needs of the population, especially with regard to security and humanitarian assistance, should also be clarified.

27. The chief perpetrators of the massacres have relentlessly continued their acts since the cessation of the hostilities.

II. Violations committed after the hostilities

28. This second series of human rights violations actually began during the hostilities and continued after the hostilities had ceased. These violations have two distinct sources: the insecurity in Rwanda and the fate of the refugees and displaced persons.

A. *The insecurity in Rwanda*

29. In Rwanda, genocide and reprisals are dialectically linked: genocide seems inevitably to lead to reprisals. In the towns of Rwanda, to which the inhabitants and activities are gradually returning, the dead are being mourned but at the same time there is rejoicing whenever

a lost relative or friend is found. But by far the greatest concern of the surviving victims, who are deeply shocked, seems to be whether the perpetrators of the genocide will be tried and punished. However, pending the establishment of the international tribunal, people do not hesitate to take the law into their own hands. Hence there are serious violations of human rights, for which the solutions envisaged remain insufficient.

1. *Violations of human rights*

30. Insecurity, which is again on the increase in Rwanda, is a source of human rights violations, which take the form of serious violations of property rights, the right to personal safety and the right to life.

(a) *Violations of property rights*

31. For many refugees back in Rwanda, especially those who constituted the old Tutsi diaspora, these violations consist in the illegal occupation of houses and land abandoned by their owners who have fled. When these owners, Hutu for the most part, return and claim their rights, conflicts break out and are in many cases resolved by violent means.

(b) *Violations of the right to personal safety*

32. These violations mainly take the form of arbitrary arrest and detention. Rwandese prisons are full of people who are awaiting trial for genocide. No arrest warrant or detention order is issued and the persons concerned are kept in places of detention for much longer than the lawful period of police custody. What is worse, persons released by the judicial authorities are rearrested and detained in barracks by the military authorities.

(c) *Violations of the right to life*

33. These violations are in many cases the result of disappearances of persons and summary executions, not to say massacres, of Hutu. The Government itself acknowledges that members of the armed forces, including officers, have participated in these massacres.

2. *Inadequate solutions*

34. All the acts committed taken together would appear to constitute reprisals by the victims of genocide. In order to put an end to these violations, the Government has taken a number of measures, which are far from sufficient:

(a) Eviction orders are often flouted and the Government does not have the means to build new housing or distribute land;

(b) The virtual non-existence of genuine administration by the State adds to the difficulties;

(c) Admittedly, more than 100 members of the armed forces have been arrested, but the indiscipline which seems to be rampant in the army does not help matters.

35. Generally speaking, the measures taken cannot in themselves help to assuage the anger and contain the determination of the people to exact revenge; this will be the case until such time as the alleged perpetrators are prosecuted and tried, and for as long as they are able to travel in complete freedom in certain countries and in the refugee camps.

B. *The fate of the refugees and displaced persons*

36. The hostilities caused an exodus unprecedented in the history of Rwanda which has created the difficult problem of the return of the refugees and displaced persons.

1. *The exodus of Rwandese*

37. The exodus resulting from the hostilities has been enormous, particularly since it has been twofold in character, the movement of displaced persons within the country being combined with the flight of refugees abroad.

(a) *The displaced persons*

38. The war and, in particular, the massacres have led to mass population movements within the country. More than 2 million people, fleeing the hostilities, left their hills for other regions where they felt more secure. Some kept constantly on the move on the hills, while others were herded into so-called displaced persons' centres or camps, where they all eked out an extremely difficult existence, dominated by total insecurity—physical and moral insecurity and insecurity as regards their food and health.

39. But as the fighting drew nearer, the camps would empty and some or all of their occupants would simply be massacred. However, large numbers of people were able to flee and settle in the south-west of the country, in the area covered by the former "Operation Turquoise", and did not cross the Zairian frontier.

(b) *The refugees*

40. The hostilities caused many other Rwandese to leave their country and take refuge in neighboring States: Zaire, Tanzania, Burundi and Uganda. The situation of these refugees has been deteriorating.

41. At the beginning of the events, it was mainly the massacres which prompted several thousand Rwandese, and particularly the Tutsi, to go into exile. The total number of refugees at that time was close to 1 million. Tanzania gave shelter to the largest number, estimated at

410,000, including 330,000 in the Benaco camp alone. This huge flow of refugees already at that time constituted a risk of political destabilization for the neighbouring States because of overpopulation, the spilling-over of political and ethnic tensions, and insecurity.

42. Towards the end of the hostilities, millions of people, mainly Hutu, fled before the victorious advance of the FPR army and burst across the borders of neighbouring States in search of refuge particularly in Zaire. At the end of July 1994, between 12,000 and 20,000 refugees an hour were arriving in Goma; at that time the number of refugees was estimated at 2.5 million, including 1.2 million in Goma alone. This Zairian city, which was the base for "Operation Turquoise", thus became the principal refugee centre, being larger than the Benaco camp in Tanzania. The overpopulation of Goma, in precarious living conditions, contained the seeds of a human tragedy which made it a unique case. The consequences were predictable: famine was followed by a cholera epidemic and dysentery, which killed several thousand persons. Despite these sufferings, the refugees are reluctant to return to their country because they fear for their lives.

2. *The return of the refugees and displaced persons*

43. The return of refugees and displaced persons to Rwanda and the hills where they live continues to be the international community's main concern. Unfortunately, their return, which began at the end of the hostilities, is at present being slowed down, if not completely blocked, by the strong pressure being exerted on the refugees and displaced persons—in a very appropriate framework.

(a) *Strong pressure*

44. This pressure takes the form of the constant threat to persons wishing to return by the old governing group now in exile. It is clear from large-scale campaigns orchestrated by the old ruling group that return will be possible only as a result of political negotiations entailing a general amnesty or, otherwise, a resumption of civil war with the aim of regaining power. Those who do not take the advice offered and return would run the risk of being the first targets in the event of a reconquest of power.

(b) *An appropriate framework*

45. The framework devised and set up to maintain the pressure and thus block voluntary departures is institutional, political and administrative in nature.

46. The institutional framework involves simply reconstituting in the camps the political and administrative structures that exist in Rwanda, namely, the prefectures, communes and, in some cases, sectors.

47. The system of control of refugees and displaced persons gives the perpetrators of the genocide, through their local representatives, substantial powers:

(a) Registering arrivals in the camps gives them significant powers of control;

(b) The distribution of foodstuffs and other humanitarian supplies places in their hands a food weapon which they use and abuse, bringing the rebels into line and diverting stocks of food which are sold on the markets of receiving countries;

(c) The imposition of punishment, with exercise of the right of life or death, enables mayors, militiamen and bandits to impose gun law, creating an atmosphere of total and permanent insecurity in the camps.

48. The solution to the problem of the return of the refugees undoubtedly lies, as the Secretary-General of the United Nations has envisaged, in the separation of the politicians, in other words, the former political authorities, military personnel and militiamen, from the rest of the refugee and displaced population.

III. Conclusions and recommendations

49. In conclusion, the Special Rapporteur wishes to state that he deplors the tendency to use the current insecurity in Rwanda as a pretext for suggesting that genocide is commonplace and justifying inaction. To do so is to confuse cause and effect. It overlooks the fact that genocide is, to a great extent, at the origin of the insecurity.

50. A correct diagnosis is essential if the right medicine for the Rwandese sickness is to be prescribed. Without in any way neglecting existing human rights violations, they must be viewed in context and their sources identified so that efforts can be made to eliminate them before it is too late. Rapid, indeed very rapid, action is required if the international community is not to be the powerless spectator of a second war and further massacres.

51. It was in order to avoid a disaster of this nature that the Special Rapporteur made recommendations in his three reports, notably in document E/CN.4/1995/70 (chap. IV). These recommendations include the following:

Recommendation No. 1

The United Nations should require Rwanda and the countries which have accepted refugees to abide by their international commitments, particularly those deriving from the relevant provisions of the conventions relating to human rights, refugees and asylum.

Recommendation No. 2

The United Nations should, as soon as possible:

(a) Initiate the International Court for Rwanda which has been set up by the Security Council (resolution 955 (1994) of 8 November 1994), and also the local courts that are to be established in order to try persons charged with genocide, so as to stop, or at least reduce, acts of reprisals;

(b) Establish, first, an international force responsible for ensuring security in the camps for refugees and displaced persons, and secondly, arrangements for the repatriation of refugees and displaced persons in appropriate conditions of security and dignity.

Recommendation No. 3

The United Nations should formally and urgently appeal to Member States, particularly the major Powers and the African States, to provide:

(a) Substantial assistance in the reconstruction of the Rwandese State as a matter of urgency. Such assistance, which should take various forms and be provided in all economic, political, social and cultural sectors, presupposes a prior overall assessment of needs;

(b) Assistance with regard to judicial and law-enforcement personnel, including the training of policemen, gendarmes and judges, while helping local judges to render justice. In this connection, the United Nations might expand the Special Rapporteur's mandate to include technical assistance. Under this proposal, a specialized team of observers would be responsible for training policemen, judges, lawyers and court officers and establishing a Bar in order to safeguard the independence of the Judiciary.

Recommendation No. 4

In cooperation with the Organization of African Unity, the United Nations should take steps to:

(a) Create conditions and a framework for a dialogue between the various Rwandese political groups both inside and outside the country. This dialogue might lay the foundations for a political settlement of the conflict in place of a military settlement;

(b) Convene an international conference on Rwanda designed, as initially recommended in the interim report, to induce the parties to the conflict to negotiate in good faith, taking due account of the Arusha Agreements of 4 August 1993, the conditions for peace, democratic transition, and national reconciliation and unity.

Annex III

Report on the situation of human rights in Rwanda submitted by Mr. René Degni-Ségui, Special Rapporteur of the Commission on Human Rights, under paragraph 20 of resolution S-3/1 of 25 May 1994*

Introduction

1. In accordance with the mandate entrusted to him by the Commission on Human Rights in resolution S-3/1 of 25 May 1994, which was extended by resolution 1995/91 of 8 March 1995 (para. 19), the Special Rapporteur visited Rwanda from 27 March to 3 April 1995 and again from 25 to 28 May 1995. The first visit formed part of the follow-up to his mission, its purpose being to ascertain the progress made in the deployment of the human rights observers in the field and in the inquiry into the genocide during the period before the first anniversary of the beginning of the massacres and the war. The second visit was made in response to the need to gather information on the recent tragic events which occurred when the displaced persons' camp in Kibeho was forcibly closed by members of the Rwandan Patriotic Army.

2. The Special Rapporteur also travelled to Belgium, France, Canada and the United States.

3. During his visit to Rwanda and the four other countries, the Special Rapporteur was able to speak with members of the Rwandan Government, representatives of the various United Nations agencies working in Rwanda, foreign diplomats accredited to Rwanda, representatives of non-governmental organizations, judicial authorities and a number of witnesses of the massacres of April-June 1994, detainees, judges, officers, various foreign personalities, human rights activists and journalists.

4. Among the prominent persons whom the Special Rapporteur met, mention should be made of:

(a) *Prominent persons (Rwandan)*

Mr. Pasteur Bizimungu, President of the Republic; Mr. Faustin Twangiramungu, Prime Minister; Mr. Seth Sendashonga, Minister of the Interior; Mr. Alphonse-Marie Nkubito, Minister of Justice; Mr. Anasthase Gasana, Minister for Foreign Affairs; the prefect of Kibuye.

(b) *Prominent persons (non-Rwandan)*

In Rwanda: Mr. Shaharyar Khan, Special Representative of the Secretary-General in Rwanda; Major-General Claude Toussigant, Force Commander of the United Nations Assistance Mission to Rwanda (UNAMIR); the Resident Representative of the United Nations Development Programme in Rwanda; the Chargé d'affaires of the Apostolic Nuncio in Rwanda, the

Deputy Prosecutor of the International Tribunal for Rwanda, Judge Rakotomanana; the Ambassadors of Belgium and the United States; the chief of the delegation of the International Committee of the Red Cross in Kigali; the delegates of the Agency for Cultural and Technical Cooperation on mission in Rwanda.

In Belgium, France, Canada and the United States: Mr. Andries, Military Auditeur, and Mr. Van Winsen, former Military Auditeur in Brussels; General Dallaire, former Commander of UNAMIR; Mrs. Prudence Bushnell, United States Deputy Assistant Secretary for African Affairs; Mr. Reed Fendrick, Deputy Director of the Central Africa Office in the United States Department of State; members of the Canadian League of Human Rights and several other leagues affiliated to the International Federation of Human Rights; Mrs. Iris Almeida, Programme Director in the Centre for the Rights of the Individual and Democratic Development in Montreal.

5. The Special Rapporteur would like to express his sincere thanks to all these persons who supported him in the preparation and conduct of his mission. He is particularly grateful to the Special Representative of the Secretary-General in Rwanda and the Commander of MINUAR for their assistance, logistical support and generous cooperation.

6. The conversations he held and the visits he made in the field and in prisons enabled the Special Rapporteur to assess the situation in Rwanda, stressing the progress of the inquiry into the genocide, the monitoring of the human rights situation and the problem of the return from the exodus.

I. The inquiry into the genocide

7. The Special Rapporteur wishes to place special emphasis on this crime against humanity, which has particularly affected the people of Rwanda. Notwithstanding the reference to genocide, the inquiry covers all violations of human rights. As a result of the field visit, it was possible to assess the deployment of the observers and the progress made in the inquiry.

A. *The deployment of observers*

8. In his third report (E/CN.4/1995/70 of 11 November 1994) the Special Rapporteur criticized the delay in the deployment of the observers. The situation at that time was characterized first by why absence of observers in the field, and later by the presence of a group of observers in Kigali who were unable to move into the field through lack of practical resources and logistics. Since then, substantial progress has been achieved, but the

* Previously issued under the symbol E/CN.4/1995/7 of 28 June 1995.

conduct of the human rights operation is beset with a number of difficulties.

1. *The conduct of the human rights operation*

9. This operation, which began in mid-August 1994 with four observers, has developed considerably, judging from the number of observers and their formation in teams and operational units.

(a) *The number of observers*

10. Following the Special Rapporteur's recommendations in his second report (E/CN.4/1995/12 of 12 August 1994) for the deployment of 150 to 200 observers, the Centre for Human Rights, by agreement with the Government of Rwanda, set a figure of 147. This figure roughly corresponded to the number of Rwandese communes (143). Having started with four observers, the operation slowly but steadily grew in size, increasing from 22 to 38 observers in October 1994, to 127 in April 1995, but falling to 122 in May. As at 22 June, the number of observers stood at 112.

11. This result was achieved thanks to various contributions: apart from the 51 observers recruited by the Centre for Human Rights, 27 were recruited by the United Nations Volunteers Programmes and 31 by the European Union. It should be pointed out that the target figure of 147 observers has still not been achieved and that recruitment has had to be slowed down if not completely stopped at certain times through lack of resources. Thus, from 1 to 22 June 1995, the number of observers fell from 119 to 112. According to forecasts, it will drop again in the near future.

(b) *The formation of teams*

12. The observers are deployed in teams comprising some four to eight persons per unit. Eleven teams are assigned to regional offices in the various prefectures as follows: Butaré (9 members), Cyangungu (9), Gikongoro (8), Gisenyi (8), Gitarama (6), Kibungo (3), Kibuye (6), Kigali (7), Rilima (4), Ruhengeri (6) and Rwamagana (4). A sub-office has been opened in Nyamasheke in the prefecture of Cyangungu. Two human rights observers have been deployed in the north-east of the prefecture of Byumba to assess the possibility of opening an office in that region.

13. At the time of drafting the present report, all the prefectures in Rwanda, with the exception of Byumba, have a team of observers. Each team is headed by a team leader, who reports to the chief of the operation. In the light of their various activities, the observers are assigned to operational units.

(c) *The operational units*

14. The mission has set up three units: the legal analysis and coordination unit, the monitoring unit and the technical assistance unit.

(i) *The legal analysis and coordination unit*

15. In the context of the inquiries into the genocide and other serious violations of human rights, a special investigation unit was set up back in September 1994 to assist the Commission of Experts on Rwanda and the Special Rapporteur on Rwanda. The Commission of Experts having completed its work, this unit has continued to carry out inquiries as needed by the Special Rapporteur. As mentioned in the operational plan of the operation, experts from Finland, the Netherlands, Norway, Spain, Switzerland and the United States have undertaken far-reaching inquiries into the genocide (forensic examination of massacre sites and charnel-houses, interviews with survivors and witnesses) and compiled documents and other tangible evidence which have been transmitted, by agreement with the Special Rapporteur, to the International Tribunal for Rwanda. As a result of the establishment of an investigation unit of a judicial character within the Tribunal, the special investigation unit has been disbanded and replaced by the legal analysis and coordination unit. The latter unit is to continue inquiries into the genocide and other crimes against humanity in response to the needs of the Special Rapporteur.

(ii) *The monitoring unit*

16. The monitoring unit is undertaking the inquiry into past and present violations of human rights. The observers assigned to it and deployed in various regional offices report, in accordance with the above-mentioned operational plan, on the following:

- (i) Progress made towards national reconciliation;
- (ii) The existence of courts or magistrates responsible for settling disputes between Rwandan nationals;
- (iii) The availability of housing and other structures for persons returning to Rwanda;
- (iv) Measures taken by the local authorities or the Rwandan Patriotic Army concerning Rwandan returnees and the administrative practices to which the latter are subjected;
- (v) Security conditions in their zone;
- (vi) The availability of basic foodstuffs and services; and

(vii) The formulation of education and information programmes on human rights intended for Rwandan officials and the population as a whole.

(iii) The technical assistance unit

17. This unit deals with the assistance to be given to the Government in restoring the rule of law and confidence in civil society. It is participating in the efforts to rebuild the Rwandan judicial system, through the contribution of judicial personnel and through the training of magistrates and other court officers.

18. This unit, which is still very small in size (two members as of 2 April 1995), is due to expand, especially since on 22 February 1995 the Rwandan Minister of Justice addressed a letter to the Special Representative of the Secretary-General in Rwanda indicating the human resources needs of his Ministry, which were estimated at 678 persons (including magistrates and police investigators).

2. *The difficulties encountered by the operation*

19. The human rights operation in general and the Special Rapporteur in particular are encountering difficulties which are placing the mission in jeopardy. The difficulties are of two types: practical and political.

(a) *The practical difficulties*

20. The practical difficulties essentially amount to the shortage of financial resources. Apparently, the Centre for Human Rights receives the financial resources to be allocated to the operation in very small amounts at a time; consequently, there is constant uncertainty and anxiety about the survival of the mission beyond the following three months.

21. This has at least two unfortunate consequences. The first is the shortage of human rights observers; despite the increase in their number, they have not yet reached the target figure of 147, even though a period of more than six months has elapsed since the commencement of the operation. What is more, the already inadequate number of observers is tending to decrease since, through lack of resources, the contracts of some observers are not being renewed. This situation is particularly regrettable because these people will have to leave at the very time when they are beginning to adapt to their socio-cultural environment and above all are gaining experience. The second consequence derives, despite the progress achieved, from the lack of certain equipment: thus some regional offices have neither telephones nor fax, which results in the disruption of communications between several offices and headquarters.

(b) *The political difficulties*

22. The human rights operation in general and the Special Rapporteur in particular are encountering difficulties that are preventing them from fulfilling their mission in the most effective manner possible.

23. As regards the operation much criticism has been directed at its inefficient functioning, due notably to lack of experience, to the fact that it is directed from Geneva and to the contradictory orders given by the Geneva offices. Some of this criticism is very harsh and is in some cases poorly formulated, but the substance remains.

24. Not all the difficulties will be outlined. Reference will be made only to the political difficulties, those affecting relations between the operation and the Rwandan authorities, on the one hand, and the relations between the Special Rapporteur and the Special Procedures Branch of the Centre for Human Rights, on the other.

(i) Relations between the operation and the Rwandan authorities

25. The Rwandan authorities, both national and local, complain about the behaviour of the human rights observers. They accuse them of putting too much emphasis on the human rights violations being committed at present and accordingly neglecting the inquiry into the genocide. They maintain that the observers' action is "very police-oriented" and that the observers use legal terms such as "arbitrary arrests and detentions", the word "arbitrary" being, in the view of the authorities, equivalent to "unlawful".

26. Among the consequences of these complaints, which have been officially addressed to the chief of the operation, have been searches of the observers and their exclusion from certain detention centres, including solitary confinement cells, despite the headquarters agreement governing the activities of the operation in Rwanda and the authorizations duly issued by the Minister of Justice. The dialogue with the national authorities entered into by the United Nations High Commissioner for Human Rights and the Special Rapporteur has made it possible to assess the situation and to dispel certain misunderstandings, but certain obstacles remain, including those relating to access to solitary confinement cells.

(ii) Relations between the operation and the Special Rapporteur

27. The relations between the operation and the Special Rapporteur remain very theoretical and practi-

cally non-existent. They are filtered by the Special Procedures Branch, which forms a kind of screen blocking access to information needed by the Special Rapporteur.

28. The operation is planned and executed, without any participation by the Special Rapporteur, by the Special Procedures Branch, which directs all activities from Geneva. Moreover, the hierarchical system in the Centre requires that the observers and other investigators deployed in the field should address their reports not to the Special Rapporteur through the chief of mission, but along a chain which runs from the team leader to the High Commissioner and passes through the unit chiefs, the coordinators, the chief of mission and the chief of the Special Procedures Branch. In the other direction, the Special Rapporteur is obliged to transmit his instructions to the operation through the Office of the High Commissioner, who forwards them via the Special Procedures Branch, going down through the various levels of the hierarchy. The chief of mission is forbidden, even in urgent situations, to contact the Special Rapporteur directly.

29. This situation has three consequences. The first is the slow movement of information in both directions. This was the case with the distressing events which occurred at Kibeho on 22 April 1995; the written reports on those events remained in the files of the chief of the Special Procedures Branch, despite the Special Rapporteur's urgent request to see them. The Special Rapporteur was unable to obtain a copy of the report until 6 May, when he received it from the chief of the operation, bypassing the hierarchical procedure. The press release drafted by the Special Rapporteur on the events at Kibeho met with a similar fate. The second consequence is that there is a sifting of information within the Special Procedures Branch, which communicates to the Special Rapporteur only what it sees fit to give him. The documents transmitted amount to no more than insubstantial summaries of reports, which are accordingly of no interest to the Special Rapporteur. The third consequence is that the withholding of information has been accompanied by the disappearance of documents. Strangely, three sets of very important documents have disappeared in succession, and the Special Rapporteur's urgent appeals for proper investigations to find the documents have had no effect. It is as if there were a lack of willingness to cooperate with the Special Rapporteur, in breach of Commission on Human Rights resolution S-3/1 of 25 May 1994 on the situation of human rights in Rwanda. Under paragraph 25 of this resolution, the Commission "Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to fulfill his or her mandate".

B. Progress achieved

30. The progress made in the inquiry should be measured in terms of both fact-verification and the contribution of the International Tribunal.

1. Fact verification

31. The investigations conducted by observers deployed throughout Rwanda have verified, on the basis of eyewitness accounts and other evidence, the commission of acts constituting human rights violations.

(a) Eyewitness accounts

32. Human rights observers have gathered many eyewitness accounts from survivors and military observers present during the hostilities, from soldiers of the Rwandan Patriotic Army (APR), staff of non-governmental organizations and members of the clergy. These accounts concern both the genocide and other violations of human rights and international humanitarian law.

(i) Genocide

33. Concurring eyewitness accounts of the massacres were gathered and systematically selected prefecture by prefecture. Incidents which occurred in a number of prefectures are described below by way of illustration.

34. *In the prefecture of Butaré*, eyewitnesses reported that almost 10,000 refugees were attacked with machetes in the stadium and massacred on 18 April. In Nyakibanda, 5,000 refugees were attacked over a four-day period beginning on 23 April. The survivors identified a number of individuals who had organized and carried out the massacres, including a senior political official of the former regime, who is thought by some eyewitnesses to have organized and coordinated the attacks.

35. *In Cyangungu prefecture*, more than 5,000 Tutsis were penned up in the stadium, without protection from the sun and rain. Many were struck with machetes. Soldiers came periodically to fetch persons to be massacred on the basis of preestablished lists. At 4 a.m. on Friday, 29 April, the terrorized hostages tried to break out of the stadium en masse and the soldiers fired into the crowd. Witnesses report having seen prisoners from Cyangungu burying three truckloads of bodies not far from the Hôtel des Chutes in the afternoon of 29 April.

36. *In Gisenyi prefecture*, from 7 April 1994 onwards the families of Tutsi teachers from various schools in Nyundo (small seminary, art school, etc.) began to take refuge in the seminary with the staff. At 5 p.m., a mob of assailants armed with machetes and clubs attacked the seminary, but were dispersed by gendarmes. However, they returned about 8 p.m. and attacked again, massacring everyone hiding in one of the

seminary chapels. On 8 April, the gendarmes guarding a number of Bagogwe asked them and the survivors of the massacres to go into the cathedral where, they claimed, they would be safer. On 9 April, militiamen attacked the cathedral and killed everyone inside. More than 300 persons are reported to have been massacred. On 1 May, 218 survivors of the massacres of 9 April were themselves executed.

37. In *Kibuye prefecture*, on 15 April 1994 the population of Gitesi took refuge in the town stadium, the church and the Saint-Pierre Home, together with refugees from other communes. On the orders of the former mayor, the stadium was guarded by gendarmes. There were about 6,000 people in the stadium, 3,250 in the church and approximately 200 in the Home. On 16 or 17 April, massacres took place in the church and Saint-Pierre Home. Three days later, the massacres spread to the stadium. As the gendarmes who had been guarding the stadium had withdrawn, the massacres were carried out methodically and systematically, beginning with the most prominent individuals. Survivors who succeeded in escaping to the Karongi hills were also attacked. Many of them died and the few survivors fled to Bisegiro.

38. In *Kigali prefecture*, eyewitnesses reported seeing militiamen and gendarmes carrying out massacres of Tutsis between 9 and 13 April. A number of Tutsi leaders were massacred by units of the Presidential Guard. Groups of militiamen belonging to the Coalition pour la défense de la République (CDR) armed militia were organized in each district of Kigali. In Cyahafi district, the massacres began in the morning of Thursday 7 April.

(ii) Other grave violations of humanitarian law

39. The genocide of the Tutsis, the massacres of moderate Hutus and the renewed fighting in the civil war which followed were marked by many grave violations of international humanitarian law. These ranged from the burning of houses and property of victims or fugitives, to the taking of women hostages, rape, torture of prisoners and summary executions. The massacres mentioned as examples in the section on genocide also involved, *mutatis mutandis*, instances of such violations.

40. It should also be mentioned that, as the hostilities extended over the whole of Rwanda, and despite the difficulty of establishing the exact nature of violations committed in the areas controlled by the Rwandan Patriotic Army (APR), eyewitnesses report seeing several instances of violations of humanitarian law committed by the APR. A few examples are worth mentioning here. The first concerns the massacres committed by APR soldiers in some districts of Kigali, including Kimihura, Kacyiru, Remera and Gikondo. Eyewitnesses gave the names of members of massacred families. The second example

concerns the massacre of 250 of the 587 Batwa in Ntongwe commune by APR soldiers. These Batwa, together with a number of Hutu villagers, were said to have responded to an appeal by the Rwandan Patriotic Front at the end of the war to return to their homes. All these facts, together with the genocide of the Tutsis, should be investigated more thoroughly and, if necessary, prosecutions should be brought by the International Tribunal for Rwanda.

(b) Evidence

41. The evidence relates mainly to the identification of sites of mass graves and the discovery of government documents, weapons used in the massacres and tape recordings of genocide propaganda.

(i) Identification of mass grave sites

42. The special investigation unit succeeded in identifying several hundred mass graves throughout Rwanda. The list of these graves, established prefecture by prefecture, has been forwarded to the Office of the Prosecutor, who is responsible for ordering any exhumations.

43. However, the extent of the special unit's work was limited in two ways. Firstly, the identification was not exhaustive, giving only an indicative list of the largest graves. Secondly, it is difficult, if not impossible, to determine the exact location of many graves and the precise number of bodies they contain. The graves mentioned in this report merely give a rough idea of the scale of the massacres perpetrated in Rwanda from 6 April 1994 onwards.

44. In the *prefecture of Butaré* (Kigembe commune, Nyanza sector, Rugizo district), for example, several mass graves located between the cantonal court and the offices of the commune are thought to contain almost 5,000 bodies. Similarly, in *Cyangungu prefecture*, a mass grave discovered between the church and the hospital is thought to contain most of the bodies of the 2,000 to 3,000 persons murdered in the church, and in Nyamasheke sector (Kagamo communes) 15 mass graves thought to contain 4,000 to 6,000 bodies were identified around the parish. In *Gikongoro prefecture* (Kivu commune, Nyabironde sector and district), a number of mass graves was discovered in the grounds of the Catholic school and church. Also, in *Kibuye prefecture* (Gitesi commune), mass graves thought to contain about 8,000 bodies were discovered near the Catholic church, as well as other graves containing about 10,000 bodies.

(ii) Documents

45. The members of the special investigation unit also obtained and examined documents as numerous as they were varied. They can be grouped into five major

categories: documents of the former Government and the Coalition pour la défense de la République (CDR); documents of United Nations bodies, particularly UNAMIR (daily situation reports); documents of various States, particularly those with embassies in Rwanda: United States, Spain, France (Operation Turquoise); documents of non-governmental organizations, including those which witnessed the massacres at first hand; media documents, i.e. the foreign and national press, newspapers (*Kangura*) and audio cassettes of the Radio Télévision Libre des Mille Collines (RTLM).

46. One document, for example, showed the structure and functioning of the militias, as well as information on the training given to them by the Presidential Guard. It also shows that the *interahamwe* militias ("Those who attack together") were planning to eliminate moderate Hutu opponents as early as 1992. Another document contains the results of a 1992-1993 census of the inhabitants of each commune and gives their ethnic origin, sex and age. It also provides quite detailed information on the planning of massacres in areas with large Tutsi populations. Other documents contain lists of Tutsis and moderate Hutu opponents to be killed, beginning in May 1992. The Special Rapporteur also received lists of the main organizers of the genocide in certain prefectures: Butaré, Gisenyi, Kibungo (Kayonza and Rusumo communes), Kigali-ville (Kicukiro and Nyarugenge communes). All these documents have been made available to the International Tribunal.

2. *Contribution of the International Tribunal for Rwanda*

47. The establishment of the International Tribunal will help to further the genocide investigation by virtue of the concurrent jurisdiction which it exercises with the national courts and the Special Rapporteur.

(a) *The international tribunal and national courts*

48. Under article 1 of its Statute, "The International Tribunal for Rwanda shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994, in accordance with the provisions of the present Statute". This provision defines the jurisdiction of the Tribunal in respect of subject matter, as well as its territorial, personal and temporal jurisdiction. With regard to subject matter, the Tribunal is competent to deal with the violations defined in article 2 (genocide), 3 (crimes against humanity) and 4 (violations of article 3 common to the Geneva Conventions and of Additional Protocol

II). With regard to territorial jurisdiction, the Tribunal may prosecute persons responsible for crimes committed in Rwanda and Rwandan citizens responsible for crimes in neighbouring countries. In his report of 13 February 1995 to the Security Council on the implementation of resolution 955 (1994) (S/1995/134), the Secretary-General states: "In extending the territorial jurisdiction of the Tribunal beyond the territorial bounds of Rwanda, the Council envisaged mainly the refugee camps in Zaire and other neighbouring countries in which serious violations of international humanitarian law are alleged to have been committed in connection with the conflict in Rwanda". The temporal jurisdiction of the Tribunal is limited to the period between 1 January and 31 December 1994. The Secretary-General's report states in this regard: "Although the crash of the aircraft carrying the Presidents of Rwanda and Burundi on 6 April 1994 is considered to be the event that triggered the civil war and the acts of genocide that followed, the Council decided that the temporal jurisdiction of the Tribunal would commence on 1 January 1994, in order to capture the planning stage of the crimes". Finally, the personal jurisdiction of the Tribunal involves prosecuting those responsible for the violations referred to in articles 2, 3 and 4 of the Statute.

49. Thus, the International Tribunal may prosecute all persons responsible for the acts referred to above. But this is only a principle, or even an ideal, the implementation of which comes up against practical difficulties that considerably limit its scope. In view of the widespread participation of Rwandans in the acts in question, it will be virtually impossible for the International Tribunal to deal with all cases of persons responsible. Consequently, the national courts of Rwanda and other countries will be called on to deal with the cases referred to them. Concurrent jurisdiction is provided for explicitly in article 8, paragraph 1, of the Tribunal's Statute, as follows: "The International Tribunal for Rwanda and national courts shall have concurrent jurisdiction to prosecute persons for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994".

50. The International Tribunal will certainly have jurisdiction to prosecute major criminals, i.e. those who planned, organized and gave the orders for crimes against humanity. The national courts, for their part, will prosecute persons responsible found in their national territory. Thus, contrary to an opinion which is widely held, particularly in Rwanda, the International Tribunal will not be the only court empowered to deal with all cases. In his report of 4 June 1995 to the Security Council (S/1995/457), the Secretary-General notes that "investi-

gations will be carried out ... covering 400 identified suspects, most of whom have sought refuge abroad”.

51. The shared wish of both the victims and those presumed responsible for the genocide that the International Tribunal should be accorded exclusive jurisdiction will thus not be fulfilled. Their only consolation may be the primacy of the International Tribunal over national courts. Under article 8, paragraph 2 of its Statute, “The International Tribunal for Rwanda shall have primacy over the national courts of all States. At any stage of the procedure, the International Tribunal for Rwanda may formally request national courts to defer to its competence in accordance with the present Statute and the Rules of Procedure”.

52. To the satisfaction produced by the primacy of the International Tribunal has been added its long-awaited establishment (see the Secretary-General’s report to the Security Council pursuant to paragraph 5 of Council resolution 955 (1994) (S/1995/134 of 13 February 1995)). By resolution 977 (1995) of 22 February 1995, the Security Council established the seat of the Tribunal at Arusha; the Secretary-General has appointed the Prosecutor and Deputy Prosecutor of the Tribunal, and on 24 and 25 May 1995 the General Assembly elected the six judges of the Trial Chambers of the Tribunal (see A/49/889 of 26 May 1995), from a list of 12 candidates submitted by the Security Council (resolution 989 (1995) of 24 April 1995). They were formally invested on 27 June 1995 at The Hague. On 27 February 1995, the Security Council adopted resolution 978 (1995) concerning cooperation between States and the International Tribunal for Rwanda, in which it urged States to arrest and detain persons found within their territory against whom there is sufficient evidence of involvement in the genocide, pending prosecution by the International Tribunal. Although this resolution is non-binding, States are expected to cooperate in implementing it in good faith.

(b) *The International Tribunal and the Special Rapporteur*

53. Unlike the International Tribunal, the Special Rapporteur is not invested with legal powers but, as his mandate involves inquiries, both institutions are called upon to conduct investigations of the same events. This requires close cooperation between the Special Rapporteur and the Tribunal, which, after all, belong to the same organization, the United Nations.

54. In order to determine the terms of this cooperation, the Special Rapporteur met the Prosecutor of the International Tribunal at The Hague on 2 March 1995 and his Deputy in Kigali on 29 March. These meetings revealed a firm resolve on both sides to cooperate closely in establishing the facts and preparing reports, in particu-

lar by regular exchanges of data, information and documents.

55. However, while the Tribunal’s contribution to the international investigation of the crimes is invaluable, it restricts the action of the Special Rapporteur, who has a political mandate and may, by holding public proceedings, compromise the judicial inquiry which, on the contrary, calls for confidential proceedings. He will thus be obliged to observe confidentiality regarding certain facts and information which, if published, could be detrimental to the inquiry and judicial proceedings and ultimately prevent the truth from coming out. Consequently, the Special Rapporteur should not be expected to publish all information brought to his attention. Information gathered regarding the present human rights situation is another matter.

II. The monitoring of the human rights situation

56. The current human rights situation in Rwanda has barely changed and is still characterized by serious violations of property rights, personal security and the right to life.

A. *Violations of property rights*

57. In his third report (E/CN.4/1995/70 of 11 November 1994) the Special Rapporteur singled out the illegal occupation of property as one of the most frequent forms of violation of human rights in Rwanda. The Government had envisaged several solutions, the most noteworthy of which seems to be the establishment of a commission to settle property and land disputes. However, that commission has failed, and it cannot be compensated for by inadequate solutions.

1. *The failure of the land dispute committee*

58. The Inter-Ministerial Committee for urgent action on property and disputes over business establishments, set up in August 1994, is composed of nine ministers and presided over by the Minister of the Interior. It is assisted by a technical committee of experts under the orders of the Minister, who has the power to approve that committee’s decisions, the Inter-Ministerial Committee intervening only in serious cases.

59. The Inter-Ministerial Committee has experienced many difficulties in enforcing its decisions. Its eviction measures come up against various obstacles, and several forms of resistance may be cited. Some of them are actually carried out by law enforcement officers entrusted with this task. Gendarmes and soldiers show preference for their families or friends who are illegal occupants by not carrying out the evictions. The strongest resistance comes from the occupants themselves, who use

various stratagems, four of which bear mention: being absent on the day the eviction is to be carried out, thereby paralysing the action of the law enforcement officers; leaving older people on the property at the time eviction is due to be carried out, which is intended to prevent forcible eviction, given the respect for older people in Africa in general and Rwanda in particular; appealing to groups of friends to provide physical opposition to the eviction; and seeking the protection of army officers, who sometimes order the arrest of soldiers in charge of the evictions.

60. In total, the actual rate of implementation of evictions, which was initially four every Friday, scarcely exceeds 30 per cent. Furthermore, individuals relocated by the Committee have had to accept the idea of leaving their homes and living in hiding, after receiving threats from evicted occupants. Worse still, individuals who have been reinstated in their property have been arrested or have even disappeared or been murdered.

61. Some examples brought to the observers' attention may be cited. One individual, having been summoned by the head of the Gitega sector to settle the dispute regarding his brother's house, was apprehended between 22 and 24 February 1995 by gendarmes from the Nyamirambo station and accused of belonging to the extremist Democratic Republican Movement (MDR). However, there are reliable indications that he was arrested because he owned two houses and also managed his brother's house. This person is still being held at Nyamirambo gendarmerie station while his two houses have been illegally occupied by a colonel of the Rwandan Patriotic Army (APR) and a woman, both of whom allegedly took possession of the premises the day after his arrest. A similar fate was met by a family who succeeded in getting the illegal occupants of their house at Kigali "evicted" but stood helplessly by when, at 6 a.m. on 25 August 1994, the head of the family ("husband and father") was taken away by two soldiers. His wife's attempts to find him have been unsuccessful. This is also the case of Gervais Birekeraho, a Hutu merchant from Kigali, whose story merits a brief summary. Accused of having taken part in the genocide, he was arrested but succeeded in proving, thanks to a number of pieces of evidence—including his passport, which contained stamped foreign visas—that he had been abroad at the time of the hostilities and massacres. He was released, but while he was trying to regain possession of his many properties, he was abducted. His wife notified the Human Rights Field Operation. Inquiries led to the discovery of his body a few days later.

62. Given the failure of the Committee, other solutions have been proposed within the framework of technical assistance to Rwanda.

2. *Inadequate solutions*

63. The proposed solutions consist basically of measures for building new housing. This project is part of the repatriated refugee resettlement plan and is managed by the United Nations Development Programme (UNDP). The Programme has provided short-term financing for the construction of 500 buildings with local materials near Kigali and a few more buildings at Mutara. Any increase in the number of housing units to be built will depend on the funds available. For the time being, the resources mobilized are still inadequate. As at 1 April 1995, UNDP had received only US\$ 40 million out of the US\$ 110 million needed to start up the community development programme focusing primarily on the housing sector.

64. Furthermore, this amount is totally inadequate to cope with the immense requirements of reintegrating the nearly 600,000 former refugees whose repatriation had been envisaged. International aid, therefore, remains far from sufficient. Unfortunately, this is just as true for housing construction as, generally, for national reconstruction. In the aforementioned report of 4 June 1995 (S/1995/457), the Secretary-General criticizes the slow delivery of the assistance already pledged. Regarding the economic assistance pledged at the round table held by UNDP at Geneva on 18 and 19 January 1995, he states: "Although US\$ 634 million was pledged on that occasion, only US\$ 69 million has actually been disbursed, of which US\$ 26 million has been utilized for debt repayment." The Secretary-General concludes: "It is important that these problems be addressed." This is all the more true since assistance by the international community remains indispensable to the national reconstruction programme, especially the construction of housing or refugee centres. Such assistance could encourage the refugees to return to their homes and help to reduce, if not put an end to, violations of personal security.

B. *Violations of the right to personal security*

65. Violations of personal security have unfortunately multiplied over recent months, often in direct relation to violations of property rights, of which they are the immediate cause. The violations consist of arbitrary arrests and detentions leading to distressing conditions of detention.

1. *Arbitrary arrests and detentions*

66. The arrests and detentions effected by the Rwandan authorities are arbitrary in so far as they blatantly flout both Rwandan legislation and the pertinent international provisions. According to Rwandan criminal procedure, the arrest of a person presumed to have

committed an offence must be carried out with an arrest warrant issued by the government procurator. The lawful period of detention is 48 hours. This may be extended, but not beyond five days. Beyond that period, if the prosecutor wishes to keep the arrested person in detention, he must bring him before the court of first instance, which will decide, in chambers, on pre-trial custody, which may extend to one month, or order release on bail or unconditional release if the case is dismissed. Almost all arrests and detentions carried out since the end of the hostilities have flouted the above-mentioned provisions, which in fact reflect the Basic Principles for the Treatment of Prisoners adopted by the United Nations.

67. The number of people arrested and subsequently detained has been growing for several months. As at 29 May 1995, there were 29,403 detainees in the prisons and detention centres accessible to human rights observers. The total prison population throughout the country was estimated at the end of May 1995 at more than 42,000, as stated in the latest report of the Secretary-General on Rwanda (S/1995/457 of 4 June 1995). In late February 1995, the estimate was 25,000. Thus, between the end of February and the end of May, the number of detainees rose from 25,000 to 42,000, or an additional 17,000 in three months—nearly 6,000 new detainees per month or 1,500 per week. Given the conditions in which these arrests and detentions are carried out, the Rwandan authorities themselves, in particular the former public prosecutor in the Kigali court of first instance, acknowledge that more than 20 to 30 per cent of detainees are innocent.

68. There are several interrelated reasons for the resurgence of massive arrests and detentions. The first reason, which is the one given by the authorities, is the closure of the displaced persons camps, which, according to them, had become a haven for numerous militiamen and others accused of genocide. If the latter had been outside the camps, they would have been recognized and reported by witnesses or successors of the victims of the massacres. The second reason is the slanderous accusations, motivated by hate, jealousy and covetousness for the goods of the people being persecuted. This is illustrated by the above-mentioned examples of occupation of property. The third reason is the practice of blank warrants. The Special Rapporteur was informed of the existence of this illegal practice, which consists of prosecutors signing blank warrants, which are handed to mayors who have limited police powers—and enable them to make arrests. This practice, whose existence has been explicitly confirmed by public authorities, can only contribute to the resurgence of massive and arbitrary arrests. The former public prosecutor of Kigali, who was quick to protest against these arbitrary arrests resulting

from slanderous accusations, added, at a press conference in Brussels on 11 May 1995, a fourth reason relating to a statement by the International Tribunal prosecutor, Judge Goldstone. He said: "I must stress the fact that there has been a disturbing increase in these arrests following the announcement on national radio that the International Tribunal would not begin prosecutions before the end of 1995." These massive arrests are even more disturbing given that the conditions of detention leave something to be desired.

2. *Distressing conditions of detention*

69. The situation in the prisons is one of the major concerns of the international community. It remains indescribable and unspeakable; the former public prosecutor of Kigali calls it "tragic". With reason: it is characterized by overcrowding and inhuman treatment of prisoners.

(a) *Overcrowding of the prisons*

70. The prison population at 29 May 1995 consisted of 29,403 persons packed into 13 small official detention centres. These centres do not include the isolation cells and other places of detention inaccessible to the human rights observers. At 10 June 1995 the total prison population was estimated at approximately 46,000 detainees, including 1,100 minors.

71. The Rwandan prisons consist of these overcrowded centres, and the extent of overcrowding far exceeds the threshold of tolerability. This is the case in Butaré prison, which has accommodation for 1,500 detainees but on 10 June contained 6,589, four times more than capacity. It is also the case in Kigali prison, which on 3 June housed 9,401 detainees in a space intended for 2,000, or five times more than capacity. Similarly, Gitarama prison housed 6,847 detainees in a space for 800, almost eight times more than capacity.

72. In most prisons the detainees are housed in cramped conditions, most of them barely able to sit down, much less lie down on a floor which is often roughcast. The few beds are sold to the highest bidder or occupied by the strongest. It is extremely difficult for visitors to make their way through this mass of humanity exposed to the sun and the elements. It was impossible for the Special Rapporteur, during his visit on 31 March 1995, to move around within Gitarama prison. Immobilized and at the mercy of bad weather, the detainees eat, drink and defecate on the spot. This "tragic" situation spares neither old people, women, nor even children. Some of the children are under 11 years of age. In Kigali prison, there are 278 minors and 70 children accompanied by their mothers; the Special Rapporteur was par-

ticularly moved by the sight of a seven-year-old boy accused of taking part in the genocide.

73. These distressing conditions of detention cause a number of illnesses and deaths are no less common. In Gitarama prison, for example, 48 people died in April 1995. On the day of the Special Rapporteur's visit, two bodies were removed in his presence. He was subsequently informed that the daily average from June 1994 to March 1995 had been four deaths a day. Deaths are also caused by maltreatment.

(b) *Inhuman and degrading treatment*

74. Although the detention centres do not have a monopoly on cruel, inhuman and degrading treatment, they are the prime site for such practices. Many cases of torture that have left after-effects on the victims have been reported to United Nations human rights observers. This inhuman treatment takes several forms, ranging from beatings to kandoya and suffocation.

75. The practice of beating, which consists of striking the detainees, is common in a large number of detention centres, including the prison in Gisenyi prefecture, where human rights observers reported receiving 40 complaints from victims in January and February 1995. In several of these cases, the victims were taken to hospital. Two died as a result of their injuries. At Save police headquarters, several detainees who had arrived in early March showed signs of ill-treatment—either open wounds on the back or legs, swollen joints or head wounds. Another detainee had scars all over his back and arms. Observers from Butaré, during a routine visit to the prison in the week of 20 to 25 March, heard noises, shouting, threats and slaps coming from the interrogation room of the criminal police officer.

76. Various other types of blows are struck by means of instruments other than clubs. These include machete blows flat across the shoulders, kicks, screw driver stabs to the back and head, which cause gashes; blows with rifle butts, causing holes in the feet; bludgeoning, leaving marks on the head and back; blows with a chain attached to a padlock, causing lacerations; and blows to the buttocks, leaving open wounds.

77. Kandoya is another torture technique which consists in tying the victim's arms just above the elbows behind his back. It leaves clear marks in the form of wounds which eventually lead to the paralysis of the upper limbs.

78. Suffocation is a form of torture which caused the incident at Muhima police station during the night of 16-17 March 1995. The facts merit a brief description. On the afternoon of 16 March, 75 arrested persons were taken from Gikora community centre to Muhima police station, where they arrived at about 5 p.m. The local

police authorities said that it was too late to book them and that they would have to stay in an improvised place of detention until the formalities could be undertaken the next day. The gendarmes forced all 75 people into a room measuring barely 16 square metres, with only one door and no windows. In the middle of the night, the detainees knocked on the door, but no one was able to open it for them. The next morning, 22 of them had suffocated to death; 2 others who had been taken to hospital also succumbed, bringing the death toll to 24. The observers' request to investigate this incident was turned down by the Rwandan authorities, who assured them that they had initiated their own inquiry.

79. To this non-exhaustive list of ill-treatment should be added the rape of women and the malnutrition of detainees.

2. *The solutions envisaged*

80. The Rwandan Government and the international community have taken a number of short-term measures to end the overcrowding of the prisons and medium-term measures to try those accused of genocide. These measures can be divided into two major categories. The first has to do with sorting the case files and the second with the rehabilitation of the judicial system.

(a) *Sorting the case files*

81. The first solution advocated and implemented by the Rwandan Government consisted in setting up, on 17 October 1994, a commission to sort the case files of detainees on a prefecture-by-prefecture basis. This sorting operation had two purposes: (a) to separate ordinary criminal cases from those relating to the genocide, and (b) to separate the cases of people against whom sufficient charges of participation in the genocide had been brought from those of other persons. The purpose of this preliminary screening was clearly to arrange for the release of people for whom detention was not necessary so as to reduce the overcrowding of prisons.

82. The case file sorting commission is composed of the public prosecutor of the court of first instance (president), a representative of the gendarmerie, a representative of the army and a representative of the information services. The Kigali commission began its work on 10 January 1995 and, at its first meeting, ordered 5 releases out of the 12 case files considered. In mid-February, 50 detainees would have been released on its orders had it not been for the opposition of the military. The commission subsequently had to stop its work owing to lack of cooperation on the part of the army.

83. It should be stressed that, no matter how praiseworthy, the commissions none the less have limitations which considerably restrict their scope. The first

limitation lies in the fact that the small number of releases which the commissions are able to order cannot significantly reduce the number of prisoners or even offset the number of incoming prisoners, which is between 1,300 and 1,500 per week. The second limitation is the lack of guaranteed safety upon leaving prison. The fear of reprisals or private vengeance has led Rwandans, especially Hutus, to give themselves up as prisoners. These persons, as some of the detainees in Butaré prison have told the Special Rapporteur, are not prepared to risk their lives by leaving prison until such time as effective measures are taken to ensure their safety.

84. Following the closure of the displaced persons camps, the Government decided to arrest only those persons against whom sufficient charges of participation in the genocide had been brought. This step does not seem to have produced the expected results, given the continuously mounting number of detentions.

85. The limitations and failure of the classification commissions have prompted the United Nations agencies and humanitarian aid organizations to call for the rehabilitation of the judicial system.

(b) *Rehabilitation of the judicial system*

86. The rehabilitation of the judicial system is aimed at both the prisons and the courts.

(i) The prisons

87. Since early February 1995, various international organizations working on Rwandan territory have recommended that the Ministers of Defence and Justice should take urgent steps to rehabilitate the prisons. They have themselves proposed at least three solutions.

88. The humanitarian agencies first of all suggested the construction of tents for housing the detainees on sites surrounded by barbed wire. The Government rejected this proposal for reasons both of "security", given the enormous risks of escape, and of "image", as the proposal evoked uncomfortable memories of the Nazi concentration camps. The humanitarian agencies then proposed that the detainees should be transferred provisionally to stadiums. This solution was also rejected, as it brought to mind the fact that the stadiums had served as venues for assembling and massacring Tutsis during the hostilities. The agencies' third proposal was for a prison rehabilitation plan which involved refurbishing the existing detention centres and building new ones.

89. This last solution was selected but not without resistance, as there were two main objections to the idea of building new detention centres. The first was raised primarily by the embassies of Western nations, which are major funders. Without questioning the principle of the arrests and detentions necessitated by the duty to punish those accused of the genocide and other crimes against

humanity, they pointed out that increasing prison accommodation might, in this case, encourage the Rwandan authorities to persist in their "arbitrary" activities and not bother trying to relieve the prison overcrowding by releasing the victims of slanderous accusations. In other words, what was being decried and denounced was not the arrests and detentions in themselves, but the way in which they are carried out. The second objection was that building prisons would at best create only a few hundred additional spaces, which would quickly prove inadequate for the growing needs created by the 1,500 weekly arrests and detentions. Nevertheless, given the inhuman conditions of detention and the daily number of deaths resulting therefrom, everyone, or almost everyone, agreed to consider these two latter solutions as the lesser of the evils. Accordingly, a number of sites have been selected for the construction of new detention centres. One such site is at Nsida (Kibungo prefecture), where there are plans to build a prison with a capacity of 5,000. Financing will come from a voluntary fund managed by UNDP.

90. Building new prisons is, however, no panacea for the grave problem of the overcrowding of prisons. The lasting solution to this problem lies in national reconstruction, which will require greater aid from the international community. In the immediate future, this aid should be earmarked for the rehabilitation of the courts.

(ii) The courts

91. The Minister of Justice of Rwanda, at a symposium held at Lille on 20 May 1995, described the situation of the courts in the following terms: "In Rwanda more than 1 million people have died ... Judges have not been spared. Most of them went with the former leaders, others were massacred during the genocide, while those few who managed to escape are attempting to organize a semblance of justice, a crippled justice in search of itself." In fact, the Rwandan judicial machinery is still defective, if not almost non-existent. It is characterized by a shortage of both human resources and material facilities.

92. Prior to the massacres of April-July 1994, there were 708 judges. A very small number of jurists was recorded, only 45. Today, Rwanda does not have more than about 210 judges, including only 60 trained jurists. These judges can be classified as follows: prosecutors' offices and courts of first instance, 55; court of appeal, 2; and court of cassation, 3. The 150 other magistrates are with the cantonal courts. Thus, the fact that most of the jurisdictions are not functioning is largely due to the inadequate number of judicial personnel. The 55 judges in courts of first instance who deal with criminal matters will have to consider the 46,000 cases currently pending.

Since it is not possible to cite all the cases, the example of Kigali will suffice: its prosecutor and his 4 assistants will together have to deal with more than 9,300 cases.

93. To this shortage of human resources must be added the destruction of the infrastructure of the courts themselves, which has entailed a dire shortage of material and logistical facilities. Owing to the lack of financial resources, it has not been possible to replace all of the furniture and buildings which were destroyed. However, it is the lack of basic technical resources for investigation, particularly liaison vehicles, office materials and even paper and ball-point pens, which should be stressed. In these circumstances the judges do not have appropriate working conditions; instead, the entire processing of the cases of those accused of the genocide is slowed down.

94. In order to rectify this situation, the Minister of Justice has sent to the United Nations authorities, including the Centre for Human Rights, a request for aid, particularly in the form of foreign judicial personnel, estimated at 678, including 303 judges, 300 prosecutors and 75 police officers (police investigators).

95. In response to this request from the Rwandan Government, a technical assistance programme for the Rwandan judicial system has been adopted and is now being implemented. The first phase has two parts: rehabilitation of court buildings and rehabilitation of the prisons, including the construction of new detention centres. The second phase comprises three activities: the priority initial recruitment of 50 foreign judges, the training of national judicial personnel and the establishment, within the Ministry of Justice, of a coordination structure for foreign technical assistance and project management. This project will be managed by the Ministry of Justice, with the Office of the High Commissioner for Human Rights in charge of recruitment and financing provided by UNDP. The Centre for Human Rights has already selected 16 international jurists, whose personal history files have been sent for approval to the Minister of Justice. Their task will be to assist prosecutors in examining the case files.

96. The Human Rights Field Operation in Rwanda has been given the task of assisting the Ministry of Justice in carrying out the project for the rehabilitation of the judicial system. The objectives of this project are as follows: guidance and management of foreign judicial personnel; training of national personnel; deployment of foreign judges in the various prefectures and communes; purchase, distribution and maintenance of vehicles; and medical evacuation of foreign personnel. However, there is at the moment a legal obstacle preventing execution of the programme. For obvious reasons of national security, Rwandan law does not authorize foreign judges to exercise a jurisdictional function on Rwandan territory. It is

in order to remove that obstacle, among other reasons, that the Government has submitted to Parliament a bill whose early adoption would undoubtedly help to revive the Rwandan judicial system. This is demonstrated to some extent by the failure of the initiative of the Minister of Justice to start, if only symbolically, the trial of those accused of the genocide of 6 April 1995. The adoption of the bill by the Rwandan Parliament would certainly enable a start, and progress to be made, in the cases pending, not just those relating to the genocide, but also those involving offences currently being committed on Rwandan territory, including violations of the right to life.

C. Violations of the right to life

97. Violations of the right to life, which had decreased somewhat and given way to arbitrary arrests and detentions, are now unfortunately on the increase again, taking the form of summary executions, massacres, and abductions and unforced disappearances.

1. Summary executions

98. The human rights observers have received numerous testimonies of summary executions perpetrated by civilians and above all, by soldiers of the Rwandan Patriotic Army (APR) as acts of reprisal. Some examples may be cited merely by way of illustration. On 12 February 1995, two cyclists, Nteziyaremye and Buseruka, accidentally collided with an APR soldier in the Gakarara sector (Ruhengeri prefecture, Karago commune) and were immediately taken to the military camp at Mukamira. On 15 February, their families were informed that they had been shot by members of the APR while attempting to escape. The bodies, when recovered by the families, revealed marks and wounds which were far from consistent with the official account. On 30 April, three inhabitants of the Gasasa sector (Nyakizu commune, Butaré prefecture) discovered eight dead bodies in a small wood. They were identified as displaced persons who had recently returned from Kamana camp in Gikongoro prefecture. Witnesses said that, on the evening of 29 April—in other words, the previous evening—they had seen the eight victims alive being taken towards the wood by a group of persons, among whom were two soldiers in uniform. The victims died from blows to the head with sticks and stones. Their names were transmitted to the observers. Three persons suspected of having taken part in these executions were arrested. On 4 April, in Gitarama prefecture, a 16-year-old girl informed observers that her father had been killed the previous day in Ntenyo (Tambwe sector) by a group led by two brothers, whose first names were Vital and Aphrodis, and another four

persons. This group was allegedly composed of Tutsis who had survived the war.

99. In Cyangungu prefecture, there were also several reports of summary executions. Three persons were killed by members of the APR in Nyamasheke on 24 March. The victims were identified by UNAMIR military observers. On 25 March, a further two persons were killed in Kirambo for resisting arrest. In the same town on the following day, i.e. 26 March, APR soldiers killed two women school teachers and a baby.

100. To this already lengthy list should be added the case of the murder, on 4 March 1995, of the former prefect of Butaré, Mr. Pierre-Claver Rwangabo, in circumstances which have still not been clarified. In addition to these individual killings there have been the massacres of displaced persons in Kibeho.

2. *The Kibeho massacres*

101. The tragedy of Kibeho constitutes the major event of the period covered by this report and therefore merits some attention. Following the failure of "Opération retour" (Operation Return), the Government of Rwanda decided, on 15 April 1995, to close the displaced persons camps which, owing to the infiltration of militia-men and soldiers from Rwanda's former armed forces, were becoming a "threat to the security of the region". The largest camp, Kibeho, still contained 120,000 persons out of a total of some 250,000 displaced persons. The Rwandan authorities gave orders to close it by force. APR soldiers took up positions round the camp as from 18 April. That day, two APR brigades, or more than 2,000 soldiers, surrounded the camps at Kibeho and Ndago in order, in their words, to carry out a search for criminals and weapons. The displaced persons panicked, and leaving their huts and abandoning all their possessions, they took refuge around the buildings controlled by UNAMIR. Following the jostling caused by the soldiers surrounding the camps and by shots fired into the air, 11 people, mostly children, were trampled to death by the panic-stricken crowd. Similar incidents, causing scores of deaths and many injured, occurred on 19, 20 and 21 April. Some 9,000 displaced persons were registered and evacuated during those three days. However, the operation was hampered by heavy rain, while groups of young civilians, armed with sticks and stones, attacked the displaced persons as they walked along the roads in large groups.

102. It seems that it was in the night of 22 April that the worst occurred; many shots were heard and, next morning, the road between the two UNAMIR posts was strewn with countless bodies. It should be made clear that some were killed by APR fire, others were trampled or crushed by the crowd in the general panic, and still others

were executed by militia-men in reprisal against displaced persons who had expressed their intention of leaving the camp.

103. The number of victims of the Kibeho massacres is still undetermined. The Government of Rwanda recorded only 300 deaths, while other sources put the number at 8,000. UNAMIR, for its part, suggests a figure of between 1,500 and 2,000. The exact figure will never be known. What is important and thus to be condemned is not so much the number of deaths as the act perpetrated and the manner of its perpetration. Its unanimous condemnation by the international community is therefore readily understandable.

104. Following these massacres and their subsequent condemnations, the Government of Rwanda proposed that an international commission should be set up to inquire into the events at Kibeho. The commission, officially constituted in Kigali on 3 May, began work on 8 May and submitted its report on 18 May.

105. In its report, the commission drew a number of conclusions, of which we shall mention three. The first is that the Kibeho massacres were neither the result of a planned action to kill a specific group of people nor the result of an incident which could have been prevented. Secondly, there is sufficient evidence to establish the fact that serious human rights violations were perpetrated against unarmed displaced persons, causing their death or serious wounding. Thirdly these violations are attributable both to APR military personnel and to armed individuals among the displaced persons themselves. The Government of Rwanda, in a statement on 26 May, took note of the conclusions and recommendations of the commission and reiterated its commitment to put them into practice.

3. *Abductions and enforced disappearances*

106. The human rights observers have also received a great many reports of persons abducted and missing whose families have neither news nor any trace of them. The abductions and enforced disappearances would seem to be mainly the work of members of the APR. A few cases will be mentioned as examples.

107. On 4 August 1994, between 10 and 11 p.m., Mr. Ladislas Benhimana (aged 47), an inspector of finances, was arrested along with his two children, Jean-Claude and Rosine, by three APR soldiers, apparently without a warrant. According to the information received, the representations made by his wife produced no results. On 25 August, at 6 a.m., Mr. Leodomir Baguliyoro (aged 47), a Ministry of Finance official, was abducted from his home in Kigali by two soldiers who bundled him into a vehicle. There again, the official steps taken by his wife to find him were unsuccessful. The same

occurred with Mr. Ndagimana (aged 31), a driver and mechanic, who was abducted in the evening of 25 July 1994 while he was returning home from King Faisal Hospital. His car was found in front of Gikoro police station. A witness said he had seen him three days after his arrest, in handcuffs, in the compound of the national gendarmerie headquarters in Kimihurura. The investigations carried out by his family to find him yielded no results. This was also the case with Mr. Marcel Ntiren-ganya, who left his home on 20 October 1994 to take a soldier friend of the family back to his post. His car was found in front of Muhima police station, but he himself was never found.

108. During his most recent visit to Rwanda, the Special Rapporteur met a delegation of Rwandan women whose husbands and, in some cases, children had been missing since July 1994. They presented him with a file containing several items. The first was made up of five reports on cases of enforced disappearances. The second was a non-exhaustive list of 49 persons reported missing, abducted by APR soldiers. The list was sent to the Minister of Justice from the "Persons reported missing since July 1994—wives' group" on 25 May 1995. To date, however, all the steps taken by these women *vis-à-vis* the competent authorities to find their husbands have been fruitless. The third contained a list of 149 men reported missing, addressed by the women's group in the Masoro sector (Rutongo commune, Kigali prefecture) to the chief of the human rights operation in Kigali. Their husbands have been reported missing since May 1994 in Byumba, when the Rwandan Patriotic Front (RPF) took them away to the zone it controlled for "their protection". They have been without news since then.

109. All these abductions and enforced disappearances, and particularly the events in Kibeho, can only create further obstacles to the return from the exodus.

III. The problem of the return from the exodus

110. As to the problem of the return from the exodus, another major concern of the international community, there has been no obvious progress towards a solution. On the contrary, the situation of those concerned has deteriorated. However, this judgement is tempered by the fact that the problem of the return takes on different dimensions according to whether it involves displaced persons or refugees. The former have been subjected to enforced repatriation, while the latter remain blocked in the camps.

A. The forcible repatriation of displaced persons

111. It was to resolve the situation of displaced persons that "Operation Return" was launched; regrettably, it has ended in failure.

1. "Operation Return"

112. The problem of the return of the displaced persons, has fomented discord between the United Nations and the Government of Rwanda. The United Nations recommended the voluntary repatriation of displaced persons and the agreed closure of the camps, while the Government opted for their forcible closure. In support of its position, the Government invoked various arguments, including the violation of State sovereignty, the infiltration of the camps by militiamen who took refugees as hostages, and the frequent raids by militiamen on national territory. While regarding the Government's position as legitimate, the United Nations asked it to adopt the solution of the voluntary and peaceful return of the displaced population.

113. The agreement obtained from the Government to implement the strategy proposed by the United Nations made it possible to launch "Operation Return". The purpose of this operation, initiated by the United Nations Rwanda Emergency Office (UNREO), was to repatriate displaced persons from the camps to their habitual place of residence. The operation was accompanied by a food rehabilitation programme (including seed distribution) managed by ICRC. The operation began on 28 December 1994 and enabled nearly 150,000 displaced persons to be "repatriated". This solution did not prevail, however, and was implemented only from December 1994 to March 1995.

2. The failure of the operation

114. According to UNREO, some 170 families had arrived in Kibeho camp in March 1995, bringing the number of displaced persons in the camp to over 130,000. Some displaced persons left for Burundi by the Ntongwe road; others left for camps situated in the south of Gikongoro. The chief of Munini camp estimated in March 1995 that at least five families of displaced persons were leaving the camp every day to go not to Rwanda but to Burundi. According to UNAMIR the number of displaced who travelled from south-west Rwanda to Burundi between 13 and 19 March 1995 was approximately 510.

115. These observed movements arose from the fact that the repatriated persons were apprehensive and afraid of being arrested or killed. Some told officials of humanitarian agencies that they were ready to return home and be arrested if they were accused of having taken part in the genocide, but not because they wanted to claim their property. The number of repatriations had thus considerably decreased by April 1995.

116. It was in this context that the Government decided to close the camps by force, particularly Kibeho camp; the result of this was the massacres described

above. Following the brutal and forcible closure of the camps, large numbers of displaced persons were transported back to the communes from which they had come. Many others returned on foot, in difficult circumstances. Many of them were surrounded, harassed, stripped of their goods and beaten by gangs of civilians armed with sticks and stones. Thus, for example, on 21 April, five kilometres from Runyinya, over a 100 displaced persons could be seen running in terror, covered with wounds. Two youths beat to death a woman carrying a baby on her back.

117. By 25 April, with the exception of Kibeho where fewer than 2,000 persons still remained, all the camps had been evacuated and were deserted. The final movements of displaced persons took place in the south of Butaré prefecture, from Kamana towards the communes of Nyakizu, Gishamvu, Kigembe and Runyinya. On 25 April there were still a few hundred displaced persons who refused to leave the camp. On 26 April, the total number of displaced persons registered was 60,177.

118. From 19 to 28 April, when the camps were totally evacuated, the number of repatriated displaced persons was estimated to be 61,855. It should be pointed out, however, that many displaced persons did not register out of fear of the communal authority. During his visit to the Kibeho site, the Special Rapporteur observed that the camps were empty and under the supervision of APR soldiers, while the UNAMIR posts had been completely evacuated.

119. The enforced return of the displaced persons and, above all, the Kibeho massacres can only create further obstacles to the return of the refugees.

B. *The blocking of refugees*

120. Despite the efforts of the United Nations and the humanitarian non-governmental organizations to improve the situation in the camps, and in spite of some progress which has been made, the refugees continue to exist in a state of permanent insecurity. They are the victims of a dilemma which, in fact, gives them no choice; on the one hand, they find their difficult life in the camps hard to bear and on the other, they cannot go home because of the lack of security in Rwanda and because they are held hostage in the camps. The various solutions envisaged to release them from this situation have not led to satisfactory results.

1. *The solutions envisaged*

121. The Secretary-General of the United Nations has envisaged several solutions not only to put an end to the insecurity, but also to encourage the refugees to return voluntarily and peacefully. Among these measures, mention may be made of the plan to set up a peace-keeping

operation; this has failed and been replaced by the deployment of local troops.

(a) *The failure of the planned peace-keeping operation*

122. In his report of 25 January 1995 to the Security Council (S/1995/65), the Secretary-General proposed the setting-up of a peace-keeping operation composed of 5,000 men, to ensure that political and other refugees are kept separate.

123. This plan, which was based on an integrated approach to the various problems, was aimed at several objectives simultaneously. Its purpose was to put an end to the acts of banditry and the harassment of humanitarian personnel, to protect the storage and distribution of humanitarian aid, and to enable refugees who had applied to return to go back to Rwanda without being subjected to intimidation by the former rulers. However, the peace-keeping operation does not seem to have received the support of the States Members of the United Nations. Despite appeals by the Secretary-General, the States have almost unanimously refused to supply national contingents for the operation. In this connection, the Secretary-General reports that of the 60 States approached only one agreed to make a unit available for the operation. He therefore decided to turn towards alternative solutions—the setting-up of a group of police/military observers and contracting arrangements with private security agencies.

124. These proposals, too, have had to be dropped because they are too costly. The solution which finally prevailed was recourse to local security forces.

(b) *The deployment of local troops*

125. The Office of the United Nations High Commissioner for Refugees (UNHCR), in the context of the national solution, signed an agreement on 27 January 1995 with the Government of Zaire, under which this Government undertook to deploy 1,500 soldiers in order to ensure security in the refugee camps. To date, all the 1,500 Zairian soldiers have been deployed mainly in Goma and Bukavu. According to UNHCR, a further contingent of 400 soldiers may be deployed in the camps located in Uvira.

126. The Zairian soldiers have the support of the international advisers who make up the Civil Liaison Group for security matters. This Group, currently composed of 45 officers, comprises 13 Netherlanders, 2 Swiss, 10 Beninese, 10 Guineans and 10 Cameroonians. Their number should be increased to 50.

2. *Unsatisfactory results*

127. It is true that the deployment of local troops in the refugee camps has restored a degree of calm,

following the improvement in the food and sanitary situation. In his report of 14 April 1995 to the Security Council (S/1995/304), the Secretary-General noted that the presence of local troops in the camps in Zaire had so far yielded positive results.

128. However, the overall picture is still clearly unsatisfactory, as the main objectives are far from having been attained. In fact, the situation remains virtually the same as in previous months, and is characterized both by the renewed flow of refugees and insecurity in the camps. The total number of Rwandan refugees is approximately 2 million.

(a) *The return of refugees to the camps*

129. According to UNHCR, on 28 June 1995 there were 1,100,400 Rwandan refugees in Zaire, 608,700 in the United Republic of Tanzania, 200,000 in Burundi and 4,000 in Uganda.

130. Since the Kibeho massacres, there has been a threefold phenomenon: the spontaneous and orderly return to Rwanda of a large number of former Tutsi refugees from Burundi and Zaire; the end of the voluntary repatriation, organized by UNHCR, of new Hutu refugees; the renewed flow of displaced persons into the refugee camps in Zaire and of Rwandan refugees from Burundi to Tanzania.

131. The latter phenomenon should be described in greater detail. In early May 1995, 27,000 displaced persons who had survived the Kibeho massacres found refuge in north-east Burundi. Some 16,000 of them, who were not accepted by the Burundi authorities, managed to reach Zaire across the Ruzizi plain and took refuge at Uvira. In addition, between 19 and 25 May, 1,166 Rwandans who had taken refuge in Burundi arrived at the Kitali camp in Tanzania. Only 248 refugees arrived between 26 May and 1 June, after the Tanzanian authorities decided to close Tanzania's borders with Burundi.

(b) *Insecurity in the camps*

132. The insecurity prevailing in the camps seems to have spread well beyond their boundaries, threatening the stability of Rwanda and the security of the local populations.

133. Rwanda's stability is jeopardized by increasingly numerous forays into Rwanda by militiamen and by members of the former Rwandan government forces. The situation in Rwanda is even more disturbing in view of the reports of the training and arms deliveries received by these groups. Amnesty International and Human Rights Watch, two distinguished humanitarian organizations, identify the countries providing military assistance by name. In its report published in May 1995, Human Rights Watch reveals that arms are being supplied from South Africa, China and France to the camps in Zaire. In

the report referred to above on the United Nations Assistance Mission for Rwanda (S/1995/457 of 4 June 1995), the Secretary-General criticized the situation, which he described as one of the "causes of Rwanda's current tensions and frustrations"; echoing the Kigali Government, he said that the latter was "concerned that no effective limitations are seen to be placed on military training of, and delivery of arms supplies to, elements of the former Rwandan government forces, while the arms embargo continues to apply to Rwanda".

134. The problems of the renewed flow of refugees, the insecurity in the camps and the rejection of refugees by local authorities all require urgent measures.

135. Relations between Rwandan refugees and the local populations are little better. They remain tense on account of the constant attacks on the population by armed refugees. Consequently, in the host countries—Burundi, Tanzania and Zaire—Rwandan refugees are increasingly deemed undesirable by the local population, not only because of the insecurity they generate, but also because of the environmental deterioration they cause. This accounts for the Tanzanian authorities' decision to close their country's borders to Rwandan refugees, particularly those from Burundi. This is also the case with the Zairian authorities, who have adopted a firmer stance *vis-à-vis* Rwandan refugees. Already in May 1995, the Supreme Council of the Republic (the transitional parliament) of Zaire adopted a resolution calling on the Government to send the refugees back to Rwanda. In a communiqué published on 24 June, the Government of Zaire issued a statement confirming the resolution.

IV. Recommendations

136. The recommendations made by the Special Rapporteur duly take account of the urgent short-term and medium-term problems. Essentially these are: the repression of genocide, the cessation of human rights violations, the fate of the victims of human rights violations, the fate of refugees and displaced persons, and reconstruction and social harmony.

A. *The repression of genocide*

137. As recommended in the third report of the Special Rapporteur (E/CN.4/1995/70 of 11 November 1994), the United Nations should ensure as quickly as possible:

The commencement of the proceedings of the International Tribunal for Rwanda;

Increased technical and financial assistance to rehabilitate the Rwandan justice system, in particular by providing personnel, rebuilding court-houses and

constructing new prisons in order to alleviate overcrowding in existing prisons.

138. The United Nations should:

Induce Rwanda to adopt legislative and regulatory measures to facilitate the performance of judicial functions by foreign magistrates in order to rapidly and fairly prosecute and try the alleged perpetrators of genocide;

Demand that Member States give full effect to Security Council resolution 978 (1995) of 27 February 1995 concerning the arrest and detention of the alleged perpetrators of the crimes committed in Rwanda present on their territory, and that they cooperate in good faith with the International tribunal;

Help to ensure the defence of the alleged perpetrators of the genocide with a view to securing equitable justice.

B. The cessation of human rights violations

139. The United Nations should demand that the Rwandan authorities ensure the observance of the following:

The prerogatives and decisions of the judicial authorities, which is an essential condition for the sound administration of justice;

In particular, the forms and procedures laid down by national legislation, and the international standards regulating the arrest and detention of suspected criminals.

140. The United Nations should recommend the following to the Government of Rwanda:

The organization of wide-ranging campaigns to make the population aware of the need to respect the physical integrity and property of others, and to prepare for a life in common and on good terms;

The adoption, as advocated in the third report of the Special Rapporteur, of forceful administrative measures designed to deter acts of reprisal and at the same time to ensure respect for the fundamental rights of anyone who may commit such acts.

C. The fate of victims of human rights violations

141. The United Nations should take appropriate measures:

To identify the victims of the genocide and of other serious human rights violations, assess their needs, and promote and/or organize care for them;

To provide or strengthen protection for vulnerable groups, particularly unaccompanied children, widows and disabled persons. It is imperative to establish a legal framework.

142. The United Nations should:

Induce the Government of Rwanda to grant applications by individuals whose property is unlawfully occupied and punish the occupiers;

Assist the Government of Rwanda to build housing for the returnees, in particular the former refugees, precisely in order to avert the unlawful occupation of property.

D. The fate of refugees and displaced persons

143. As indicated above, the United Nations should recommend that the Governments of countries hosting Rwandan refugees, and particularly the Government of Zaire, which has accepted the greatest number, take appropriate action to ensure that:

(a) The voluntary repatriation of refugees is effectively assured and facilitated;

(b) The refugees are not unduly influenced in one way or another, i.e. either to leave or to remain in the receiving country;

(c) Systematic information campaigns are organized for this purpose so that the people concerned can take a fully informed decision.

144. The United Nations should demand that the Governments in question ensure:

(a) That their territories are not used as a base for destabilizing Rwanda or committing acts of aggression against that State;

(b) That they abide by their international commitments, particularly those deriving from the relevant provisions of international conventions on asylum and refugees.

145. The United Nations should take appropriate measures:

To verify, in particular by means of an international commission of inquiry, information concerning the rearming and training of the former Rwandan government forces;

To strengthen security measures in the refugee camps in order to prevent attacks by refugees against the local populations and forays into Rwandan territory;

To ensure, by agreement with the various States concerned, the repatriation of refugees under proper conditions of security and dignity.

E. Reconstruction and social harmony

146. The United Nations should make a formal and urgent appeal to Member states, particularly the major Powers and African States, to provide substantial assistance for the reconstruction of Rwanda as a matter of urgency.

147. The United Nations should increase the number of human rights observers in Rwanda from 147 (the figure initially planned) to 300.

148. By means of an integrated approach to the problems of the Great Lakes Region, the United Nations should:

(a) Adopt a comprehensive strategy designed to prevent the disintegration of the subregion;

(b) Convene, by agreement with the Organization of African Unity and the permanent members of the Security Council, an international conference to resolve the problems of the subregion, in view of their related, interdependent and transboundary nature, with a view to establishing a permanent peace.

Document 155

Letter from the President of the Security Council to the Secretary-General, encouraging him to continue his contacts aimed at convening a regional conference on security, stability and development in the Great Lakes region

S/1995/946, 10 November 1995

The members of the Security Council have considered your letter of 30 October 1995 (S/1995/945) pursuant to paragraph 5 of Council resolution 1011 (1995) of 16 August 1995. They wish to give every possible support to all efforts to reduce tension and restore stability in the Great Lakes region. They are grateful for your efforts and those of your Special Envoy, Mr. José Luis Jesús, to prepare for the Regional Conference on Security, Stability and Devel-

opment in the Great Lakes Region of Central Africa. They note the views expressed by the Governments of States in the region. They encourage you to continue your contacts with the aim of convening the conference.

(Signed) Salim Bin Mohammed AL-KHUSSAIBY
President of the Security Council

Document 156

Report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda (HRFOR)

A/50/743, 13 November 1995

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda.

Annex

I. Introduction

1. The present report describes the principal elements and role of the Human Rights Field Operation in

Rwanda in responding to the serious crisis in that country. In general, the Operation serves Rwanda by charting with its Government the long and difficult path to national reconciliation and by ensuring that human rights are fully respected at all stages of that process.

2. The Operation, as the key response of the United Nations High Commissioner for Human Rights to the catastrophe that occurred in Rwanda, has to be understood against this background. From April to July 1994, Rwanda suffered the slaughter of between 500,000 and one million persons. The main victims of this extensive

carnage were members of the Tutsi minority and moderate Hutus. The massive human rights violations were perpetrated in a pre-planned, organized and systematic manner by extremist Hutu militia throughout the country, and started within hours of the attack on the presidential aircraft on 6 April, which took the lives of Juvénal Habyarimana, President of the Rwandese Republic, and Cyprien Ntuyamira, President of the Republic of Burundi. The mass killings were condemned by all the principal organs of the United Nations, first and foremost the Security Council. The massacres were later qualified by the Commission of Experts on Rwanda 1/ in very clear and unambiguous terms as constituting "genocide" within the meaning of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

3. The ensuing civil war and atrocities perpetrated against the civilian population exacerbated the trauma, which was worsened further by the extensive destruction of the country's infrastructure. The new Government that took power in Rwanda in mid-July 1994 was able to halt the genocide. It was then faced with the immense task of restoring law and order, fostering national reconciliation and reconstructing public and economic institutions.

4. The United Nations, including the High Commissioner for Human Rights, committed to assist in this endeavour, took a multifaceted approach to this complex set of problems. It is the deep conviction of the High Commissioner that a climate of confidence and long-lasting peace can be built only upon the foundations of full respect for human rights and the rule of law. In order to achieve this, Rwanda must be supported by the sustained efforts of the international community acting through the United Nations. As this process involves the healing of deep wounds inflicted by the genocide that left no part of Rwanda untouched, a long-term engagement is required. Moreover, the system of justice has to be reconstructed from its very foundations so as to ensure that in future justice is administered fairly and impartially. The return of refugees to Rwanda and their resettlement, together with that of internally displaced persons, within the country constitute another major problem to be resolved.

II. Response of the United Nations High Commissioner for Human Rights to the crisis in Rwanda

5. The High Commissioner for Human Rights, who had assumed office only a day before the outbreak of hostilities in Rwanda, introduced a number of timely initiatives to address the crisis. He acted immediately to spur an urgent response from a wide range of United

Nations agencies and mechanisms of the Commission on Human Rights, the Organization of African Unity (OAU) and the non-governmental organization community. On 4 May 1994, he called for the convening of an emergency session of the Commission on Human Rights to address the human rights situation in Rwanda.

6. After having visited Rwanda in May 1994, the High Commissioner urged that a special rapporteur on Rwanda be appointed to examine all the human rights aspects of the situation, including root causes and responsibilities for the atrocities. 2/ The High Commissioner also proposed that the Special Rapporteur should be supported by a field operation, staffed with specialists to investigate past human rights abuses and to monitor the ongoing situation, to deter human rights violations and to promote national reconciliation. These proposals were endorsed by the Commission and the Economic and Social Council.

7. On 1 July, in its resolution 935 (1994), the Security Council requested the Secretary-General to establish urgently an impartial commission of experts to examine and analyse information concerning responsibility for serious violations of international humanitarian law committed in Rwanda, including genocide. In his report to the Security Council of 26 July 1994, 3/ the Secretary-General stated that the Commission of Experts on Rwanda would be based in Geneva and would benefit from the resources of the High Commissioner for Human Rights and, in particular, those already made available to the Special Rapporteur of the Commission on Human Rights in Geneva and in the field.

8. Another major development was the exodus of millions of refugees into neighbouring countries. This generated an immediate need to assist the newly established Government of Rwanda in creating the necessary conditions of law and order within a climate of confidence to encourage an early return of refugees and internally displaced persons. It was generally felt by members of the international community that a human rights field operation, one much larger than that conceived for the purposes of the Special Rapporteur and the Commission of Experts, should be put in place to facilitate repatriation and resettlement. In the absence of funding from the regular budget for an operation of this scale, the High Commissioner found it necessary to launch an appeal at the beginning of August 1994 for voluntary contributions to support this broad-based field operation. In August, he visited Rwanda again and obtained the agreement of

1/ This body was established by the Security Council on 1 July 1994 to determine individual responsibility for serious breaches of human rights and humanitarian law. Following completion of its work and submission of its reports to the Secretary-General, it was dissolved on 30 November 1994.

2/ E/CN.4/S-3/3.

3/ S/1994/879.

the Government for the operation. Thus, the foundation was laid for the Human Rights Field Operation in Rwanda.

9. In the Agreement between the United Nations High Commissioner for Human Rights and the Government of Rwanda, the objectives and functions of the operation are defined as follows: (a) carrying out investigations into violations of human rights and humanitarian law, including possible acts of genocide; (b) monitoring the ongoing human rights situation and helping to prevent violations through the presence of human rights field officers; (c) cooperating with other international agencies to re-establish confidence and to facilitate the return of refugees and internally displaced persons and the rebuilding of civil society; and (d) implementing programmes of technical cooperation in the field of human rights, in particular in the area of the administration of justice, to help Rwanda rebuild its shattered judiciary and to provide human rights education to all levels of Rwandan society.

III. Overview of the functions of the human rights field operation in Rwanda: three principal elements

10. The mandate of the Human Rights Field Operation in Rwanda takes a three-pronged approach to confidence-building with a view to eventual national reconciliation. Firstly, the Operation has carried out extensive investigations of genocide and other serious violations of human rights and humanitarian law that took place during the April to July 1994 armed conflict in Rwanda. Secondly, it has established a comprehensive presence of human rights field officers through the country to monitor the ongoing human rights situation. Thirdly, it has further initiated a broad-based programme of promotional activities in the field of human rights, ranging from projects for the rebuilding of the Rwandan administration of justice, to human rights education at different levels. Thus far, some 120 human rights field officers have been deployed. These have included experts on investigations, such as prosecutors, criminal investigators and forensic experts, as well as specialists for human rights advisory services and education. These elements of the Human Rights Field Operation in Rwanda's activities are described in more detail below.

A. *Investigating the genocide*

11. From the start of the Operation, it had been recognized that the genocide investigation would have to be carried out in a professional manner and with the requisite level of expertise. Moreover, the utmost care was taken to ensure that the integrity and confidentiality

of evidence were continuously maintained. In this regard, the High Commissioner took full account of the experience gained from the work of the International Tribunal for the Former Yugoslavia, which had also been preceded by the creation of a commission of experts.

12. While the desirability and feasibility of creating an international criminal court for Rwanda was in the process of being considered, special care was taken to ensure that valuable evidence would not be lost in the interim. To that end, a special investigation unit was established to gather evidence that might otherwise have been lost or destroyed, to be turned over to the Prosecutor if and when an international criminal court was brought into existence. This approach proved propitious when the Security Council took the decision on 8 November 1994 to create the International Tribunal for Rwanda (resolution 955 (1994)). It took several more months before the Tribunal could become operational and the Human Rights Field Operation in Rwanda continued its genocide-related investigations until the Deputy Prosecutor's Office, with its own investigations unit, was established in Kigali. Thereafter, the emphasis of the Operation's investigative work shifted to coordinating the activities of the field teams with the work of the International Tribunal.

13. While this work did not involve investigations for the direct purpose of prosecutions, it nevertheless required the highest standards of confidentiality and integrity of evidence-gathering, because of its potential probative value before a court of law. A number of Governments responded positively to the High Commissioner's request to provide specialized personnel, such as prosecutors, criminal investigators, police and forensic experts, thereby enabling the Human Rights Field Operation in Rwanda to collect pertinent evidence. Teams of experts provided by the Netherlands, Norway, Spain, Switzerland and the United States of America undertook special investigations into acts of genocide, including a comprehensive survey by forensic experts of massacre and mass grave sites, interviews of surviving victims and witnesses, and the collection and preservation of documentary and other tangible evidence. A number of human rights field officers were assigned to provide assistance in this work at many stages of the investigative process, working under the guidance of the expert investigators. The Operation has also benefited from outside support that has been contributed to the investigation on an ongoing basis, in particular by the United Nations Assistance Mission for Rwanda (UNAMIR).

14. All information gathered was regularly forwarded to the High Commissioner for Human Rights, who then channelled it to the Commission of Experts, the Special Rapporteur and the International Tribunal for

Rwanda. The information placed before the Special Rapporteur and the Commission of Experts during 1994 was forwarded to the International Tribunal for Rwanda in January 1995. Information and evidentiary materials that were collected subsequently were again made available to the Special Rapporteur and personally handed over by the High Commissioner to the Deputy Prosecutor of the International Tribunal on 2 April 1995 in Kigali.

B. The monitoring and confidence-building process

15. Monitoring and reporting on the current human rights situation constitute essential elements of the Operation's mandate. It is important for the post-genocide rehabilitation of Rwanda that the ongoing human rights situation is closely observed, that patterns of violations are identified and immediate action taken. The Government of Rwanda fully recognizes that respect for human rights is a prerequisite for genuine confidence-building and national reconciliation and has supported the Operation's efforts in this regard.

16. Monitoring and confidence-building involve the establishment of a visible presence of human rights field officers throughout Rwanda. In accordance with the mandate of the Human Rights Field Operation in Rwanda, such activities have been conducted on a continuing basis throughout the country at the prefectural, communal and sectoral levels.

17. The monitoring and confidence-building process involves bringing to the attention of various levels of Rwandan authorities any human rights violations observed. The findings of the monitors serve as a basis for the reports of the Special Rapporteur. They are also made available by the High Commissioner for Human Rights, as appropriate, to the Secretary-General, Governments, United Nations agencies and intergovernmental and non-governmental organizations.

Refugees and displaced persons

18. The Human Rights Field Operation in Rwanda is playing an important role in the process of repatriation and resettlement of refugees and internally displaced persons. In this context, the Operation closely coordinates its activities with the Office of the United Nations High Commissioner for Refugees (UNHCR). A memorandum of understanding between UNHCR and the Human Rights Field Operation in Rwanda has been concluded, building on already existing cooperation, which is designed to reduce duplication of efforts as each agency seeks to implement its mandate. In deploying human rights field officers throughout the country, the Operation has taken the areas receiving the largest numbers of refugees and internally displaced persons into account. The Operation attempts to ensure that basic

human rights are not violated at any stage of return, resettlement and reintegration, through monitoring of conditions at principal frontier crossing points; processing in transit centres; treatment of refugees while they await transfer to communes; treatment of those placed in interim detention; and all aspects of reintegration into home communes. In this connection, the Operation evaluates the state of readiness of home communes to determine whether they are in a position to receive returnees and assists those communes in the resettlement process. Once this process has been completed, the Operation monitors the subsequent treatment and security of resettled returnees.

Conditions of Detention

19. Another priority for the Human Rights Field Operation in Rwanda is the serious situation in prisons and local detention centres. At the end of October 1995, the total number of detainees exceeded 58,000. In many prisons, prisoners have been forced to stand for lack of room. There have been many deaths and serious illnesses because of the severe overcrowding.

20. The Operation makes regular visits to prisons and detention centres in order to monitor conditions and make proposals for their improvement. This work is carried out in cooperation with the International Committee of the Red Cross (ICRC).

21. The overcrowding of prisons is linked to the circumstances of arrest and the subsequent review of the evidence against detainees. Most of those currently detained have been arrested outside the procedures laid down in Rwandan law and there is no dossier recording the evidence against them. The Human Rights Field Operation in Rwanda actively seeks to promote respect for legal procedures governing arrest and detention, and urges the appropriate authorities to review promptly cases where arrests appear not to be based on strong indications of criminal responsibility. While the judicial system is not yet functioning, such that criminal trials cannot commence, progress has been made regarding compliance with arrest procedure and the Government of Rwanda has established *commissions de triage* to review cases where detainees might be released for lack of evidence against them. The Operation has sought to promote the processing of cases by these bodies at the same time as assisting in the rehabilitation of the judicial system.

C. Promotion of human rights and efforts to rehabilitate the Rwandan justice system

22. Rwanda was left after the genocide with few judicial officials still in place and the infrastructure of the judicial system substantially destroyed. The re-

establishment of the administration of justice is a requirement central to dealing with the genocide and creating confidence in communities where survivors and returning refugees must live together under the rule of law. Closely related to this is the fostering of a strong human rights culture at different levels of society.

23. The Human Rights Field Operation in Rwanda has therefore worked to assist in the rehabilitation of the justice system at the national and local levels. The close relationship of its field teams with local judicial officials has enabled it to understand the current functioning and limitations of the system. It has thus been able to assist in channelling material assistance made available by UNDP and other donors to local needs and to encourage the gradual resumption of the functioning of the Rwandan justice system. Three legal experts have worked with the Ministry of Justice and, in cooperation with the Ministry and UNDP, the Human Rights Field Operation in Rwanda developed a plan to deploy 50 foreign legal experts to assist the Government in restarting all the essential functions of the judicial system, which presently suffers from an acute shortage of qualified local personnel. In September, the Government asked for the temporary suspension and re-examination of the project.

24. The Human Rights Field Operation in Rwanda has actively promoted respect for Rwandan law and human rights standards through efforts focused on re-establishing or establishing the governmental and non-governmental institutions necessary for the protection of human rights. Seminars on arrest and detention procedures have been organized by field teams in the prefectures in conjunction with UNHCR. The Operation participates in training at the National Gendarmerie School in Ruhengeri and has prepared training seminars for the gendarmerie and the Rwandese Patriotic Army on the role of the armed forces and law enforcement officials in the protection and promotion of human rights.

25. The Operation has organized and delivered a large number of human rights seminars throughout the country. Several of these have focused specifically on the rights of women and children; others have concerned the roles of government officials and of journalists. A project for the creation of centres to provide legal and other advice to women at the commune level has been developed with local legal associations and competent ministries. The Operation has worked closely with a number of Rwandan non-governmental organizations and has promoted human rights standards and awareness through radio broadcasts, newsletters and a weekly human rights club.

IV. Servicing of the human rights field operation in Rwanda and coordination with bodies established by the Security Council and the Commission on Human Rights

A. *Servicing the Special Rapporteur*

26. From the initial phase of the Operation, special efforts were made to provide the Special Rapporteur with the assistance required in the fulfilment of the mandate entrusted to him by the Commission on Human Rights in its resolution S-3/1 of 25 May 1994. Indeed, the High Commissioner had originally proposed that the Special Rapporteur should be assisted by a team of human rights field officers, a proposal approved by the Commission on Human Rights. A first group of five human rights officers was fielded during the period from June to August 1994. As the Human Rights Field Operation in Rwanda became fully operational and as the amount of information gathered by field teams increased, a coordinator for the Special Rapporteur was appointed and selected in conformity with the Special Rapporteur's wishes, and his functions form an integral part of the Office of the Chief of the Mission in Kigali. He ensures that in all activities of the Operation due regard is accorded to the mandate and reporting responsibilities of the Special Rapporteur. In Geneva, the Special Rapporteur is assisted by two Professional officers on a full-time basis.

27. All information collected by the Human Rights Field Operation in Rwanda is fully communicated to the Special Rapporteur and copies of those materials, including those transmitted to the International Tribunal for Rwanda, are retained in Geneva for the Special Rapporteur's exclusive use. This includes all substantive reports emanating from the field teams and all important abstracts of information produced in Kigali or Geneva.

28. In accordance with the mandate entrusted to him by the Commission on Human Rights, the Special Rapporteur has undertaken several visits to Rwanda and neighbouring States and has presented five reports on the situation of human rights in Rwanda. 4/ As is the general practice with other rapporteurs, the Special Rapporteur has received at all times the full assistance of the Centre for Human Rights staff in Geneva as well as that of the Human Rights Field Operation in Rwanda in the preparation and conduct of and follow-up to these visits.

4/ E/CN.4/1995/7 and Corr.1, E/CN.4/1995/12, E/CN.4/1995/70, E/CN.4/1995/71 and E/CN.4/1996/7.

B. *Servicing the Commission of Experts 5/*

29. In the light of the continuing reports of violations of international law, including genocide in Rwanda, and recalling that all persons who commit or authorize the commission of serious violations of international humanitarian law are individually responsible for those violations and should be brought to justice, the Security Council in its resolution 935 (1994) requested, as a matter of urgency, the establishment of an impartial commission of experts to conduct an investigation into such violations committed in the territory of Rwanda and responsibility for them.

30. In accordance with the terms of reference as specified by the Security Council, the mandate of the Commission of Experts comprised reviewing and updating information available from all sources, carrying out its own investigations in Rwanda, determining individual responsibility and the applicable norms of international law and examining the feasibility of bringing perpetrators to trial, whether before a domestic or international tribunal.

31. The Commission of Experts was based in Geneva, in order to benefit from the resources of the High Commissioner and those made available to the Special Rapporteur on Rwanda. Accordingly, support and assistance to the Commission was provided by the Office of the High Commissioner for Human Rights entrusted with coordinating the activities of the Commission of Experts with those of the Special Rapporteur on Rwanda. As certain of the Special Rapporteur's responsibilities, as outlined above, overlapped with the mandate of the Commission of Experts, the latter relied on the secretariat of the Centre for Human Rights for administrative support and legal expertise.

32. As is the practice with the Special Rapporteur, the information needs and field activities of the Commission of Experts were serviced extensively by the Human Rights Field Operation in Rwanda. Indeed, the conclusions of the Commission of Experts and the Special Rapporteur on the character and extent of the killings, and their qualification as "genocide", according to international legal norms, were based largely on the factual information provided by the Operation.

C. *Coordination with the International Tribunal for Rwanda*

33. In accordance with the recommendation of the Commission of Experts, the Security Council took a decision on 8 November 1994 (resolution 955 (1994)), to create the International Tribunal for Rwanda, which would have the power "to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan

citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994", in accordance with the provisions of its Statute. 6/

34. Established under Chapter VII of the Charter of the United Nations as a subsidiary organ of the Security Council, the International Tribunal for Rwanda has the authority to dispense justice, with Member States being bound to comply with requests for judicial assistance.

35. Subsequently, Justice Richard Goldstone was appointed Prosecutor of the Tribunal and an Office of the Deputy Prosecutor was established in Kigali.

36. Following an agreement between the High Commissioner for Human Rights and the Prosecutor, a large body of evidence gathered since September 1994 by the Human Rights Field Operation in Rwanda and its personnel was placed at the disposal of the Tribunal. The High Commissioner for Human Rights transmitted all information that had been received by the Special Rapporteur and the Commission of Experts to the Tribunal in January 1995. The High Commissioner personally handed over evidentiary materials and information collected subsequently to the Deputy Prosecutor of the International Tribunal on 2 April 1995 in Kigali.

37. The High Commissioner had several meetings with the Prosecutor of the Tribunal during which he placed the services of the Human Rights Field Operation in Rwanda at its disposal. The Operation continues to maintain ongoing contact and coordination with the Office of the Deputy Prosecutor with regard to all pertinent activities.

V. *The future of the Human Rights Field Operation in Rwanda*

38. The Human Rights Field Operation in Rwanda is the first human rights field operation to be run under the authority of the High Commissioner for Human Rights. Undoubtedly, the Operation faces an enormous task, comprising not only investigation of the genocide and monitoring of the current human rights situation, but also assistance in fostering a climate of confidence so that refugees and internally displaced persons can resume their normal daily lives in Rwanda. Given the fact that Rwanda has been ravaged by the genocide and armed conflict in which systematic and gross violations of inter-

5/ The full name of the Commission is Commission of Experts Established Pursuant to Security Council Resolution 935 (1994) to Examine and Analyse the Grave Violations of International Humanitarian Law in Rwanda, including Possible Acts of Genocide.

6/ The full name of the Tribunal is International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwanda Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States Between 1 January and 31 December 1994.

national human rights and humanitarian law were perpetrated, the challenges of the rehabilitation effort remain daunting.

39. The Human Rights Field Operation in Rwanda has made a significant contribution to human rights protection and promotion in Rwanda through its investigation of the 1994 genocide, monitoring of the current human rights situation, including the process of repatriation, resettlement and reintegration of refugees and internally displaced persons to their home communes, as well as efforts to rehabilitate the Rwandan justice system.

40. From the very beginning, the Operation has been financed mostly from voluntary contributions. As at 3 November 1995, \$17,787,341 had been pledged and \$7,276,859 received. A statement of pledges and contributions is contained in the appendix to the present report. It is anticipated that expenditures for 1994-1995 will amount to \$11 million. For 1996, it is estimated that the Operation would need some \$9 million.

41. The timing and receipt of voluntary contributions have placed constraints that have hampered and continue to hamper the implementation of the Operation.

42. Laying the groundwork for national reconciliation requires sustained efforts on the part of the Operation through steady cooperation with the Government of Rwanda. Working with the local authorities and officials of the Government of Rwanda therefore implies maintenance of ongoing relationships between human rights field officers specifically assigned to carry out those tasks.

43. The absence of more stable and long-term funding has made this kind of liaison and cooperation more difficult to implement. It has also complicated efforts at more effective and systematic human rights monitoring and reporting. Coordination between the

Operation and other international organizations has also been made more difficult.

44. The difficulties lie in the inability to attract and retain qualified personnel for positions whose funding is on such a precarious and unpredictable basis.

45. There are two particularly crucial phases that will occupy the resources and concentration of the Operation in the coming months: the more immediate phase determined by the major refugee return to Rwanda, in particular from Zaire, and a medium-term phase during which the Rwandan administration of justice (in itself critical to alleviation of the acutely overcrowded conditions of detention) must be rehabilitated and human rights protection developed.

46. As regards the first phase, the Operation should maintain the maximum presence possible on the ground for the time covering the main period of refugee return. This will be a precarious period for the human rights situation and, by extension, for peace and security in the region. The safe and orderly return movement up to the present point has been assisted by the efforts of the Operation acting in close cooperation with UNHCR.

47. As regards the second phase, it may be possible to scale down the presence of human rights field officers once the potentially volatile situation surrounding the major return movement has subsided. At that stage, the emphasis could shift from monitoring human rights conditions surrounding the return movement (which it is hoped will have diminished in scale as the majority of refugees are successfully resettled and reintegrated into their home communes) towards continuous efforts to improve the administration of justice. Those efforts, supported by ongoing human rights monitoring, will need to be continued at least through 1996.

Appendix
Statement of pledges and contributions as at 3 November 1995

| <i>Donor</i> | <i>Currency and amount</i> | <i>Equivalent in United States dollars</i> | <i>Payment effected</i> | <i>Other services provided and remarks</i> |
|--|----------------------------|--|-------------------------|---|
| <i>General pledges and contributions</i> | | | | |
| Australia | \$A 100 000 | 63 500.00 | 73 690.00 | |
| | \$A 200 000 | 146 000.00 | 145 800.00 | |
| Austria | S 500 000 | 45 000.00 | 46 643.97 | |
| Belgium | BF 15 000 000 | 465 800.00 | 523 098.52 | |
| Canada | CAN\$ 100 000 | 68 376.00 | 66 500.00 | |
| Denmark | US\$ 100 000 | 100 000.00 | 100 000.00 | |
| Finland | Fmk 400 000 | 75 600.00 | 83 267.41 | Plus one investigator for one and one half months |
| France | FF 1 200 000 | 233 100.00 | 190 476.19 | |

| <i>Donor</i> | <i>Currency and amount</i> | <i>Equivalent in United States dollars</i> | <i>Payment effected</i> | <i>Other services provided and remarks</i> |
|--|----------------------------|--|-------------------------|--|
| | | | 40 899.80 | |
| Germany | DM 314 704 | 201 700.00 | 119 949.36 | Plus office building in Kigali |
| | | | 93 126.28 | |
| | DM 500 000 | 352 112.00 | | Contribution pending |
| Ireland | £Ir 50 000 | 79 500.00 | 79 547.71 | |
| | £Ir 50 000 | 76 923.00 | 80 930.00 | |
| Israel | US\$ 10 000 | 10 000.00 | 10 000.00 | |
| Japan | US\$ 500 000 | 500 000.00 | 500 000.00 | |
| Liechtenstein | Sw F 10 000 | 8 771.93 | 8 771.93 | |
| Luxembourg | Lux F 550 000 | 17 000.00 | 16 791.67 | |
| Netherlands | f. 75 000 | 42 600.00 | 44 640.00 | Plus one prosecutor, one forensic expert and three criminal investigators for three months |
| | f. 1 350 000 | 798 800.00 | 764 439.41 | |
| New Zealand | \$NZ 50 000 | 29 600.00 | 29 597.74 | |
| Norway | NKr 700 000 | 101 700.00 | 105 616.55 | Plus two procurement experts and two criminal investigators for three months |
| | | | | Plus two forensic experts for two months and one prosecutor for one month |
| Spain | US\$ 9 880 | 9 880.00 | 9 880.00 | For eight UNVs for six months |
| | US\$ 208 000 | 208 000.00 | | For additional UNVs |
| | US\$ 150 000 | 150 000.00 | | |
| Sweden | SKr 1 000 000 | 129 500.00 | 137 631.25 | |
| Switzerland | Sw F 100 000 | 75 758.00 | 75 757.58 | Plus one criminal investigator for nine months |
| | Sw F 150 000 | 113 636.00 | 113 636.36 | |
| United Kingdom of Great Britain and Northern Ireland | £ 250 000 | 383 200.00 | 383 155.00 | Plus four vehicles in Kigali |
| United States of America | £ 2 000 000 | 3 200 000.00 | 3 223 000.00 | |
| | US\$ 750 000 | 750 000.00 | Payment made to UNDP | For 25 UNVs for six months |
| | US\$ 50 000 | 50 000.00 | 50 000.00 | Plus five criminal investigators for three weeks and airlift of vehicles from Kuwait to Kigali |
| | US\$ 1 000 000 | 1 000 000.00 | | Contribution pending |
| European Union | ECU 6 060 000 | 7 790 884.33 | | Contribution consists in provision of fully equipped officers |
| UNDP | US\$ 250 000 | 250 000.0 | | For recruitment of UNVs |
| ACCT | US\$ 180 000 | 180 000.00 | 159 617.65 | Balance contribution pending |
| OXFAM | £ 50 000 | 80 000.00 | | Three vehicles provided in Kigali |
| Individuals | FF 1 000 + US\$ 200 | 400.00 | 395.31 | |
| Total | | 17 787 341.26 | 7 276 859.69 | |
| Pledges and contributions for the technical assistance programme in Rwanda | | | | |
| Italy | L 2 000 000 000 | 123 333.00 | 123 333.00 | |

Document 157

Letter from the Permanent Representative of Rwanda to the United Nations addressed to the Secretary-General, transmitting a letter dated 24 November 1995 from the Minister for Foreign Affairs and Cooperation of Rwanda informing the United Nations that the mandate of UNAMIR will terminate on 8 December 1995

S/1995/1018, 8 December 1995

[Editor's note: The letter of transmittal has been reproduced as part of Document 138]

The Government of Rwanda takes this opportunity to renew its commitment to the principles and ideals of the United Nations.

The Government of Rwanda has carefully reviewed UNAMIR's mandate in the light of our current priorities, which are security, rehabilitation of survivors of genocide, repatriation of refugees and reconstruction of the country.

1. The security of Rwanda is the responsibility of the Government of Rwanda and UNAMIR plays no role in it.

2. For the survivors of the genocide, in addition to psychological rehabilitation, there is need for practical assistance in constructing houses and providing for other matters of need.

3. In the repatriation of refugees, the Office of the United Nations High Commissioner for Refugees and the Rwandan Government are working together to facilitate the process, but there will be need for the international community to mobilize resources in order to resolve the refugee problem quickly.

4. The 1994 genocide has not only deprived Rwanda of trained manpower, but has also destroyed the country's infrastructure and economy, among others. The country needs funds, technology, engineers, doctors, agricultural experts, etc. who can offer practical help in rebuilding our nation.

Since UNAMIR is a peace-keeping mission, the Government has come to the conclusion that it does not respond to our priority needs. The Government of Rwanda therefore wishes to inform you, and through you, the members of the Security Council, that the mandate of UNAMIR will terminate on 8 December 1995, in accordance with Security Council resolution 997 (1995) of 9 June 1995.

The Government of Rwanda wishes to express its appreciation for the sacrifices and contributions UNAMIR personnel have made during their tenure in Rwanda.

(Signed) Anastase GASANA

Minister for Foreign Affairs and Cooperation

Document 158

Letter from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, transmitting the Declaration of the Conference on the Great Lakes Region, signed in Cairo on 29 November 1995

S/1995/1001, 30 November 1995

I have the honour to convey to you the final draft of the Declaration on the Great Lakes Region made by the Heads of State of Burundi, Rwanda, Uganda, the United Republic of Tanzania and Zaire and former President Jimmy Carter as facilitator on 29 November 1995 at Cairo.

I should be grateful if you would circulate the present letter and its annex as a document of the Security Council.

(Signed) Manzi BAKURAMUTSA

Ambassador

Permanent Representative of Rwanda
to the United Nations

Annex

Cairo Declaration on the Great Lakes Region

29 November 1995

Deeply concerned about the persistent tensions, hostilities, insecurities and recent genocide in the Great Lakes region, and their adverse effects on democratic and economic development, the Presidents of Zaire, Uganda, Burundi and Rwanda and a special Presidential envoy from the United Republic of Tanzania met in Cairo on 28 and 29 November 1995. The meeting was co-convoked by Presidents Mobutu and Museveni and former President Mwinyi, with the support of Presidents Ntubunganya and Bizimungu. Former President Carter of the United States of America and Archbishop Tutu of South Africa served as facilitators. The Heads of State and delegations at this summit meeting, which was an African initiative, pledged to take joint concrete actions to advance peace, justice, reconciliation, stability and development in the region.

The Heads of State and delegations were convinced that the problems of Rwanda and Burundi were basically a consequence of a confluence of negative interests of colonialism and local opportunists who have fostered the ideology of exclusion that generates fear, frustration, hatred and tendencies to extermination and genocide.

The Heads of State and delegations call upon the international community to condemn vigorously the ethnic and political genocide ideology used in competition for conquest and monopoly of power.

Determined to prevent future genocide, ensure reconciliation with justice relating to the tragic genocide in Rwanda in 1994, and encourage the return of refugees to their home countries, the Heads of State and delegations affirmed their mutual confidence and decided on the following specific actions:

(a) They condemned the genocide in Rwanda in 1994, other incidents of mass killings in the past and the ideology of genocide despicably used by some forces to pursue their own selfish ends. They also condemn the other similar acts and events which have occurred in the past and are recurring in Burundi.

(b) The Heads of State and delegations of the Great Lakes region solemnly pledge that their territories will never be used to serve as bases by armed groups to launch incursions or attacks against any other country represented at this conference. They agree to cooperate by providing all information in advance on suspected persons or on anticipated incursions or armed attacks against another country.

(c) The Heads of State and delegations in whose countries refugees were currently located pledged to take action to curtail the activities of those in the camps who seek to intimidate the refugees wishing to return to their

homes. President Mobutu pledged soon to remove from the refugee camps the identified intimidators. The envoy of the United Republic of Tanzania affirmed his Government's desire to isolate all criminals from the refugee camps, and will seek cooperation from the international community in acquiring the resources necessary to achieve this objective.

(d) The Heads of State and delegations agreed to prevent military training and delivery of weapons to militia groups or any other groups among the refugees.

(e) The Heads of State and delegations viewed with deep concern the use of radio broadcasts to spread hate and fear in the region. The participants pledged to take all possible action to terminate the illegal and inflammatory radio broadcasts from one country into another. They called upon the international community to assist by providing technology to identify the location of mobile transmitters.

(f) The Heads of State and delegations urged an acceleration of the work of the International Tribunal. They solemnly and unequivocally pledged to place at the disposal of the International Tribunal for trial all those indicted by the Tribunal, and urge leaders of all other nations to do the same.

They also expressed full support for the Commission of Inquiry's investigation of the assassination of President Ndadaye and the massacres that followed.

(g) The Rwandan Head of State declared unequivocally that his Government wanted the refugees to return to Rwanda at an early date, reclaim their property, live in safety and peace, help rebuild their country's economy, and participate in its political life under a broad-based government of national unity. This government will guarantee the safety of the returning refugees. It will work in collaboration with the United Nations, non-governmental organizations, and the international community. In cooperation with Zaire, it will work out arrangements by which refugees can return home to assess the situation for themselves and then go back to the camps to apprise the other refugees of the true conditions prevailing in Rwanda. In addition, other visits to and from the camps by refugees, non-governmental organizations and others will be encouraged.

(h) The Heads of State and delegations perceive no major restrictions to the return of refugees to Rwanda. They believe that when the refugees are convinced of the fact that conditions are safe to return, a large number will go home. A majority will move back to their country with minimum assistance. Working closely with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other international agencies, the Governments involved believe that the number of returning refugees who avail themselves of UNHCR assistance

should rise progressively to 10,000 a day within a short time. There are no impediments within Rwanda or Burundi to an even higher rate of return.

(i) The Heads of State and delegations commend UNHCR for its continuing efforts to assist the refugees and ameliorate their plight in the refugee camps. Its work and commitment are greatly appreciated. The participants would urge in the future that local representatives of UNHCR devote more of their attention and resources towards helping the refugees return and settle safely, even if this requires some modification of the organization's guidelines. The Governments stand ready to work with UNHCR in this effort.

(j) The horrendous genocide of 1994 massively strained the Rwandan judicial system. It is trying to cope with the unprecedented requirements, including training of many judges and magistrates. It will seek assistance from the international community as appropriate and consistent with its principles. Fully conscious of the conditions in its overcrowded prisons, it will separate prisoners according to the severity of charges against them, move as innovatively and expeditiously as possible to try or release those not guilty of serious crimes, and temporarily augment facilities for housing prisoners.

(k) As requested and approved by the leaders of Burundi, the Heads of State and delegations will provide assistance, and call upon the international community also to assist, in the implementation of the Convention of Government, including support for the National Debate. Security of persons is a fundamental problem in Burundi. As requested and approved by the leaders of Burundi, assistance will be sought to improve the system of justice. The Heads of State and the delegations will support the efforts of the Government of Burundi to work

out modalities for all the population to regain full confidence in the security forces.

(l) The Heads of State and delegations considered it imperative that the search for peace in the Great Lakes region should be accompanied by coordinated and concrete actions by the international community to mobilize financial resources so as to bring economic and social development to the region.

(m) The Heads of State and delegations agreed to seek solutions to related property and asset issues among Governments in the region.

(n) The Heads of State and delegations requested that former Presidents Nyerere of the United Republic of Tanzania, Toure of Mali, Carter of the United States, and Archbishop Tutu of South Africa analyse in depth the results of this meeting and the continuing problems of the region and prepare recommendations for consideration by the five Governments at a second meeting, early in 1996. With prior approval from the five Governments, other participants and observers will be invited.

The Heads of State and delegations were pleased by the frank and constructive discussions that characterized their Cairo Summit. They commended the Carter Center for arranging the meeting.

The Heads of State and delegations expressed their profound appreciation to President Mubarak and the Egyptian people for their support and hospitality for this historic meeting.

(Signed) Mobutu Sese SEKO

(Signed) Yoweri Kaguta MUSEVENI

(Signed) Pasteur BIZIMUNGU

(Signed) Sylvestre NTIBANTUNGANYA

(Signed) Abdulrahman KINANA

(Signed) Jimmy CARTER (witness)

Document 159

Report of the Secretary-General on UNAMIR for the period from 8 October to 1 December 1995, noting that the draw-down of UNAMIR troops would begin on 8 December 1995 and recommending that the United Nations maintain a political presence in Rwanda after the UNAMIR withdrawal

S/1995/1002, 1 December 1995

I. Introduction

1. The present report is submitted pursuant to resolution 997 (1995) of 9 June 1995, by which the Security Council adjusted and extended the mandate of

the United Nations Assistance Mission for Rwanda (UNAMIR) until 8 December 1995 and authorized the gradual reduction of its troop level. Since the adoption of that resolution, I have reported to the Council on the situation in Rwanda on 8 August (S/1995/678) and

7 October (S/1995/848). The present report provides an update of the situation as of 30 November and contains recommendations regarding the United Nations role after the conclusion of the mandate of the United Nations Assistance Mission for Rwanda on 8 December.

II. Political developments

2. Since my last report to the Security Council, a climate of relative security and stability has continued to prevail within Rwanda, despite the absence of any discernible effort towards national reconciliation. Some improvement in the socio-economic sectors has occurred, and the first effective steps towards the revival of the national judicial system have been taken, with the appointment of the Supreme Court on 17 October.

3. The former Rwandese Government Forces and armed militia have continued their infiltration and sabotage campaigns along the Zaire-Rwanda border. In a recent counter-attack, the Rwandan Army mounted an amphibian assault on Iwawa island in Lake Kivu, 15 kilometres west of the Rwandan mainland and just inside Rwandan territory, and cleared the island of some 500 militia. The operation led to accusations by Rwanda of Zaire's complicity with armed infiltration from the refugee camps. These, in turn, were countered by accusations from Zaire of attempts by Rwandan agents to assassinate the Zairian Chief of Army Staff at Goma airport. It is clear that the presence of large numbers of Rwandan refugees in neighbouring countries will continue to be a source of tension in the region.

4. The basic framework for the voluntary return of refugees already exists in the Nairobi Declaration and the 1995 Bujumbura plan of action. These agreements need to be implemented by the Governments in the region, supported by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the international community. UNHCR is leading a major effort to start a process of voluntary return that would handle up to 6,000 to 8,000 refugees a day.

5. A number of important steps have been taken that should allow Governments in the region to cooperate on a humane asylum policy and not have recourse to closed borders and forcible return.

6. In accordance with resolution 1013 (1995) of 7 September, in which the Security Council requested me to establish an international commission of inquiry to investigate reports of military training and arms transfers to the former Rwandese Government Forces, I informed the Council on 16 October that arrangements for the establishment of the Commission had been completed. Following initial briefings in New York, the six-member Commission began its work in the Great Lakes region on

3 November. The Commission members have already visited Rwanda, where they were taken to Iwawa island. They are expected to pursue shortly their investigation in Zaire.

7. The restoration of a national judicial system has suffered delays as a result of constitutional, administrative and human resource constraints. Consequently, there is understandable frustration both in Rwanda and within the international community over the delay in restoring the procedures of justice throughout the country. The prison population continues to grow and is now approaching 60,000. However, as a result of the efforts of the Prison Commission appointed by the Rwandan Government and the United Nations Task Force coordinated by my Special Representative, emergency measures were taken to create additional space for prisoners. This has led to noticeably fewer deaths and better medical facilities. After initial delays, prisoners have been transferred to the extensions and temporary detention centres. The Task Force is continuing its efforts to expand prison space.

8. A positive development in the revival of the judicial system has been the appointment of six Supreme Court judges by the National Assembly. These appointments constitute a first essential step, following which the remaining appointments in the judiciary will need to be made. A conference on genocide held in Kigali from 2 to 5 November focused on issues that the justice system would need to address effectively, such as special courts for those accused of genocide, degrees of culpability and plea bargaining.

9. I believe that the main factor that prevents a return to stability, security and harmony in Rwanda is the absence of a process of national reconciliation. This depends on the creation of conditions conducive to the return of the 1.6 million refugees currently outside Rwanda and for the judgement of those accused of genocide.

10. Progress continues to be made within Rwanda on security and normalization, but an atmosphere of tension and instability pervades the region. Relations between Rwanda and both Zaire and Kenya have deteriorated in recent months and conditions in Burundi have also contributed to tension in neighbouring countries. To help to address these problems, I sent my Special Envoy, Mr. José Luis Jesus, to the countries of the Great Lakes to examine with the Governments concerned how progress could be made towards a regional conference. The results of my Special Envoy's mission were conveyed to the Council in my letter of 30 October (S/1995/945). My Special Envoy was informed by the Rwandan Government that it was opposed to a regional conference. In the absence of the necessary consensus among the Gov-

ernments concerned, the United Nations will continue to monitor developments in the region, and I shall notify the Council as soon as conditions materialize for the successful convening of a conference under United Nations auspices. In his letter of 10 November 1995, the President of the Security Council encouraged me to continue these efforts (S/1995/946).

11. Meanwhile, former United States President Jimmy Carter announced that he would be organizing a regional conference in Cairo. Since the objectives of this Conference were similar to those outlined by the Security Council, I welcomed this initiative. After the meeting, which was attended by the heads of State of Burundi, Rwanda, Uganda and Zaire and a representative of the United Republic of Tanzania, a declaration was issued on 29 November, in which the parties pledged to take concrete actions to advance peace, justice, reconciliation, stability and development in the region (S/1995/1001, annex). Zaire and the United Republic of Tanzania pledged to isolate those elements in the camps who were intimidating refugees wishing to return to their homes and, on its part, Rwanda guaranteed the safety of the returning refugees. The parties also said they believed that the number of returning refugees should rise to 10,000 a day within a short time.

III. Human rights

12. As of 30 November 1995, the United Nations Human Rights Field Operation in Rwanda had some 120 members deployed in Kigali and in 10 field offices located throughout the country. During the reporting period, the operation continued its activities in human rights monitoring and confidence-building, assistance to the Rwandan judicial system and human rights promotion. These activities were undertaken in close cooperation with the Rwandan national authorities and the general public.

13. The safe return of Rwandan refugees and internally displaced persons continues to play an important role in the human rights operation. Its activities are closely coordinated with UNHCR, as formalized in a memorandum of understanding between UNHCR and the Field Operation. In programming visits of human rights field officers throughout the country, the Field Operation has taken into account the areas receiving the largest numbers of refugees and internally displaced persons. It has also attempted to ensure that basic human rights are not violated at any stage of the process of return, resettlement or reintegration. It does this by monitoring conditions at the principal border crossing points; the processing of returnees in transit centres; the treatment of refugees while they await transfer to communes; the treatment of those placed in interim deten-

tion; and all aspects of reintegration into home communes. In the latter context, the Field Operation evaluates the state of readiness of home communes, determines whether they are in a position to receive returnees, assists these communes in the resettlement process and monitors the subsequent treatment and security of resettled returnees.

14. The Field Operation undertakes regular visits to prisons and detention centres in order to monitor conditions and make proposals for their improvement. This work is carried out in cooperation with the International Committee of the Red Cross (ICRC). As indicated in paragraph 7 above, the number of detainees is now close to 60,000. In many detention facilities, prisoners are forced to stand for lack of room. There have been many deaths and serious illnesses due to the severe overcrowding, although medical conditions have been improved with international assistance. Most detainees were arrested outside the procedures laid down in Rwandan law and there are no dossiers recording evidence against them. The Field Operation seeks to promote respect for legal procedures governing arrest and detention.

15. Because the Rwandan judicial system is not yet functioning, criminal trials cannot commence and the problem of detention is exacerbated. To address this situation in part, the Government of Rwanda has established "triage committees" (*commissions de triage*) to review cases where detainees might be released for lack of evidence against them. The Field Operation has sought to promote the processing of cases by these bodies, while assisting in the rehabilitation of the judicial system. In cooperation with the United Nations Development Programme (UNDP), it also continues to assist local judicial authorities throughout the country.

IV. International Tribunal for Rwanda

16. The Office of the Prosecutor of the International Tribunal for Rwanda has continued its investigations into last year's massacres with the objective of issuing its first indictments before the end of 1995. The staff of the Prosecutor's Office has expanded and now includes 30 investigators contributed by the Governments of the Netherlands, Norway, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. It also includes United Nations staff members whose recruitment was made possible by the exemption of the Tribunal from the financial restrictions recently imposed because of the financial crisis afflicting the United Nations. In late October, a United Nations security coordination officer visited Kigali to assess security for the Office of the Prosecutor and to make contingency plans for the provision of security to the International Tribunal in anti-

pation of the possible withdrawal of UNAMIR troops from Rwanda after the expiration of the current mandate.

17. Since his appointment on 8 September 1995, the Registrar of the Tribunal has travelled twice to the region and is now in residence in Arusha. Most recently he has travelled with the Prosecutor to countries neighbouring Rwanda in order to discuss with them their obligations to cooperate with the Tribunal.

18. At the end of October, a United Nations team visited Arusha to inspect the premises designated for the Tribunal and to review its security, logistical and administrative requirements. A lease agreement between the Tribunal and the Arusha International Conference Centre was signed on 31 October. Arrangements for temporary offices and residential accommodation have been completed to enable the Tribunal's staff to be in Arusha by 1 December 1995, and the judge assigned to review the indictments has arrived in Arusha. The second plenary session of the Tribunal is scheduled to take place in Arusha between 8 and 12 January 1996. The judges will discuss and adopt the directive on assignment of defence counsel, the rules governing conditions of detention of persons awaiting trial before the Tribunal and the annual report of the Tribunal.

19. A total of \$6.4 million of cash contributions and pledges is now available in the Voluntary Fund to Support the Activities of the Tribunal.

20. Pursuant to Council resolution 955 (1994) of 8 November 1994, in which the Secretary-General was asked to report periodically to the Security Council on the implementation of the resolution establishing the Tribunal, I have so far submitted three reports, the latest dated 25 August. Given the short period since my last report and in view of the forthcoming plenary session in Arusha, I am now reporting only on the latest developments. From now on, it will be for the President of the Tribunal to submit annual reports to the Security Council and the General Assembly, in accordance with article 32 of the Tribunal's statute.

V. Military aspects

A. *Deployment and activities of the United Nations Assistance Mission for Rwanda*

21. Since my last report, there has been no change in the deployment of UNAMIR's military contingent. As of 30 November, the force level stood at 1,783 troops and 37 staff officers; 285 military observers out of an authorized level of 320 were also deployed throughout the country (see annex).

22. UNAMIR troops and military observers have continued to contribute to the security of the Interna-

tional Tribunal and the Human Rights Field Operation, as well as personnel and premises of United Nations and humanitarian agencies, as required. UNAMIR military observers have pursued their efforts to promote a climate of confidence by performing monitoring tasks with UNAMIR's civilian police observers.

23. UNAMIR has continued to facilitate the safe return and resettlement of refugees in their home communes and to support the provision of humanitarian services to the people of Rwanda. In this regard, the Mission has been ready to assist in the transportation of returnees, should the rate of repatriation exceed the handling capabilities of UNHCR and the International Organization for Migration (IOM). It has assisted in rebuilding basic infrastructure, repairing roads and bridges, re-establishing telecommunications facilities and reducing prison congestion by providing logistical and engineering expertise. It has contributed to medical assistance by delivering drugs and medical supplies and by providing emergency casualty evacuations by helicopter, surgical services, health inspections, medical training and assistance at hospitals, and disease prevention at orphanages. It has also provided vehicles for the distribution of seeds and agricultural implements and assisted in the implementation of environmental damage prevention projects.

B. *Security aspects*

24. During the period under review, no major incidents of violence involving civilians have been reported. However, there has been a noticeable increase in insurgent activities in the western prefectures. Acts of banditry and sabotage, including the murder of civilians, the laying of mines and the destruction of power pylons, have been reported and often attributed to cross-border infiltration from Zaire. These attacks, which usually trigger countermeasures and retaliation by Rwandan security forces, remain the most disturbing security problem facing the country today. In this respect, it is important to note that security is markedly better in areas where former UNAMIR troops are present than in those areas where only military observers are stationed.

25. The Zairian Camp Security Operation, a joint initiative between UNHCR and the Zairian Government, has been quite successful in restoring and maintaining security in the Rwandan refugee camps in Zaire. The future of the Security Operation is heavily dependent on the rate of repatriation of Rwandan refugees. Currently, the option of extending its mandate for at least the first three months of 1996 is being considered at UNHCR headquarters.

VI. Civilian police

26. In its resolution 997 (1995), the Security Council decided to maintain the authorized level of the Mission's civilian police component. As of 30 November, 85 observers from 12 countries were deployed out of an authorized strength of 120 (see annex).

27. As indicated in my previous report, the efforts of the UNAMIR civilian police component remain focused on the training of the Rwandan National Police Force as mandated by resolution 997 (1995). So far, 403 new gendarmes have completed the programme and the training of 515 others is scheduled to end on 20 December. It will provide Rwanda with 918 of the estimated 6,000 trained gendarmes who are needed. The training of the Communal Police, the second component of the Rwandan National Police Force, was inaugurated by Vice-President Paul Kagame at Gishali on 19 November.

28. During the reporting period, UNAMIR's civilian police have continued to perform monitoring activities, together with the military observers, on a daily basis throughout Rwanda. These duties involve monitoring the prisons and the gendarmerie, especially as regards human rights, in conjunction with the Human Rights Field Operation. They also include cooperation with UNHCR in monitoring the safety of returnees.

VII. Humanitarian aspects

29. As of 6 October 1995, \$582.2 million was pledged to United Nations agencies for the United Nations consolidated appeal for the Great Lakes region. This amount covered 80.2 per cent of the adjusted humanitarian relief requirements for 1995. Funds pledged for the Rwanda component, however, amounted only to \$94.5 million out of \$160.3 million requested, or 58 per cent of the adjusted requirements.

30. The humanitarian situation in Rwanda continues to improve, with steady progress in the transition from emergency relief to rehabilitation, reconstruction and development. A massive or uncontrolled return of refugees, however, could have a deleterious effect on these efforts. A complex relationship exists between several critical areas: reintegration of refugees; prison overcrowding and rehabilitation of the justice system; security for returnees at the communal level; and insufficient housing and the scarcity of serviceable land.

31. During September and October, a total of 32,190 refugees returned to Rwanda, mainly in UNHCR-organized convoys. The rate of return from the United Republic of Tanzania increased from 1,000 returnees in September to 2,000 in October, of whom 1,144 were new caseload refugees. Approximately 19,000 refugees re-

turned from Zaire, 94 per cent of whom came under UNHCR auspices. Voluntary repatriation from Burundi fell from 7,773 in September to 1,012 in October.

32. Most observers attribute the low number of returnees to the continuing campaign of intimidation and misinformation in the refugee camps. In addition, many refugees fear that their suspected role in last year's genocide will expose them to reprisal, denunciation or imprisonment upon their return to Rwanda. The Government has consistently affirmed that, although all Rwandan refugees abroad are welcome to return home, those involved in planning or carrying out the genocide will face imprisonment. An additional deterrent to the return of refugees is the shortage of adequate housing. Conflicts over housing and property will inevitably occur in the event of large-scale repatriation.

33. Repatriation, however, remains the only durable solution. In order to pre-empt drastic measures by the countries of asylum and avoid the chaos and probable violence that massive forced repatriation would trigger inside Rwanda, UNHCR is encouraging large-scale organized voluntary repatriation. These efforts include enlarging existing reception and transit facilities; opening new facilities to enhance capacity for processing more returnees; providing direct assistance to returnees in the form of transportation, food and relief items; providing institutional assistance to government ministries directly involved in the implementation of UNHCR assistance programmes; and supporting community assistance, shelter and the development of new rural settlements. These activities have been undertaken in collaboration with other United Nations agencies, non-governmental organizations (NGOs) and Rwandan government departments. Other important measures taken by UNHCR to promote repatriation are the strengthening of mass information campaigns (which include daily broadcasts on Radio UNAMIR), exchange visits of officials and refugees and the regular monitoring of returnees within Rwanda, together with Human Rights Field Operation officers and UNAMIR military and civilian police observers.

34. The overall food situation in Rwanda has improved, permitting reductions in food aid allocations to populations at risk. The World Food Programme (WFP) has returned to a strategy of utilizing as much of the available food assistance as possible for food-for-work and income-generating projects. Several regions in Rwanda remain areas of concern, owing to a high concentration of either formerly displaced persons or returnees who have no assets or income. Those parts of the country that have traditionally suffered from food deficits are being monitored closely. Targeted food assistance programmes, implemented by WFP, the United Nations

Children's Fund (UNICEF), ICRC and other agencies, are in place and should significantly contribute to food security among the Rwandan population.

35. In my previous report, I stated that the functions of the United Nations Rwanda Emergency Office would be assumed by the United Nations Resident Coordinator. Since emergency relief has indeed given way to rehabilitation, this transfer was completed on 31 October, as scheduled. A small team, formerly part of the Emergency Office, has been integrated into the Resident Coordinator's Office to ensure a rapid response by the international community should an emergency recur.

VIII. Economic and social aspects

36. As mentioned in my previous report, disbursements of pledges made by the donor community at the Geneva Round-Table Conference gathered momentum during the third quarter of 1995. As of 15 September, donor countries had signed aid agreements with Rwanda for a cumulative total of \$267.6 million, of which \$183.6 million has been disbursed. At the same time, the total disbursed in response to the Geneva round-table conferences of January and June stood at \$252 million, equivalent to 43 per cent of the amount pledged. The volume and composition of development assistance over the 1996-1998 triennium will be discussed at the next round-table conference scheduled for March 1996 in Geneva. Thematic consultations held in Kigali from 21 to 23 November focused on immediate assistance to the rehabilitation and resettlement sectors in anticipation of a significant return of refugees.

37. During the third quarter of 1995, government revenue revived, as had been initially projected, but the improvement was insufficient to compensate for the shortfall that had been experienced during the first half of the year. The increased revenue, combined with additional support from donors, enabled the Government to pay wages and salaries punctually to all public servants except the military. The payment of salaries to the military is now overdue by at least six months, which undoubtedly compounds the difficulties of maintaining law and order.

38. In the external business sector, during the first three quarters of the year, Rwanda exported 9,444 tons of coffee and 3,449 tons of tea, at average prices of \$2.44 and \$0.73 per kilogram respectively. Coffee exports are now expected to total 20,000 tons, some 33 per cent more than previously estimated. These higher export earnings, along with disbursements from international financial institutions for balance-of-payments support, have contributed to the stabilization of the market exchange rate. The United States dollar rate has been hov-

ering within a range of 305 to 315 Rwandan francs, after peaking at 330 francs on 20 July.

39. In the monetary sector, the "flash" reporting system put in place by the National Bank of Rwanda has confirmed that the excess liquidity position of the reopened banks has declined significantly, accommodating increased lending to the private sector, mainly for coffee processing and exports. Borrowing from the Government has reportedly declined, offsetting increases in credit to the productive sectors. As projected in the financial programme agreed with the International Monetary Fund, the money supply may have increased only on the strength of a rapid accumulation in foreign exchange reserves. In the context of controlled growth in the money supply and a stabilized exchange rate, price inflation has declined to 1.4 per cent per month, against 6 per cent in June and July.

40. The Food and Agriculture Organization of the United Nations (FAO) reported that the 1995 agricultural season has been significantly more successful than had been anticipated, in part because of both favourable weather conditions and the timely provision of agricultural support by the international donor community. Though cereal production increased by 49 per cent and pulse production was almost double that of the corresponding season last year, crops in 1995 were all sharply down by comparison with the more normal 1990 season. This is mainly attributable to the population displacements of the past 18 months. At the production levels currently forecast, FAO anticipates a food deficit of some 140,000 tons for June-December 1995.

41. In the social sectors, the general objective of the Rwandan Government is still to regain the pre-war level of services and then to improve upon their quality and delivery by 1996. Although secondary education has resumed less quickly than its primary counterpart, the Ministry of Primary and Secondary Education has achieved a considerable degree of progress. Private schools have received food assistance from WFP and international NGOs. With technical assistance from the World Health Organization (WHO), services provided by the health sector have been adapted to address current priorities (malnutrition, AIDS and post-war trauma). As of 15 November, only the health sector had benefited substantially from donor support (\$1,182,147 disbursed). Donor assistance to the social sectors, which was discussed at the thematic consultations in November, will be further considered at the March 1996 round-table conference in Geneva.

IX. Financial aspects

42. In its resolution 49/20 B of 12 July 1995, the General Assembly requested me to submit revised cost

estimates for UNAMIR covering the period from 10 June to 31 December 1995. The revised cost estimates amount to \$96,685,400 gross.

43. I have also submitted revised cost estimates for the period from 1 January to 30 June 1996. However, should the Security Council agree with my recommendation in paragraph 49, a cost estimate for the closure of the Mission will be submitted to the General Assembly during its current session.

44. As of 21 November 1995, total outstanding contributions to the UNAMIR special account since the inception of the Mission amounted to \$74.8 million. The total outstanding assessed contributions for all peacekeeping operations amounted to \$1,968.8 million.

X. Observations

45. As stated above, the core issue for Rwanda remains national reconciliation. This requires the rapid creation of conditions that would facilitate the safe return of 1.6 million refugees to their homes in dignity and the bringing to justice of the perpetrators of genocide. After nearly a year and a half in camps in Zaire and the United Republic of Tanzania, the refugees have placed formidable socio-economic and environmental burdens on the host countries, and this has sometimes severely strained the latter's goodwill. In addition, increasing infiltration and sabotage activities by the former Rwandese Government Forces and militia have heightened tension both within Rwanda and between Rwanda and its neighbours. This creates the danger of cycles of reciprocal recrimination, as occurred after the Iwawa island incident. All these factors heighten the risk of forceful refoulement of the refugees.

46. Against this background, it is all the more important to address promptly the issue of the refugees' voluntary return and safe reintegration in their home communities. If forced repatriation was implemented, another humanitarian disaster could result. UNHCR is accordingly pursuing a sustained and determined effort to persuade refugees to return home voluntarily. If this is to succeed, it is vital that neighbouring States support it by demonstrating the political will to implement the existing agreements for refugee return contained in the Nairobi Declaration and the Bujumbura plan of action. The international community and United Nations agencies, for their part, will need to lend their full backing to overcome the obstacles to voluntary return, including intimidation in the camps and fears of persecution in Rwanda.

47. Efforts to induce a large-scale refugee return will need to be viewed in a time-frame extending over the next three to six months, taking account of the "commonality of interest" for the return of refugees that the High Commissioner for Refugees noted after her visit to

all the countries in the Great Lakes region. It is in this context that a large part of the international community believes that a further six-month extension of the current mandate of UNAMIR is desirable. I realize, of course, that UNAMIR's role could only be one of facilitation and that the principal responsibility for providing security and material support for the return of the refugees lies with the Government of Rwanda. But the continued presence of UNAMIR could help to build confidence among the refugees and encourage them to take the decision to return.

48. Donor countries, most UNAMIR troop contributors, UNHCR, the International Tribunal, the High Commissioner for Human Rights, United Nations agencies, the Secretary-General of the Organization of African Unity, non-governmental organizations and Rwanda's neighbours have all indicated to me that they share that view. They feel that if UNAMIR was to be perceived as abandoning Rwanda at this critical time, it would send a discouraging message to the refugees, to the region and to the international community at large.

49. The Government of Rwanda, however, has officially informed me that it does not agree to an extension of UNAMIR's mandate beyond its expiration on 8 December. The reason given for this position is that the Mission does not serve the real needs of Rwanda. However, the Government has indicated that it would be receptive to a continued United Nations presence, provided its purpose was to assist Rwanda in its pressing tasks of rehabilitation and reconstruction, including the provision of technical expertise, financial assistance and equipment. Since UNAMIR cannot remain in Rwanda without the consent of the Government, it is my intention to initiate the drawdown of the operation as of 8 December. It is estimated that the withdrawal process would take two to three months to complete. During this period, UNAMIR would no longer be able to fulfil its present mandate but would concentrate on ensuring the smooth and peaceful departure of United Nations military personnel and equipment. I expect the Government of Rwanda to take all necessary measures to facilitate the departure of UNAMIR personnel and equipment in an orderly manner.

50. In addressing the issues raised by these opposing points of view, it is necessary to bear in mind that the overarching objective of the Organization is the restoration of peace and stability not only in Rwanda but in the region as a whole. This requires solutions to the problems of reconciliation, justice and the return of refugees in Rwanda. But it also means tackling other problems that contribute to tension and instability in the Great Lakes region. Efforts to achieve a comprehensive solution must therefore continue. It is my hope that continued progress in cooperation among the countries of the region will

create the necessary conditions for the early achievement of such a solution.

51. The United Nations still has a useful role to play in political efforts to this end. I recommend therefore that it should maintain a political presence in Rwanda after the withdrawal of UNAMIR. A United Nations office, headed by my Special Representative, could be established with a view to furthering, in consultation with the Government of Rwanda, the search for peace and stability through justice and reconciliation. My Special Representative would also continue to have overall authority for the coordination and expansion, as appropriate, of the assistance that the United Nations and the international community are providing in support of Rwanda's rehabilitation and reconstruction efforts. It is understood that, in accordance with the Convention on the Privileges and Immunities of the United Nations, Rwanda would allow this Office the necessary freedom of access and movement throughout the country and ensure its safety and security. Rwanda has also expressed its wish that equipment now belonging to the Mission be left to the Government after its departure. While I understand Rwanda's wish to retain non-lethal equipment that may be useful to its rehabilitation efforts, this is clearly an issue on which only the General Assembly can decide.

52. In conclusion, I should like to put on record my warm thanks to my Special Representative, Mr. Shaharyar Khan, to the Force Commander, Major General Guy Tousignant, and to all the military police and civilian personnel of UNAMIR for their devoted contribution to this United Nations Mission and the cause it has served. In circumstances that were sometimes very difficult, the men and the women of UNAMIR have performed in an exemplary manner the important and often daunting tasks that have been demanded of them.

[Editor's note: Map of UNAMIR Sectors of Operation and Deployment as of 30 November 1995 is not reproduced here.]

Annex

Composition of the UNAMIR military and civilian police components as of 30 November 1995

| Country | <u>Military personnel</u> | | | Total | Civilian police | Grand total |
|--------------------|---------------------------|-----------|------------|--------------|-----------------|--------------|
| | Troops | Staff | Observers | | | |
| Argentina | | | 1 | 1 | | 1 |
| Switzerland | | | | 0 | 3 | 3 |
| Austria | | | 15 | 15 | | 15 |
| Bangladesh | | | 36 | 36 | | 36 |
| Canada | 93 | 8 | 10 | 111 | | 111 |
| Chad | | | | | 5 | 5 |
| Congo | | | 7 | 7 | | 7 |
| Djibouti | | | | 0 | 5 | 5 |
| Ethiopia | | | | 0 | | 0 |
| Fiji | | | 1 | 1 | | 1 |
| Germany | | | | 0 | 7 | 7 |
| Ghana | 307 | 7 | 32 | 346 | 10 | 356 |
| Guinea | | | 17 | 17 | | 17 |
| Guinea-Bissau | | | 1 | 1 | 6 | 7 |
| India | 938 | 9 | 22 | 969 | | 969 |
| Jordan | | | 5 | 5 | 4 | 9 |
| Malawi | 133 | | 14 | 147 | | 147 |
| Mali | 132 | | 12 | 144 | 8 | 152 |
| Nigeria | 144 | 5 | 17 | 166 | 10 | 176 |
| Niger | | | | 0 | 7 | 7 |
| Pakistan | | | 5 | 5 | | 5 |
| Russian Federation | | | 17 | 17 | | 17 |
| Senegal | | 1 | 2 | 3 | | 3 |
| Tunisia | 14 | 2 | | 16 | 10 | 26 |
| Uruguay | | | 26 | 26 | | 26 |
| Zambia | 22 | 5 | 20 | 47 | 10 | 57 |
| Zimbabwe | | | <u>25</u> | <u>25</u> | | <u>25</u> |
| Total | <u>1 783</u> | <u>37</u> | <u>285</u> | <u>2 105</u> | <u>85</u> | <u>2 190</u> |

Document 160

Security Council resolution extending UNAMIR's mandate until 12 December 1995

S/RES/1028 (1995), 8 December 1995

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolution 997 (1995) of 9 June 1995,

Having considered the report of the Secretary-General on the United Nations Assistance Mission for

Rwanda (UNAMIR) of 1 December 1995 (S/1995/1002),

1. *Decides* to extend the mandate of UNAMIR for a period expiring on 12 December 1995;

2. *Decides* to remain actively seized of the matter.

Document 161

Security Council resolution authorizing the reduction of UNAMIR troops and extending the mandate for a final period until 8 March 1996

S/RES/1029 (1995), 12 December 1995

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda (UNAMIR), and its resolutions 912 (1994) of 21 April 1994, 918 (1994) of 17 May 1994, 925 (1994) of 8 June 1994, 965 (1994) of 30 November 1994 and 997 (1995) of 9 June 1995, which set out the mandate of UNAMIR,

Recalling its resolution 955 (1994) of 8 November 1994, establishing the International Tribunal for Rwanda, and its resolution 978 (1995) of 27 February 1995, concerning the necessity for the arrest of persons suspected of committing genocide in Rwanda,

Having considered the report of the Secretary-General on UNAMIR dated 1 December 1995 (S/1995/1002),

Noting the letters of the Foreign Minister of Rwanda to the Secretary-General of 13 August 1995 and 24 November 1995 (S/1995/1018, Annex I and S/1995/1018, Annex II),

Stressing the importance of the voluntary and safe repatriation of Rwandan refugees and of genuine national reconciliation,

Noting with great concern continuing reports of military preparations and incursions into Rwanda by elements of the former regime, *underlining* the need for effective measures to ensure that Rwandan nationals currently in neighbouring countries, including those in camps, do not undertake military activities aimed at destabilizing Rwanda or receive arms supplies, in view of the great likelihood that such arms are intended for use within Rwanda, and *welcoming* in this context the establishment of the International Commission of Inquiry pursuant to its resolution 1013 (1995) of 7 September 1995,

Underlining the need for increased efforts to assist the Government of Rwanda in the promotion of a climate of confidence and trust in order to facilitate the return of Rwandan refugees in neighbouring countries,

Emphasizing the necessity for the accelerated disbursement of international assistance for the rehabilitation and reconstruction of Rwanda,

Welcoming the summit of Heads of State of the Great Lakes Region held in Cairo on 28-29 November

and the Declaration of 29 November 1995 issued by them (S/1995/1001),

Emphasizing the importance of all States acting in accordance with the recommendations adopted by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region held in Bujumbura in February 1995 and those contained in the Cairo Declaration,

Commending the Government of Rwanda's continuing efforts to maintain peace and security as well as to reconstruct and rehabilitate the country,

Recognizing the valuable contribution that the human rights officers deployed by the High Commissioner for Human Rights to Rwanda have made towards the improvement of the overall situation,

Acknowledging the responsibility of the Government of Rwanda for the safety and security of all UNAMIR personnel and other international staff serving in the country,

1. *Decides* to extend the mandate of UNAMIR for a final period until 8 March 1996;

2. *Decides also*, in the light of current efforts to restore peace and stability through the voluntary and safe repatriation of Rwandan refugees, to adjust the mandate of UNAMIR so that UNAMIR will:

(a) Exercise its good offices to assist in achieving the voluntary and safe repatriation of Rwandan refugees within the frame of reference of the recommendations of the Bujumbura Conference and the Cairo Summit of the Heads of State of the Great Lakes Region, and in promoting genuine national reconciliation,

(b) Assist the Government of Rwanda in facilitating the voluntary and safe return of refugees and, to this end, to support the Government of Rwanda in its ongoing efforts to promote a climate of confidence and trust through the performance of monitoring tasks,

(c) Assist the United Nations High Commissioner for Refugees and other international agencies in the provision of logistical support for the repatriation of refugees,

(d) Contribute, with the agreement of the Government of Rwanda, to the protection of the International Tribunal for Rwanda as an interim measure until alternative arrangements agreed with the Government of Rwanda can be put in place,

3. *Requests* the Secretary-General to reduce the force level of UNAMIR to 1,200 troops to carry out the mandate set out in paragraph 2 above;

4. *Requests* the Secretary-General to reduce the number of military observers, headquarters and other military support staff to 200;

5. *Requests* the Secretary-General to initiate planning for the complete withdrawal of UNAMIR after the expiry of the present mandate, that withdrawal to take place within a period of six weeks after the expiry of the mandate;

6. *Requests* the Secretary-General to withdraw the Civilian Police component of UNAMIR;

7. *Requests* the Secretary-General to examine, in the context of existing United Nations regulations, the feasibility of transferring UNAMIR non-lethal equipment, as elements of UNAMIR withdraw, for use in Rwanda;

8. *Takes note* of the cooperation existing between the Government of Rwanda and UNAMIR in the implementation of its mandate and urges the Government of Rwanda and UNAMIR to continue to implement the Status of Mission Agreement of 5 November 1993 and any subsequent agreement to replace that Agreement in order to facilitate the implementation of the new mandate;

9. *Calls upon* the Government of Rwanda to take all necessary measures to ensure that UNAMIR personnel

and equipment that are scheduled to withdraw can do so in an orderly and safe manner;

10. *Commends* the efforts of States, United Nations agencies and non-governmental organizations which have provided humanitarian assistance to refugees and displaced persons in need, encourages them to continue such assistance, and calls upon the Government of Rwanda to continue to facilitate their delivery and distribution;

11. *Calls upon* States and donor agencies to fulfil their earlier commitments to give assistance for Rwanda's rehabilitation efforts, to increase such assistance, and in particular to support the early and effective functioning of the International Tribunal and the rehabilitation of the Rwandan justice system;

12. *Also calls upon* States to cooperate fully with the International Commission of Inquiry established pursuant to resolution 1013 (1995);

13. *Encourages* the Secretary-General and his Special Representative to continue to coordinate the activities of the United Nations in Rwanda, including those of the organizations and agencies active in the humanitarian and developmental field, and of the human rights officers;

14. *Requests* the Secretary-General to report to the Council by 1 February 1996 on the discharge by UNAMIR of its mandate and progress towards repatriation of refugees;

15. *Decides* to remain actively seized of the matter.

Document 162

Letter dated 21 December 1995 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, transmitting the response of the Government of Rwanda to the Secretary-General's press statement of 18 December 1995 concerning the withdrawal of United Nations troops from Rwanda

S/1995/1055, 22 December 1995

I have the honour to transmit to you a response of the Government of Rwanda to the statement made by the Secretary-General of the United Nations (see annex).

I would be grateful if the present letter and its annex could be circulated to the members of the Security Council as a document of the Security Council.

(Signed) Manzi BAKURAMUTSA

Ambassador

Permanent Representative of Rwanda
to the United Nations

Annex

Response to the Secretary-General of the United Nations

In a press conference on 18 December 1995, the Secretary-General, when asked about the withdrawal of United Nations troops from Rwanda, is quoted as saying:

“Concerning Rwanda, again the position is very clear. If a Government says that it does not want United Nations forces, you have two choices: either you pull out or you decide to maintain the forces on the basis of Chapter VII. Here is the problem. It is a very simple problem. The whole problem has now

been postponed for a period of three months, but we know quite well that we have 2 million refugees in Goma and Bukavu and on the border of the United Republic of Tanzania. There is a crisis of confidence and the refugees do not want to return. Everybody is afraid that a new genocide may happen, this time not by the Hutu against the Tutsi but by the Tutsi against the Hutu.”

My Government is seriously concerned by the Secretary-General's statement on the situation in Rwanda.

His statement has the impact of destroying the climate of confidence that the new Government of Rwanda had been working so hard—against all odds—to develop in a ravaged country. The Secretary-General's response can be interpreted as a lack of support for that Government even though his recent report seems to reflect a different position and portrays what was closer to the truth about developments inside Rwanda.

The first concern is his reference to the potential for the occurrence of another genocide in Rwanda. How can he suggest that one group of people in Rwanda has the potential to plan another genocide when that group has not been able to recover from repeated massacres and the worst genocide this century—especially since that group has received minimal support from the international community to help it to recover from the trauma of that crime? The impact of this statement undermines the Government of Rwanda by suggesting that there would be another genocide of Tutsi against Hutu.

The genocide in Rwanda was State-planned and State-sponsored. The new Government of Rwanda has demonstrated to the world that it has not established a State policy of revenge. Instead, it has pursued a policy of bringing the accused to justice. It has not killed the accused; it has imprisoned them as an interim measure as part of its policy to stop the cycle of impunity.

One month ago, the Government of Rwanda organized an international conference on the genocide in Rwanda. The purpose of the conference was to analyse what had occurred in Rwanda and to prevent the recurrence of that crime against humanity in Rwanda. The present Government's policies will never allow another genocide.

Our second concern is the Secretary-General's perception of the Security Council decision on the United Nations Assistance Mission for Rwanda (UNAMIR) in resolution 1029 (1995). It was clear that that decision was a final renewal, not a postponement of the problem. Could it be his intention to recommend an extension of UNAMIR or propose the maintenance of UNAMIR on the basis of Chapter VII? How could that be contem-

plated in view of the sovereignty of Rwanda and the imperative to ensure the cooperation of the Government of Rwanda?

The third concern is the analysis of the situation in Rwanda by the Secretary-General which approximates the analysis used by the perpetrators of genocide and the countries that have supported them. That analysis promotes misinformation to the international community about such issues as the number of refugees—which was exaggerated in the press conference—and the true reason why the refugees are not returning. On the surface the defence of the refugees appears to be acceptable but there has been a tendency not to make a clear distinction between the innocent and those guilty of genocide. The tendency is to forget the reasons why some refugees would never want to return—because they have killed and they fear the hand of justice, while others do not return because of intimidation. Unless that distinction is made, the situation can never be properly analysed and can never be properly dealt with.

In that context, the Secretary-General continues to pursue a regional conference as a solution to the refugee crisis, which leads one to the question of what are the real objectives.

In general, there is a tendency to focus only on the refugees and forget the survivors and the victims of the horrible crime against humanity. There is strong silence on genocide.

One may wonder if the Secretary-General is intent on undermining the progress the Rwandan Government has made by making these public pronouncements, which could have the effect of destroying all such efforts by the Government of Rwanda.

The Secretary-General conceals the inability of the United Nations to assist the Government of Rwanda in addressing the problems faced by Rwanda, in particular the genocide, and the lack of success in stopping the intimidation in the refugee camps.

His statement has the potential to incite the refugees and cause them to question any advances made by the new broad-based Government in Rwanda, as well as to unsettle the Government's attempts at building a climate of peace and security.

Finally, the Secretariat's weak role in Rwanda is also reflected in slow progress in implementing the International Tribunal which was initially requested by the Government of Rwanda.

It would be mutually beneficial to the Secretariat, the United Nations as a whole and Rwanda if there was a more positive approach on the part of the United Nations and more cooperation with the present Government of Rwanda.

Document 163

General Assembly resolution on the role of the United Nations in Rwanda after 8 March 1996

A/RES/50/58 L, 22 December 1995

The General Assembly,

Recalling its resolutions 48/211 of 21 December 1993, entitled “Emergency assistance for the socio-economic rehabilitation of Rwanda”, and 49/23 of 2 December 1994, entitled “Emergency international assistance for a solution to the problem of refugees, the restoration of total peace, reconstruction and socio-economic development in war-stricken Rwanda”,

Recalling also Security Council resolution 1029 (1995) of 12 December 1995 concerning the final extension of the mandate of the United Nations Assistance Mission for Rwanda and calling upon States and donor agencies to fulfil their earlier commitments to give assistance for Rwanda’s rehabilitation efforts, to increase such assistance and in particular to support the early and effective functioning of the International Tribunal for Rwanda and the rehabilitation of the Rwandan judicial system,

Taking note of the report of the Secretary-General of 1 December 1995 1/ and of the statement by the President of the Security Council of 17 October 1995 2/ in connection with the consideration by the Council of the item entitled “The situation concerning Rwanda”,

Having considered the report of the Secretary-General of 19 October 1995 on emergency international assistance for a solution to the problem of refugees, the restoration of total peace, reconstruction and socio-economic development in war-stricken Rwanda, 3/

Taking into consideration the serious consequences of genocide and other mass killings and of the destruction of the economic, social, educational and administrative infrastructure,

Expressing its grave concern over the disastrous humanitarian situation of the Rwandan population, including 1.6 million refugees who need to be reintegrated into society and employment, and noting that several categories of refugees are also involved,

Welcoming the summit of Heads of State of the Great Lakes region, held at Cairo on 28 and 29 November 1995, and their declaration of 29 November 1995, 4/ and noting the United Nations support for all efforts to reduce tension and restore stability in the Great Lakes region, in particular implementation of the Cairo Declaration on the Great Lakes Region and other previously adopted commitments, and for continuing consultations with the aim of convening a conference on security,

stability and development in the Great Lakes region, as appropriate,

Emphasizing the need to consider the crisis in Rwanda in a regional context, in view of its implications for the countries of the region, through the implementation of the plan of action recommended by the Government of Rwanda, the Office of the United Nations High Commissioner for Refugees and the Organization of African Unity within the framework of the Peace Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front, signed at Arusha, United Republic of Tanzania, on 4 August 1993, 5/

Conscious that technical assistance and advisory services will assist the Government of Rwanda in reconstructing the social, legal and economic infrastructure, and that extensive assistance is required for this,

Recognizing that the Arusha Peace Agreement provides an appropriate framework for national reconciliation,

Expressing its gratitude to those States and intergovernmental and non-governmental organizations which have responded positively and continue to respond positively to the humanitarian and development needs of Rwanda, and to the Secretary-General, who has mobilized and coordinated the distribution of humanitarian assistance,

1. *Encourages* the Government of Rwanda to pursue its efforts with a view to creating conditions that would be conducive to the return of the refugees to their country and their resettlement and to the recovery by displaced persons of their property in peace, security and dignity;

2. *Congratulates* the Secretary-General on the efforts he has made to draw the attention of the international community to the humanitarian situation in Rwanda, requests him to provide all possible assistance and encourages him and his Special Representative to continue to coordinate the activities of the United Nations in Rwanda, including those of the organizations and agencies active in the humanitarian and developmental field and of the human rights officers;

1/ S/19951002.

2/ S/PRST/1995/53.

3/ A/50/654.

4/ S/1995/1001, annex.

5/ A/48/824-S/26915, annexes I-VII.

3. *Welcomes* the increased commitments and funds pledged for the Government's Programme of National Reconciliation and Socio-Economic Rehabilitation and Recovery, and calls on the international community to continue to support Rwanda's rehabilitation process and to translate these pledges into urgent concrete assistance;

4. *Also welcomes* the commitment of the Government of Rwanda to cooperate with and to take all necessary measures to ensure the safety and security of all humanitarian personnel, including personnel of non-governmental organizations, operating in the country;

5. *Urges* all States, United Nations organizations, specialized agencies and other intergovernmental and non-governmental organizations and the international financial and development institutions to continue to provide all possible financial, technical and material assistance, bearing in mind that sound economic foundations are vital for achieving lasting stability in Rwanda and for the return and resettlement of Rwandan refugees;

6. *Calls upon* the international community to continue its assistance with a view to alleviating the intolerable conditions in Rwandan prisons and to expediting the processing of cases, and encourages the Government of Rwanda to continue its efforts to improve the situation in the prisons and to expedite the processing of cases;

7. *Welcomes* the indictments recently issued by the International Tribunal for Rwanda, calls upon all States to cooperate with the Tribunal, in accordance with Security Council resolutions 955 (1994) of 8 November 1994 and 978 (1995) of 27 February 1995, by arresting and detaining persons suspected of genocide and other serious violations of international humanitarian law, and encourages the Government of Rwanda to work cooperatively with the Secretary-General and the Tribunal to establish an effective protective force for the Tribunal;

8. *Urges* all States, in particular donor countries, to contribute generously to the trust fund established by the Secretary-General on 14 July 1994 to finance humanitarian relief and rehabilitation programmes to be implemented in Rwanda;

9. *Calls upon* all States to act in accordance with the recommendations adopted by the Nairobi Summit of January 1995 and the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held at Bujumbura in February 1995, and with those contained in the Cairo Declaration, and to continue efforts with regard to the search for peace in the Great Lakes region;

10. *Requests* the Secretary-General to consult with the Government of Rwanda and with the relevant United Nations agencies on the nature of a continued United Nations presence in Rwanda after 8 March 1996^{6/} and on the role such a United Nations presence might play in furthering the search for peace and stability through justice, reconciliation and refugee return and in assisting the Government of Rwanda in its pressing task of rehabilitation and reconstruction, and to report to the General Assembly by 1 February 1996 on the results of those consultations in addition to submitting to the Assembly at its fifty-first session a report on the implementation of the present resolution;

11. *Decides* to consider at its fifty-first session the question of the situation in Rwanda: international assistance for a solution to the problem of refugees, the restoration of total peace, reconstruction and socio-economic development in Rwanda.

^{6/} See Security Council resolution 1029 (1995).

Document 164

General Assembly resolution on the situation of human rights in Rwanda

A/RES/50/200, 22 December 1995

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ the Convention on the Prevention and the Punishment of the Crime of Genocide 3/ and other applicable human rights and humanitarian law standards,

Recalling its resolution 49/206 of 23 December 1994, and taking note of Commission on Human Rights

resolution 1995/91 of 8 March 1995, 4/ in which the Commission renewed the mandate of the Special Rapporteur to investigate the human rights situation in Rwanda,

1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 260 A (III).

4/ *Official Records of the Economic and Social Council, Supplement No.3 and corrigenda (E/1995/23 and Corr.1 and 2), chap. II, sect. A.*

Welcoming the commitments of the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms and to eliminate impunity, recalling the efforts to restore the rule of law and reconstruct the civil administration and the social, legal and human rights infrastructure, and noting that these efforts are hampered by a lack of resources,

Noting the concerns of the Special Rapporteur, as set out in his report of 28 June 1995, 5/ that the human rights situation is exacerbated by the inadequate system for the administration of justice, characterized by a shortage of both human and material resources, and that there are threats and violence against the physical integrity of individuals, arrest, detention and treatment and conditions of detention, which do not conform to international standards,

Expressing its grave concern at the tragedy of Kibeho in April 1995, and bearing in mind the conclusions of the Independent International Commission of Inquiry in its report of 18 May 1995, 6/

Recalling the obligations of all States to punish all persons who commit or authorize genocide or other grave violations of international humanitarian law or those who are responsible for grave violations of human rights and, pursuant to Security Council resolution 978 (1995) of 27 February 1995, to exert every effort, without delay, to bring those responsible to justice in accordance with international principles of due process, and to honour their obligations under international law in this regard, particularly under the Convention on the Prevention and Punishment of the Crime of Genocide,

Welcoming the measures taken by the United Nations High Commissioner for Human Rights to put in place the Human Rights Field Operation in Rwanda and to coordinate its activities with those of the Special Representative of the Secretary-General, the United Nations High Commissioner for Refugees, the United Nations Development Programme, the United Nations Assistance Mission for Rwanda, the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994, the Department of Humanitarian Affairs of the Secretariat, and other United Nations agencies and intergovernmental and non-governmental organizations, and the International Committee of the Red Cross,

Recognizing the valuable contribution that the human rights officers deployed by the United Nations High Commissioner for Human Rights to Rwanda have made towards the improvement of the overall situation,

Deeply concerned by the reports of the Special Rapporteur and the United Nations High Commissioner for Human Rights, according to which genocide and systematic, widespread and flagrant violations of international humanitarian law, including crimes against humanity and grave violations and abuses of human rights, were committed in Rwanda,

Welcoming the policy of the Government of Rwanda to facilitate the process of voluntary and safe return, resettlement and reintegration of refugees, as reaffirmed in the Cairo Declaration on the Great Lakes Region of 29 November 1995, 7/

Noting the United Nations support for all efforts to reduce tension and restore stability in the Great Lakes region, and supporting initiatives of the Secretary-General in this regard, particularly in implementing the Cairo Declaration on the Great Lakes Region and continuing consultations with the aim of convening a conference on security, stability and development in the Great Lakes region, as appropriate,

Recalling Security Council resolution 1029 (1995) of 12 December 1995, in which the Council renewed the mandate of the United Nations Assistance Mission for Rwanda to exercise its good offices to assist in achieving the voluntary and safe repatriation of Rwandan refugees within the frame of reference of the recommendations of the Bujumbura Conference 8/ and the Cairo Summit of the heads of State of the Great Lakes region, and in promoting genuine national reconciliation, to assist the Office of the United Nations High Commissioner for Refugees and other international agencies in the provision of logistical support for the repatriation of refugees, to contribute, with the agreement of the Government of Rwanda, to the protection of the International Tribunal for Rwanda as an interim measure until alternative arrangements agreed with the Government of Rwanda can be put in place,

Acknowledging the responsibility of the Government of Rwanda for the safety and security of all personnel attached to the United Nations Assistance Mission for Rwanda, United Nations agencies and humanitarian organizations and other international staff operating in the country,

Recognizing the important role played by non-governmental organizations in providing humanitarian assistance and contributing to the reconstruction and rehabilitation of Rwanda,

5/ A/50/709-S/1995/915, annex III; see *Official Records of the Security Council, Fiftieth Year, Supplement for October, November and December 1995*, document S/1995/915.

6/ See *Official Records of the Security Council, Fiftieth Year, Supplement for April, May and June 1995*, document S/1995/411.

7/ *Ibid.*, Supplement for October, November and December 1995, S/1995/1001, annex.

8/ Regional Conference on Assistance to Refugees, Returnees and Displaced persons in the Great Lakes Region, held at Bujumbura from 15 to 17 February 1995.

Recognizing also that effective action must be taken to ensure that the perpetrators of genocide and crimes against humanity are promptly brought to justice,

Recognizing further that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall Rwandan and United Nations responses to the situation in Rwanda and that a strong human rights component is indispensable to the political peace process and the post-conflict reconstruction of Rwanda,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda, 9/ and takes note of the reports of the Special Rapporteur of the Commission on Human Rights 10/ on violations committed during the tragedy in Rwanda and on the current situation of human rights in Rwanda;

2. *Condemns* in the strongest terms the acts of genocide, violations of international humanitarian law and all violations and abuses of human rights that occurred during the tragedy in Rwanda, especially following the events of 6 April 1994, which resulted in a massive loss of human life, up to one million people;

3. *Expresses* its deep concern at the intense suffering of the victims of genocide and crimes against humanity, recognizes the ongoing suffering of their survivors, particularly the extremely high number of traumatized children and women victims of rape and sexual violence, and urges the international community to provide adequate assistance to them;

4. *Condemns* the killing of personnel attached to the United Nations Assistance Mission for Rwanda, United Nations agencies and humanitarian organizations operating in the country, including Rwandan personnel working with them;

5. *Calls upon* the Government of Rwanda to take all necessary measures to ensure the safety and security of all personnel attached to the United Nations Assistance Mission for Rwanda, United Nations agencies and humanitarian organizations and other international staff operating in the country;

6. *Reaffirms* that all persons who commit or authorize genocide or other grave violations of international humanitarian law or those who are responsible for grave violations of human rights are individually responsible and accountable for those violations;

7. *Urges* all States, pursuant to Security Council resolution 978 (1995), to exert, without delay, every effort, including arrest and detention, in order to bring those responsible to justice in accordance with international principles of due process, and also urges States to honour their obligations under international law in this

regard, particularly under the Convention on the Prevention and Punishment of the Crime of Genocide;

8. *Recognizes* that effective action must be taken by all States concerned to ensure that the perpetrators of genocide and crimes against humanity are promptly brought to justice, and urges all States concerned to cooperate fully with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994, taking into account the obligations contained in Security Council resolutions 955 (1994) of 8 November 1994 and 978 (1995), and to intensify efforts for the effective functioning of the Tribunal without delay;

9. *Commends* the efforts of the United Nations High Commissioner for Human Rights, working in cooperation with and assisting the Government of Rwanda, to ensure that human rights monitoring, a comprehensive programme of human rights assistance and confidence-building measures form integral parts of Rwandan and United Nations efforts aimed at conflict prevention and peace-building in Rwanda, drawing as appropriate on the expertise and capacities of all parts of the United Nations system, thus contributing to the promotion and protection of human rights in Rwanda;

10. *Encourages* the Government of Rwanda, in a spirit of national reconciliation, to intensify efforts to protect and promote respect for human rights and fundamental freedoms and to create an environment conducive to the realization of civil, political, economic, social and cultural rights and the voluntary and safe return of refugees to their homes;

11. *Takes note with concern* of the findings of the Special Rapporteur as set out in his report of 28 June 1995, and of the Human Rights Field Operation in Rwanda, that the human rights situation is exacerbated by the inadequate system for the administration of justice, characterized by a shortage of both human and material resources;

12. *Notes with concern* the arrest, detention and treatment and conditions of detention that do not conform to international standards, as set out in the report of the Special Rapporteur;

13. *Also notes with concern* that a situation still exists, evidenced by reports of threats and violence against the physical integrity of individuals, which is sometimes exacerbated by incursions;

9/ A/50/743, annex.

10/ A/50/709-S/1995/915, annexes I-III; see *Official Records of the Security Council, Fiftieth Year, Supplement for October, November and December 1995*, document S/1995/915.

14. *Urges* Governments in the region to take measures to prevent their territory from being used to pursue a strategy of destabilization of Rwanda, and, in this regard, urges all States concerned to cooperate fully with the International Commission of Inquiry on arms flows in the Great Lakes region, established in pursuance of Security Council resolution 1013 (1995) of 7 September 1995;

15. *Condemns* the mass killings of civilians at Kibeho in April 1995, takes note of the conclusions of the Independent International Commission of Inquiry in its report, and expresses its grave concern at the events in Kanama in September 1995;

16. *Welcomes* the efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, economic and human rights infrastructure of Rwanda, encourages the Government to intensify its efforts, with the assistance of the international community, the Human Rights Field Operation in Rwanda and other United Nations bodies, to expedite the processing of cases, to ensure conditions and treatment in detention in conformity with international standards, and to train civilian police in the legal procedures governing arrest and detention, and notes that efforts in this regard are hampered by a lack of human and financial resources;

17. *Invites* Member States, the organizations and bodies of the United Nations system and intergovernmental and non-governmental organizations to continue and intensify their efforts to contribute financial and technical support to the efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, economic and human rights infrastructure of Rwanda, particularly in the areas of the administration of justice, and welcomes the contributions made, including those at the Round Table Conference at Geneva and its mid-term review, and urges States and donor agencies to fulfil their earlier commitments;

18. *Condemns* all violence and intimidation against persons in the refugee camps in neighbouring countries, calls upon the appropriate authorities to ensure security in such camps, and welcomes the commitments undertaken by the Governments in the region in the Cairo Declaration on the Great Lakes Region;

19. *Welcomes* the joint efforts of the Government of Rwanda, neighbouring countries and the United Nations High Commissioner for Refugees to assist the voluntary and safe return of refugees through, inter alia, the work of the Tripartite Commission and the agreements reached at Nairobi in January 1995, Bujumbura in February 1995 and Cairo in November 1995, and welcomes also the efforts of the United Nations High Commissioner for Refugees, the United Nations High Commissioner for

Human Rights, the United Nations Assistance Mission for Rwanda and the United Nations Development Programme to coordinate their efforts to ensure protection of the human rights of refugees during their return, resettlement and reintegration;

20. *Also welcomes* the measures taken by the United Nations High Commissioner for Human Rights, working in cooperation with and assisting the Government of Rwanda, to put in place the Human Rights Field Operation in Rwanda, which has as its objective:

(a) The investigation of violations of human rights and humanitarian law, including acts of genocide and crimes against humanity;

(b) The monitoring of the human rights situation and the prevention of future violations;

(c) Cooperation with other international agencies in re-establishing confidence and thus facilitating the voluntary return and resettlement of refugees and displaced persons;

(d) The rebuilding of civil society, through programmes of human rights education and technical cooperation, particularly in the areas of the administration of justice and conditions of arrest, detention and treatment in detention, and through programmes of cooperation with Rwandan human rights organizations; and requests the High Commissioner to report regularly on all of these activities of the Field Operation and to cooperate and share information with the Special Rapporteur in order to assist him in fulfilling his mandate;

21. *Further welcomes* the cooperation the Government of Rwanda has extended to the United Nations High Commissioner for Human Rights, the Human Rights Field Operation in Rwanda and the Special Rapporteur and the acceptance by the Government of Rwanda of the deployment of human rights field officers throughout the country;

22. *Requests* the Secretary-General to take appropriate steps to ensure adequate financial and human resources and logistical support for the Human Rights Field Operation in Rwanda, taking into account the need to deploy a sufficient number of human rights field officers and the need for programmes of technical assistance and advisory services for the Government of Rwanda and Rwandan human rights organizations, especially in the field of the administration of justice;

23. *Requests* the United Nations High Commissioner for Human Rights to report on the activities of the Human Rights Field Operation in Rwanda to the Commission on Human Rights at its fifty-second session and to the General Assembly at its fifty-first session.

Document 165

Letter from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, transmitting a letter dated 20 January 1996 from the Ministry of Foreign Affairs and Cooperation of Rwanda to the Special Representative of the Secretary-General in Rwanda concerning negotiations with UNAMIR and its suppliers

S/1996/48, 23 January 1996

I have the honour to transmit to you herewith a letter from the Minister for Foreign Affairs and Cooperation of Rwanda containing a clarification of the Rwandan Government's position on the current negotiations between the United Nations Assistance Mission for Rwanda and its suppliers on the one hand and the Government on the other.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Manzi BAKURAMUTSA
Ambassador
Permanent Representative of
Rwanda to the United Nations

Annex

Letter dated 20 January 1996 from the Ministry of Foreign Affairs and Cooperation of Rwanda

The Ministry of Foreign Affairs and Cooperation of Rwanda presents its compliments to the Special Representative of the Secretary-General of the United Nations and the United Nations Assistance Mission for Rwanda (UNAMIR) and takes this opportunity to refute the false information which is being spread within the United

Nations Security Council to the effect that the Rwandan Government has issued an ultimatum to UNAMIR to halt all its activities in Rwanda if it did not pay all taxes and debts owed to Rwanda and/or third parties by 17 January 1996.

The Ministry deplores the spreading of such misinformation at a time when the parties concerned are still negotiating with a view to resolving all problems and disputes relating to conclusion of the mandate of the United Nations mission.

Furthermore, the Ministry would recall that the negotiations in progress, which began in October 1995, take the form of weekly meetings of which minutes are prepared and approved and countersigned by both parties.

Accordingly, the Ministry of Foreign Affairs and Cooperation considers that any information disseminated outside this specific context is no more than unfounded rumour.

The Rwandan Government has no interest in preventing UNAMIR from terminating its mandate, which expires on 8 March 1996; rather, it is determined to pursue the negotiations now in progress with a view to finding appropriate solutions to all points of contention and disputes which are the subject of talks.

Kigali, 20 January 1996

Document 166

Letter dated 26 January 1996 from the Secretary-General to the President of the Security Council transmitting the interim report dated 17 January 1996 of the International Commission of Inquiry and stating that the Secretary-General may request the Commission to submit its final report by the end of February 1996

S/1996/67, 29 January 1996

I have the honour to transmit to you herewith the interim report of the International Commission of Inquiry, submitted to me by the Chairman of the Commission, in

pursuance of Security Council resolution 1013 (1995) of 7 September 1995.

You will note that in the conclusions of the report (para. 68), the Commission indicates that it will submit its final report as soon as possible, in accordance with paragraph 4 of Security Council resolution 1013 (1995). In the light of the information and observations contained in the attached report, and unless substantial progress can be made in the coming weeks towards resolving some of the difficulties encountered by the Commission, it would be my intention to request it to submit its final report by the end of February 1996.

I should be grateful if you would bring this letter and the attached report to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Annex

Interim report of the International Commission of Inquiry to investigate reports of the sale or supply of arms to former Rwandan government forces in violation of the Security Council arms embargo and allegations that those forces are receiving training to destabilize Rwanda

I. Introduction

1. By paragraph 1 of its resolution 1013 (1995) of 7 September 1995, the Security Council requested the Secretary-General

“To establish, as a matter of urgency, an International Commission of Inquiry, with the following mandate:

“(a) To collect information and investigate reports relating to the sale or supply of arms and related *matériel* to former Rwandan government forces in the Great Lakes region in violation of Council resolutions 918 (1994), 997 (1995) and 1011 (1995);

“(b) To investigate allegations that such forces are receiving military training in order to destabilize Rwanda;

“(c) To identify parties aiding and abetting the illegal acquisition of arms by former Rwandan government forces, contrary to the Council resolutions referred to above;

“(d) To recommend measures to end the illegal flow of arms in the subregion in violation of the Council resolutions referred to above”.

2. By paragraph 3 of the same resolution, the Council also called on States, relevant United Nations bodies, including the Committee established pursuant to

resolution 918 (1994), international humanitarian organizations and non-governmental organizations (NGOs) to collate information in their possession relating to the mandate of the Commission and requested them to make that information available as soon as possible.

3. The Council, in paragraph 5 of the resolution, further called upon the Governments of the States in which the Commission was to carry out its mandate to cooperate fully with the Commission, including responding positively to requests from the Commission for security, assistance and access in pursuing investigations, including:

(a) Adoption by them of any measures needed for the Commission and its personnel to carry out their functions throughout their respective territories with full freedom, independence and security;

(b) Provision by them of all information in their possession that the Commission requested, or was otherwise needed to fulfil its mandate and free access for the Commission and its staff to any relevant archives;

(c) Freedom of access at any time, for the Commission and its staff, to any establishment or place as they deemed necessary for their work, including border points, airfields and refugee camps;

(d) Appropriate measures to guarantee the safety and security of the members of the Commission and guarantees from the Governments of full respect for the integrity, security and freedom of witnesses, experts and any other persons working with the Commission in the fulfilment of its mandate;

(e) Freedom of movement for members of the Commission, including freedom to interview any person in private, at any time, as appropriate;

(f) The grant of relevant privileges and immunities in accordance with the General Convention on the Privileges and Immunities of the United Nations.

4. In a letter dated 16 October 1995 (S/1995/879), the Secretary-General notified the President of the Security Council that he had appointed the following persons as members of the International Commission:

Ambassador Mahmoud Kassem (Egypt)
(Chairman)

Inspector Jean-Michel Hanssens (Canada)

Colonel Jürgen G. H. Almeling (Germany)

Lieutenant-Colonel Jan Meijvogel (Netherlands)

Brigadier Mujahid Alam (Pakistan)

Colonel Lameck Mutanda (Zimbabwe).

5. By a letter dated 20 October 1995 (S/1995/880), the President of the Security Council informed the Secretary-General that the members of the Council welcomed his

decision and took note of the information contained in his letter.

II. Methods of work of the International Commission

6. As an organ established pursuant to a resolution of the Security Council, the International Commission was entitled to seek the assistance and cooperation of States as called for in that resolution, and it has approached a number of Governments to seek such information and cooperation. At the same time, being primarily a fact-finding body and being composed for the most part of serving military and police officers, the Commission decided to base its conclusions to the extent possible primarily on first-hand evidence concerning the subject of its mandate, such as eyewitness testimony, original documents and its own inspections and observations.

7. The International Commission has neither the legal powers nor the physical and human resources of a police force or an established investigative agency. Accordingly, it does not have at its disposal a wide range of legal instruments, such as search warrants or the technical capabilities that are normally associated with major and complex investigations of the kind undertaken by the International Commission. Instead, the Commission was obliged to rely on the assistance of Member States willing to place at its disposal and the goodwill of individuals whose cooperation it sought.

8. Notwithstanding its investigative limitations, the International Commission has recognized the need to apply in its work the same professional standards, procedures and methods as would be applied in any credible investigation. It should be emphasized that in any investigation the response time taken to begin the inquiry is critical. Over time, witnesses to events become difficult to locate, memories fail or testimony may change and critical physical evidence can disappear or be altered. The International Commission has been seriously hampered by its late deployment, in that it was not created until some 16 months after the adoption of the embargo. This delay, compounded by the absence of any effective monitoring or verification mechanism for the implementation of the embargo, has greatly impaired the Commission's ability to conduct its investigations under optimum conditions. Nevertheless, following the initial period its members spent familiarizing themselves with the details of the subject-matter and establishing themselves in the region, a number of lines of inquiry have been opened, which have not yet been exhausted.

9. The International Commission was established following the publication of several more or less detailed reports in a number of countries, including press reports and television broadcasts, alleging that arms had been

sold or supplied to the former Rwandan government forces now in Zaire in violation of the United Nations embargo, and that men who had sought refuge in Zaire were engaged in military training. In the absence of any information derived from any United Nations organ charged with enforcing, implementing, monitoring or verifying the operation of the embargo, the Commission was obliged in the first instance to use those reports and broadcasts as provisional sources of information until it was able to investigate the allegations at first hand.

10. The International Commission therefore wrote in November and early December 1995 to the Governments of China, France, Seychelles and South Africa, countries named in the reports on the illegal shipments of arms, to ask for their response to the allegations and to inquire if they had undertaken, were undertaking or contemplated undertaking any investigation into those allegations, and informing them that the Commission would submit its report to the Secretary-General towards the end of January 1996. During its first visit to Zaire (see paras. 23-33 below), the Commission put similar questions to the Government of that country. As of the time of completing the present report, only the Governments of France and Zaire had replied to the Commission's letters. The Government of Belgium has also replied to technical questions posed by the Commission (see para. 42 below).

11. The Commission also wrote to the Government of Bulgaria concerning a Bulgarian company, Kintex, which had been featured in a British television programme as apparently willing to sell arms in violation of the United Nations embargo, asking what action, if any, the Government had taken or intended to take to investigate the allegations. No reply has yet been received.

12. In pursuance of its mandate, the International Commission wished to visit all the countries of the Great Lakes region in order to collect information and investigate reports, if any, concerning the possible rearming and training of those forces, wherever they might be in that region. The Commission has for some time been trying to arrange high-level meetings between the Commission and the leaders of Burundi, Uganda and the United Republic of Tanzania. However, the Governments concerned have not yet indicated their readiness to receive the International Commission.

13. The International Commission, having established an administrative base at the United Nations Office at Nairobi, visited Rwanda and Zaire and met in each country with senior government officials and the heads of United Nations agencies and representatives of NGOs operating among the refugees (see appendix).

III. Activities of the International Commission

14. The International Commission arrived in Nairobi on 4 November 1995 following an intensive series of briefings and orientations at United Nations Headquarters. Having established itself in offices provided by the United Nations Environment Programme, the Commission proceeded as soon as possible to Kigali, Rwanda.

A. Activities in Rwanda

15. On arrival in Rwanda on 8 November 1995, the Chairman gave a press conference at the airport, explaining the nature and the mandate of the International Commission of Inquiry and introducing its members. The Commission was then briefed at the headquarters of the United Nations Assistance Mission for Rwanda (UNAMIR) by the Special Representative of the Secretary-General, Ambassador Shahryar Khan, and the Force Commander, Major-General Guy Tousignant.

16. That afternoon, the International Commission met with the Minister of Foreign Affairs of Rwanda, H.E. Mr. Anastase Gasana. The Commissioner met the following morning with the Vice-President and Minister of Defence, Major-General Paul Kagame.

17. During the meeting with the Vice-President, in addition to requesting general assistance in the discharge of the Commission's mandate, the Chairman requested the particular cooperation of the Rwandese Government in facilitating a visit by the Commission to Iwawa island in Lake Kivu. The island, which is Rwandese territory, had been the scene of a battle a few days before between the Rwandese Patriotic Army (RPA) and Rwandan insurgents apparently controlled by the former Rwandan government forces. A quantity of weapons and military *matériel*, as well as a number of prisoners, had been captured there.

18. The Commission's visit to Iwawa island took place the next day, 10 November 1995. The danger from land-mines, which had been heavily and indiscriminately laid on the island, and the time constraints imposed by limitations on the means of transportation available, prevented the Commission from undertaking a comprehensive study of the site and interviewing in depth the prisoners presented to it.

19. Nevertheless, the Commission was able to inspect weapons, explosives and other military equipment both on the shore and at another site further inland. Most of the weapons inspected were found to be old and unserviceable, while the new *matériel*, still wrapped in plastic bags, mostly comprised unassembled machine-guns. The Commission was later informed by the RPA senior officer present that some weapons in working order had been removed from the island and distributed among the RPA, but that none of these had been new.

20. The Chairman and some members of the Commission then interviewed some young men and a senior non-commissioned officer of the former Rwandan government forces who, they were informed by the RPA officer present, had been captured on the island. The Commission members were obliged to use the RPA officer as an interpreter in their interviews, but had no reason to doubt that the interpretation was accurate. The young men were informed of the nature of the International Commission and agreed to answer questions posed by it. The answers they gave indicated that the men were Rwandans, and had been living in Mugunga Camp near Goma, Zaire. They had been undergoing elementary weapons training on the island under the supervision of a military commander of the former Rwandan government forces and a civilian. No foreigners were said to be involved.

21. During its stay in Rwanda, the International Commission also met with representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR) and other United Nations agencies, the International Committee of the Red Cross (ICRC) and a number of NGOs, as well as representatives of major donor countries (see annex). The Commission also established direct working-level links with Rwandan government officials.

22. During November and December 1995, Commission members travelled back to Kigali from time to time to meet with officials there in an effort to gather and analyse as much information as possible that might corroborate the allegations under investigation. However, on the basis of the information made available to it through this channel to date, the Commission has not been able to reach a firm conclusion as to the truth of the allegations.

B. Activities in Zaire

1. Activities in Kinshasa

23. The International Commission had intended to travel to Zaire on 22 November 1995 for a visit to Kinshasa, Gbadolite and the Goma area, including Bukavau and Uvira, and had prepared an itinerary accordingly with the assistance of the UNAMIR Liaison Officer in Kinshasa.

24. However, on 21 November, the afternoon before the Commission's scheduled departure, the Chairman was informed that the Office of the Prime Minister of Zaire had raised questions concerning the terms of reference of the Commission and its proposed activities while on Zairian soil. The Commission was given to understand that the proposed length of its stay in Zaire—some 20 days, initially—was "too much" and should be reduced, and its proposal to be accommodated at Gisenyi

in Rwanda while conducting investigations just across the border in Goma would be rejected. It was also explained that senior figures in the Zairian Government were engaged in preparations for the Cairo Conference on the Great Lakes region to be held on 28 and 29 November 1995. It was therefore recommended that the visit of the International Commission to Zaire be postponed until arrangements could be agreed upon with the Zairian Government.

25. Accordingly, the following day the Chairman visited the Ambassador of Zaire to Kenya, explained to him the terms of reference of the International Commission and recalled the role played by the Zairian Government in the Commission's creation. He drew to the Ambassador's attention resolution 1013 (1995), which sets out the Commission's mandate and calls on the States on whose territory that mandate was to be carried out to cooperate fully with it. The Ambassador undertook to convey the Chairman's position to Kinshasa and to inform him of his Government's reaction.

26. In the event, after more than two weeks' delay, during which high-level diplomatic efforts were being made to expedite the visit, the Zairian authorities finally, and with some apparent reluctance, agreed to permit the International Commission to pay a preliminary visit to Kinshasa from 8 to 16 December 1995. During that visit, the Commission was received by the Prime Minister and the Ministers of Foreign Affairs, Justice, Defence, the Interior and Transport. The International Commission also met with the Ambassadors to Zaire of Belgium, France, Germany and the United States of America, as well as heads of United Nations agencies in Kinshasa and representatives of the European Union and ICRC. During his meeting with the Prime Minister, the Chairman of the International Commission presented to him a personal letter from the Secretary-General.

27. The Zairian government Ministers, recalling the role played by their country in proposing the creation of the International Commission of Inquiry, promised their full cooperation and assistance. In response to a request by the International Commission that the Zairian Government nominate an official to liaise with the Commission, the Minister for Foreign Affairs, Mr. Gérard Kamanda wa Kamanda, proposed a 10-day "acclimatization" visit for the Commission to North and South Kivu, and offered the International Commission the assistance of a team of Zairian officers led by the Auditor General of the Zairian Armed Forces (FAZ), General Fariala Eutcha.

28. The Chairman submitted to the Minister for Foreign Affairs a list of written questions concerning the reaction of the Government of Zaire to the allegations made public thus far to the effect that it had been involved

in the arming of the former Rwandan government forces in violation of the Security Council resolutions and that those forces were receiving military training on Zairian soil. The Minister for Foreign Affairs, stating that the burden of proof lay on the accuser, delivered a written response making the following points:

"The Commission's list of questions is, in essence, based on the allegations by Human Rights Watch rather than on facts whose solidity has been established in advance.

"After registering the accusations by Human Rights Watch and taking note of the BBC television documentaries broadcast early in the year, the Government took the initiative in March by dispatching an investigation team to Kivu, under the Vice-Prime Minister and Minister of National Defence, to determine the accuracy of the complaints against Zaire in connection with the alleged destabilization of Rwanda.

"This investigation team declared the accusations to be unfounded.

"However, in the light of persistent accusations in the international media and by the Rwandan authorities, the Government felt obliged to call for the establishment of an international commission of inquiry.

"At this stage of the investigation, the Government is entitled to expect that the Commission put forward some specific facts to which it could provide appropriate responses. Instead, it is being asked to answer allegations by an association whose accusations conceal ulterior motives. In addition, it is clear to even the least well-informed observer that the BBC television documentary was most crudely staged."

29. The Minister then replied to each of the Commission's questions. The Government had no knowledge of some of the incidents said to have occurred, and considered in respect of others that the evidence was insufficient to warrant any action. It had therefore not undertaken any investigation into the possible involvement of any Zairian national or company in the sale or supply of arms to the former Rwandan government forces in violation of the Security Council resolutions.

30. Stressing that they had neither the intention nor the resources to destabilize Rwanda, the Zairian authorities denied having armed or provided training to the former Rwandan government forces in violation of the Security Council embargo.

31. The Minister for Foreign Affairs also pointed out that, during the period when many of the alleged arms deliveries in violation of the embargo were said to have taken place, namely in mid-1994, the situation around Goma was marked by great turmoil and confusion. Some 2 million refugees poured across the border, overwhelming the efforts of relief agencies to accommodate and feed them; an outbreak of cholera cost 50,000 lives; and the war was still raging in neighbouring Rwanda. In response to pleas from the international community, the authorities waived visa and customs requirements to expedite the delivery of relief supplies and personnel. The airport at Goma was receiving flights day and night carrying equipment and supplies of all kinds, including tons of drinking water. During that period, said the Government, incoming flights to the airport were coordinated by UNHCR.

32. The Minister pointed out that the international community was present in Goma in full force during the period in question and would certainly have observed any attempts to transport weapons through the airport. The International Commission is also aware that during the period of Operation Turquoise (June-August 1994), the French military maintained a sizeable presence at Goma airport and exercised substantial control over its operations.

33. The Minister of Defence, in his meeting with the Commission, stated that the Zairian army had disarmed the retreating Rwandan government forces as they crossed the border. He said the confiscated weapons had been placed in storage in depots. He added that some small arms might have been smuggled in amid the large influx of refugees and soldiers, and not confiscated.

2. Activities in Goma

34. Two members of the Commission arrived in Goma on 5 January 1996 and on the following two days, with the permission of the Governor *ad interim* of Kivu Province, Mr. Athanase Tassi, visited Mugunga and Kibumba camps. The Commission members also met with the Chief of the UNHCR sub-office in Goma and other UNHCR officials, members of a German humanitarian aid organization and the commander and officers of the UNHCR Civilian Security Liaison Group. Contact was also made with the Zairian Camp Security Contingent. The Commission learned independently that the Zairian authorities had investigated allegations that Rwandan residents of the camps had been engaged in the recruitment of youths from the camps for clandestine training and other military purposes.

35. Shortly thereafter, however, the officer assigned by the Zairian Government to assist the International Commission in its inquiries, General Fariala Eutcha, accompanied by eight other Zairian officials,

arrived in Goma from Kinshasa. The Chairman and other members of the Commission now having arrived, sharp disagreement immediately arose between the Commission and the Zairian officials over the Commission's proposed activities. The two sides held a series of meetings at which sharply conflicting interpretations of the Commission's mandate were debated. The Zairian side appeared to wish to renegotiate the terms of reference of the Commission and insisted on attending its meetings with potential witnesses and on reviewing the draft report of the Commission on its activities in Goma before it left Zaire.

36. The Commission firmly rebuffed these demands. It emphasized that its mandate had been entrusted to it by the Security Council, which alone had the power to change its terms of reference. The Commission therefore could not enter into negotiations on the matter. It insisted on the right to complete freedom of movement and the right to conduct its interviews in private, citing paragraph 5 of resolution 1013 (1995), stressed its obligation to report direct to the Secretary-General and made it clear that no third party would be allowed to see its report beforehand.

37. On 9 January 1996, the Prime Minister of Zaire appealed to the Secretary-General for his interpretation of resolution 1013 (1995), and the Secretary-General confirmed that the International Commission's interpretation of its mandate was correct. On 12 January 1996, the Minister for Foreign Affairs wrote to the Secretary-General, repeating the demands that the Commission had found objectionable. At that point, since the Zairian side maintained its uncooperative position, the Commission declared that it could not pursue its investigations in Goma in the face of that obstructionist attitude of the Zairian authorities and considered that it had no alternative but to withdraw to Nairobi.

38. Although unable to pursue a full and proper investigation in Goma, during the brief time they spent there, the members of the Commission gathered additional information from a variety of sources that gave rise to suspicion that clandestine activities were being carried out. These included persistent eyewitness reports of mysterious night flights, despite the fact that Goma airport is not properly equipped to receive flights after dark, and the exclusion of those witnesses from the airport by the authorities at those times. Sometimes cargo is reportedly unloaded from certain aircraft in secret. The Commission was also made aware that UNHCR staff and NGO personnel are excluded by the former Rwandan government forces from certain areas, notably an area outside Lac Vert camp commonly known as "L'État Major". Furthermore, they do not stay in the camps after dark, and a curfew is in effect. While the Commission has

insufficient evidence to draw conclusions as to their significance, it is persuaded that these reports are accurate. Finally, the Commission could not but be impressed by the very noticeable climate of fear of retribution that prevails in Goma.

C. *Other activities of the International Commission*

1. *Approaches to Governments*

39. Although the Commission had decided not to base its activities on second-hand testimony, some of the information made available to it from published sources was extremely detailed and circumstantial. The Chairman of the Commission therefore wrote to a number of Governments whose nationals were said to have participated in the delivery of weapons and related *matériel* to the former Rwandan government forces in violation of the Security Council embargo, asking if those Governments that had conducted an investigation were in the process of investigating or intended to investigate the alleged participation of these individuals or companies in this activity on the basis of the allegations made by Human Rights Watch Arms Project, a Washington-based NGO. The Governments approached in this way were those of Bulgaria, China, France, Seychelles, South Africa and Zaire. The Commission sent follow-up letters to the Government of France, requesting it to nominate an official with whom the Commission could deal on a working level in obtaining answers to its questions concerning the detailed information available to it.

40. Following the Commission's inspection of the arms captured on Iwawa island, the Chairman also wrote to the Governments of Belgium and South Africa, the apparent countries of origin of some of the weapons, where these could be identified, informing them of the serial numbers found on the equipment and requesting information on the date of manufacture; the date of sale and the identity of the buyer; the delivery date to the buyer; and any other relevant information. The Commission also asked the South African Government to supply information about the findings of the Cameron Commission, which might have a bearing on the work of the Commission.

41. The Chairman of the International Commission also wrote to the Chairman of the Committee established pursuant to resolution 918 (1994), requesting any information that might pertain to the Commission's mandate. The Chairman, Ambassador Wisnumurti of Indonesia, replied that the Governments of China and France, acting in response to questions raised in the Committee concerning the Human Rights Watch report available to the International Commission, had formally denied the allegations therein.

42. On 10 January 1996, the Government of Belgium replied to the Chairman of the International Commission, stating that it had initiated investigations in Belgium concerning the origin of the weapons inspected by the Commission on Iwawa island. The information provided by the Belgian authorities contained no indication that the weapons had been sold or supplied to the former Rwandan government forces in violation of the arms embargo. The Commission has as yet received no reply from the Governments of Bulgaria, China or South Africa.

43. The Commission received the reply of the Government of France on 5 January 1996. In it, the French Government stated the following:

"The investigation conducted by the French authorities into the accusations and insinuations contained in the Human Rights Watch report shows, as the French Government has already stated, that France has complied in the strictest possible manner with the arms embargo imposed on Rwanda by the Security Council on 17 May 1994 and that no arms have been supplied to Rwandans living as refugees outside their country.

"The French authorities have no information concerning the possible involvement of French nationals or French companies in arms trafficking which violates the embargo. The French Government would be interested to receive from the International Commission of Inquiry any evidence or clarification available to the latter which might help the Government to carry out investigations and to consider what measures might be required to deal with any possible offence against French law currently in force.

"At the request of the Commission and in accordance with paragraph 3 of Security Council resolution 1013 (1995) of 7 September 1995, which calls on States to collate information in their possession relating to the mandate of the Commission, the French authorities hereby transmit to you information gathered by French Operation Turquoise military personnel while deployed in Rwanda's safe humanitarian zone.

"This information was already transmitted, on 24 August 1994, to the Commission of Experts established pursuant to Security Council resolution 935 (1994) of 1 July 1994."

As requested by the Commission, the French Government nominated a senior official, the Deputy Permanent Representative of France to the United Nations, to assist the Commission with any further inquiries it might have.

44. Although Goma was an important focus of the Commission's activities, the Commission was aware that many of the persons having first-hand knowledge of events said to have taken place there might no longer be in the area. Many worked for NGOs, which, as the Commission was informed, had a high rate of staff turnover. The Commission therefore contacted major NGOs known to have had personnel in the Goma area between 17 May 1994 and the present to ask for the names of staff who were no longer employed, and some indication, if possible, as to their current whereabouts.

45. A member of the Commission, accompanied by its political officer, visited London from 8 to 12 January 1996 to interview British Government aid officials, Her Majesty's Customs investigators, NOG staff, aircrews said to have been involved in flying to Goma and journalists who had filmed in the area.

46. The British Overseas Development Administration personnel interviewed by the Commission had spent considerable time at Goma airport, from the crisis period up to the present, and had been heavily involved in unloading and handling cargo. Most of their personnel are former military personnel familiar with the size, weight and appearance of arms, ammunition and *matériel* even when they are packed in boxes. The officials interviewed stated to the Commission that they had seen no arms flown into Goma; had no evidence of such deliveries; and had themselves unloaded nothing but humanitarian supplies from the aircraft they had handled.

47. The Commission also met with Her Majesty's Customs investigators, who stated that they had launched an investigation into British companies and individuals suspected of participating in arms flights in violation of the embargo, but had discovered insufficient evidence to support a prosecution under United Kingdom law.

48. Aircrews interviewed by the Commission denied having flown arms or ammunition to Goma after the imposition of the embargo and could not supply the names of any others known to have done so.

49. The International Commission also wrote to the Governments of Burundi, Uganda and the United Republic of Tanzania, requesting approval to visit and hold high-level meetings with government officials. The Commission also requested those Governments to make available information they had, if any, concerning the subject of the Commission's mandate. None of the Governments has yet replied.

2. *Case-study: alleged involvement of Seychelles*

50. A particularly detailed allegation of involvement in the sale or supply of arms and ammunition to the former Rwandan government forces after the imposition of the embargo concerns Seychelles. Because of the precision with which the dates and other circumstances had been described, the International Commission was able to devote particular attention to this allegation.

51. According to the Human Rights Watch report "Rearming with Impunity: International Support for the Perpetrators of the Rwandan Genocide", DC-8 aircraft belonging to Air Zaire had taken two shipments of arms, including grenades and high-calibre ammunition, from Seychelles to Goma on 17 and 19 June 1994. The weapons were said to have been paid for with \$300,000 in cash supplied by a senior Rwandan military officer accompanied by a citizen of South Africa, both named in the report. The Government of Zaire was said to have provided an end-user certificate in respect of the arms, but when the International Commission met in Kinshasa with Zairian government Ministers and requested information, the Government replied in writing that it had no knowledge of this matter.

52. The International Commission of Inquiry subsequently independently established that an Air Zaire DC-8 aircraft had left Kinshasa for Mombasa on 16 June 1994 and returned from Goma to Kinshasa on 20 June. Information from sources in Seychelles indicates that the Human Rights Watch report is accurate, and that very senior government figures are said to be involved.

53. On 7 December, the International Commission wrote to the Seychelles Minister of Defence, Mr. James Michel, drawing his attention to the allegations and requesting information from the Seychelles Government to assist the Commission in making its report. The International Commission also asked whether or not the Government of the Seychelles had investigated, was investigating or planned to investigate any national or company based in the Seychelles in connection with alleged violations of the Security Council embargo on arms for the former Rwandan government forces, and invited the Government to nominate an official with whom the International Commission could deal on a working level. No reply has yet been received.

54. The International Commission has also requested the assistance of the International Civil Aviation Organization in tracking the movements of the Air Zaire DC-8 aircraft said to have transported the ammunition.

IV. Observations and conclusions

A. Observations

55. The International Commission had before it detailed and voluminous information suggesting that arms deliveries had been made to Goma airport in Zaire for the use of the former Rwandan government forces in violation of the embargo imposed by the Security Council in May 1994. This information came primarily from the NGO Human Rights Watch Arms Project, whose report was based on four months of field investigation in Central Africa, and whose researcher interviewed, among others, several officers of the former Rwandan government forces, including those of the highest rank. The researcher also interviewed Zairian officers, airport staff and local businessmen. At least three British television documentaries and a number of stories in the British and French press were also devoted to similar allegations.

56. The Human Rights Watch Arms Project report explicitly states, citing numerous incidents with dates, that "the perpetrators of the Rwandan genocide have rebuilt their military infrastructure, largely in Zaire, and are rearming themselves in preparation for a violent return to Rwanda". The report adds that "[s]everal members of the international community, including France, Zaire and South Africa, have actively aided and abetted this effort through a combination of direct shipments of arms, facilitating such shipments from other sources and providing other forms of military assistance, including training". The Human Rights Watch report was subsequently confirmed by Amnesty International.

57. For its part, France, both in its reply to the International Commission of Inquiry and to the Security Council Committee established pursuant to resolution 918 (1994), has unequivocally denied being implicated in such shipments.

58. The Government of Zaire, too, in its oral and written responses to the International Commission, denied knowledge of or involvement in any such arms deliveries or in any training allegedly being carried out by the former Rwandan government forces.

59. However, although the Prime Minister and other senior government Ministers of Zaire promised during the International Commission's visit to Kinshasa to extend their full cooperation to the International Commission, as called for by the Security Council in its resolution 1013 (1995), the International Commission considered the attitude of the Zairian delegation assigned to assist it in Goma unsatisfactory. Though aware of the precarious security situation and the poor condition of the infrastructure in Goma and the consequent need for official government assistance, the Commission considered that the insistence of Zairian officials on attending

all its interviews was obstructive, unhelpful and not in keeping with the letter and spirit of Security Council resolution 1013 (1995), and especially paragraphs 5 (a) and (e) thereof. Under the circumstances, following the intercession of the Secretary-General, the International Commission informed the Government of Zaire that it had no alternative but to withdraw from Zaire and report to the Secretary-General that it was unable to proceed with its investigation in Goma because of the position taken by the Government of Zaire, an attitude that resulted in a further week's delay in Goma.

60. There can be no doubt that it is very difficult at this stage to determine what exactly happened in Goma in mid-1994. All those involved at first-hand have described the situation to the Commission as chaotic and confused. Unprecedented numbers of flights were bringing hundreds of tons of equipment and relief supplies into Goma airport at a time when official controls had been relaxed or suspended, more than a million refugees had flooded into the country and war was raging on the other side of the border. Many of those who witnessed these events and might be in a position to shed light on the allegations of violations of the embargo have left the scene and are scattered throughout the world.

61. Journalists and researchers for NGOs, moving with a speed and flexibility that intergovernmental bodies can rarely match, were quick to investigate the persistent rumours of arms shipments that circulated among the NGO community in the border camps. For the various reasons set out above, the International Commission of Inquiry has not as yet been able to corroborate the picture they have painted of repeated violations of the Security Council arms embargo or, indeed, so far to establish to its own satisfaction a single case of the sale or supply of weapons or related *matériel* to the former Rwandan government forces in violation of the relevant Security Council resolutions.

62. None the less, significant doubts remain. The circumstances under which the International Commission carried out its investigation were far from ideal, the biggest obstacles being the 16-months that had elapsed between the imposition of the embargo in May 1994 and the creation of the International Commission in September 1995, and the lack of cooperation on the part of the Zairian authorities. If the International Commission is obliged to conclude that at this stage that it has not discovered firm and reliable evidence of violations, it is not necessarily convinced that no violations took place. The Commission would note, in this connection, that rumours of persistent embargo violations seem to have greatly diminished following the publication of the Human Rights Watch and Amnesty International reports and the accompanying media attention.

63. With regard to training, the situation is both simpler and more difficult. The International Commission established that a number of "military" camps had been set up in Zaire for young men, and had viewed a film shown on British television purportedly showing men training with weapons by night. The Commission had also been briefed by UNAMIR on the increasing numbers of incursions into Rwanda from Zaire, the growing size and military skill of the groups involved and the extent of the loss caused to life and property as a result of their incursions, considerations which suggest that military training was being carried out.

64. The Commission was also aware of persistent reports of "training" by young Hutu men in the Zairian camps. However, groups of men jogging, exercising or even singing military songs are not necessarily engaged in military training, nor is it clear that the purpose of the training is the destabilization of Rwanda. In this connection, it should be noted that, in the absence of any indication that the weapons sighted were supplied to the former Rwandan government forces in violation of the embargo, the reported sighting of "arms caches" also has limited relevance to the Commission's mandate. These could have been weapons brought with them across the border by the fleeing Rwandan government forces. Nor, for the reasons explained above, was the Commission able to visit the locations where the training is said to have taken place, or to interview refugees there.

65. The Commission's military experts did not find the British television film purporting to show training entirely convincing. Furthermore, the film itself makes it clear that the men so depicted included both Rwandan and Burundian residents of the camps, giving rise to the possibility that the purpose of the training might not be related to Rwanda, or exclusively related to Rwanda.

66. Nevertheless, the Commission bore in mind that the Security Council was not concerned with the quality of the training received, nor with the location in which it took place, but rather with the intention behind it. Basic familiarity with small arms and practice in laying mines can be sufficient for the needs of a low-intensity guerrilla force. The Commission's interviews with the men captured by the RPA on Iwawa island (see paras. 17-20 above) strongly indicate that certain Rwandan elements who have sought refuge in Zaire are receiving training, of however poor quality it might be, that the purpose of the training is to conduct incursions into Rwanda, and that these incursions have a destabilizing effect on Rwanda.

B. Conclusions

67. With reference to its mandate, as set forth in Security Council resolution 1013 (1995), the Interna-

tional Commission of Inquiry would therefore conclude as follows:

(a) Having gathered information in Nairobi, Kigali, Kinshasa, Goma and London from government Ministers and officials, diplomats, United Nations officials, relief workers, aircrews, customs investigators, journalists and others and having investigated detailed reports from respected NGOs and the print and television media, the International Commission of Inquiry is not at this stage in a position to confirm allegations that arms, ammunition and related *matériel* were sold or supplied to the former Rwandan government forces in violation of the relevant Security Council resolutions;

(b) The International Commission believes Rwandan men are receiving military training to conduct destabilizing raids into Rwanda and that, specifically, Rwandan men received military training on Iwawa island, Rwanda, for that purpose;

(c) In the time available to it, the International Commission was not able reliably to establish that specific Governments, companies or individuals had aided or abetted the sale or supply of arms and related *matériel* to the former Rwandan government forces in violation of the relevant Security Council resolutions.

68. In accordance with paragraphs 1 (d) and 4 of Security Council resolution 1013 (1995), the International Commission of Inquiry will submit as soon as possible a final report containing its recommendations, as well as any significant additional information that comes to light as a result of its continuing inquiries.

Appendix Contacts made by the International Commission of Inquiry

The International Commission of Inquiry wishes to express its deep appreciation to the government officials, diplomats, non-governmental organizations, individual relief workers, journalists and others who assisted it in its inquiries.

A. In Rwanda

Government officials:

Vice-President and Minister of Defence,
Major-General Paul Kagame
Minister of Foreign Affairs, Mr. Anastase Gasana

Representatives of donor countries/organizations:

Belgium
France
Germany
Netherlands
United Kingdom of Great Britain and
Northern Ireland

United States of America
European Union

United Nations agencies and international humanitarian organizations: United Nations Development Programme (UNDP), UNHCR, United Nations Children's Fund (UNICEF), World Food Programme (WFP), Human Rights Field Operation in Rwanda, World Health Organization (WHO), World Bank, United Nations Educational, Scientific and Cultural Organization (UNESCO), ICRC

Non-governmental organizations:

MERLIN

B. *In Kenya*

Representatives of States:

Belgium
Burundi
Canada
Netherlands
France
United States of America (military attaché)
Uganda
United Republic of Tanzania
Zaire

United Nations agencies and international humanitarian organizations: UNDP, WFP, Food and Agriculture Organization of the United Nations (FAO), United Nations Environment Programme (UNEP), ICAO, ICRC

Non-governmental organizations:

Médecins sans frontières
CARE

C. *In Zaire*

In Kinshasa

Government officials:

The Prime Minister

The Vice-Prime Minister, Minister for Foreign Affairs

The Vice-Prime Minister, Minister of Defence
The Vice-Prime Minister, Minister of the Interior
The Minister of Justice
The Minister of Transport
President/Director-General, Régie des Voies Aériennes

Representatives of States:

Belgium
France
Germany
United States of America

United Nations agencies and international humanitarian organizations: UNHCR, WHO, UNICEF, FAO, European Union (ECHO), ICRC, UNAMIR (Liaison Office)

In Goma

The Governor *ad interim* of Kivu Province,
Mr. Athanase Tassi

General Fariala Eutcha, Auditor General of the Zairian Armed Forces, and his team of officials

Representatives of UNHCR

Commander and officers of the Camp Security Liaison Group

Officials of GTZ, a humanitarian organization

D. *In the United Kingdom*

Her Majesty's Customs
Overseas Development Administration Crown Agents
Amnesty International

The Commission also interviewed certain individuals who requested anonymity but who, however, provided no firm evidence of violations of the Security Council embargo.

Document 167

Report of the Special Rapporteur on the situation of human rights in Rwanda

E/CN.4/1996/68, 29 January 1996

Introduction

1. Since his last report was published (E/CN.4/1996/7, of 28 June 1995), the Special Rap-

porteur has visited Rwanda twice: the first time to investigate the situation created by the expulsion of Rwandan refugees from the camps located in Zaire (from

24 to 28 August 1995); the second time to familiarize himself with recent developments in the country's human rights situation (from 4 to 9 December 1995), with a view to updating his report for the Commission on Human Rights at its fifty-second session.

2. During his first visit, the Special Rapporteur met the following prominent persons:

(a) *Prominent persons (Rwandan)*

Mr. Seth Sendashonga, then Minister of the Interior and Community Development; Mr. Alphonse-Marie Nkubito, then Minister of Justice; Dr. Jacques Bihozagara, then Minister of Rehabilitation and Social Integration, now Minister for Youth and Associations; the Military Commander of the Rwandan Patriotic Army (APR) in the region of Cyangugu; representatives of national human rights organizations.

(b) *Prominent persons (non-Rwandan)*

Mr. Shaharyar Khan, Special Representative of the Secretary-General in Rwanda; the Resident Representative of the United Nations Development Programme (UNDP) in Rwanda; the force commander of the United Nations Assistance Mission to Rwanda (UNAMIR) for the Cyangugu sector; the chief of the delegation of the International Committee of the Red Cross (ICRC) in Kigali; the delegates of the Office of the United Nations High Commissioner for Refugees (UNHCR) in the Gisenyi region; the delegate of the League of the Rights of the Individual in the Great Lakes region and the International Human Rights Law Group; the representatives of the non-governmental organization "International Rescue Committee" of the Cyangugu region.

The Special Rapporteur also went to Gisenyi and Cyangugu in order to witness personally the progress of reception operations for Rwandan refugees expelled from Zaire.

3. During his second visit, the Special Rapporteur met the following prominent persons:

(a) *Prominent persons (Rwandan)*

Mr. Alexis Kanyarengwe, Deputy Prime Minister and Minister of the Interior and Community Development; Mr. Jean Mutsinzi, First President of the Supreme Court of Justice; and the Director-General of the Ministry of Justice.

(b) *Prominent persons (non-Rwandan)*

Mr. Shaharyar Khan, Special Representative of the Secretary-General in Rwanda; Archbishop Juliusz Janusz and Mgr. Nguyễn Văn Tô, Apostolic Nuncio and former Chargé d'affaires of the Apostolic Nuncio in Rwanda, respectively; Mr. Cissé, Deputy Resident Representative of UNDP in Rwanda; Judge Honoré Rakotomanana, Deputy Prosecutor of the International Tribunal for Rwanda.

During his most recent visit to Rwanda, the Special Rapporteur also had working meetings with Mr. Ian Martin, the new head of the Human Rights Field Operation in Rwanda, with observers from the monitoring and technical cooperation units and with the Kigali, Butaré and Gitarama teams. He also visited the prisons at Nsinda and Gitarama and the University of Butaré, where he spoke to the Dean of the Faculty of Law.

4. The Special Rapporteur would like to express his sincere thanks to all the prominent persons who supported him in the preparation and conduct of his two missions. He is particularly grateful to the Special Representative of the Secretary-General in Rwanda and to all the personnel of the United Nations Human Rights Field Operation in Rwanda for their assistance, logistical support and cooperation.

5. The conversations he held and the visits he made in the field enabled the Special Rapporteur to assess the progress of the inquiry into the genocide, current human rights violations and the return of the refugees.

I. GENOCIDE

6. Genocide and other crimes against humanity continue to be basic concerns of the international community. This report therefore stresses their investigation and the difficulties attendant on proceedings against the presumed perpetrators of the crimes against humanity which have been committed since 6 April 1994.

A. Inquiry into the genocide

7. The inquiry into the genocide and the other gross and flagrant violations of human rights has made very definite progress, and has revealed new evidence confirming the commission of crimes against humanity. It is therefore necessary that it should not be restricted to the situation of human rights in general but extend to the situation of the rights of vulnerable groups. The general situation will therefore be distinguished here from the specific cases.

1. *General situation*

8. The inquiry into the general situation of human rights does not require particular elaboration, inasmuch as it confirms the various facts set out in the earlier reports. It is sufficient to note that the human rights observers are continuing to collect information on the genocide and other crimes against humanity. New sites of massacres and mass graves were identified in October, in the prefectures of Cyangugu (more particularly in the communes of Gisuma and Gafunzo) and Kibuye. In the last-mentioned case, a mass grave was discovered in a

natural cave more than 10 metres deep, in the commune of Gishita. The observers also obtained some evidence from the survivors, who made a point of giving the names of the victims and their murderers.

9. Other mass grave sites were identified in Cyan-gugu prefecture by the delegates of the project "Memorial for the victims of the war and the genocide". This project was initiated by the Ministry of Rehabilitation and Social Integration and has particular responsibility for identifying the sites of massacres. The inquiry is being conducted in collaboration with the Human Rights Field Operation in Rwanda.

10. The International Tribunal has also deployed throughout the territory of Rwanda 30 or 40 professional investigators who operate methodically prefecture by prefecture. The results of their investigations, supplemented by the testimony of witnesses, evidence and documents made available to the International Tribunal, will effectively enable the Tribunal to take up its duties. This has already been done, to judge by the first indictments proffered by the International Tribunal on 12 December 1995.

2. *Special situations*

11. These refer to the fate of certain vulnerable groups during the April 1994 hostilities, particularly the massacres. It should be mentioned in passing that the extension of the inquiry to the special cases is simply in response to the urgent requests addressed to the Special Rapporteur by certain international bodies such as the Committee on the Rights of the Child, UNICEF and the United Nations Population Fund. The vulnerable groups in question are women, children and the Twas, respectively.

(a) *Women*

12. It is true that a number of women took part in the genocide and other crimes against humanity. Most, however, were rather the victims. They may even be regarded as the main victims of the massacres, with good reason, since they were raped and massacred and subjected to other brutalities.

(i) *The massacres*

13. The perpetration of the genocide and other crimes took on special connotations when women were the victims. The massacres took place according to the following scenario: the husbands and male children were killed first, for the most part in front of their spouses and mothers; then it was the turn of the latter, often after having been tortured and raped. The perpetrators of these massacres were as a rule members of the *interahamwe* militias ("those who attack together") and bandits ac-

companied by soldiers of the former government. The executioners massacred their victims with no distinction between men and women, nor, as regards the latter, between little girls, young girls, adults and old women. All that mattered was their ethnic origin or their connection with the ethnic group the attackers were targeting. While Tutsi women were particularly targeted, Hutu women were equally punished for having married Tutsis and having had Tutsi children.

14. The women targeted were all the more vulnerable because they did not have any safe place of refuge. Like the men, they were hunted to their last retreats (churches, hospitals, schools, etc.). More than the men, far from benefiting from the protection of their family or their spouse's family when they took refuge with them, they were exposed to the danger of being massacred by the family. This was the mistake made by Tutsi women married to Hutus or Hutus married to Tutsis, who were caught in this trap. One of the most typical examples was that of Matura commune, where a Tutsi woman, married to a moderate Hutu from Kigali, learned that her husband had been murdered and decided to take refuge in the house of her father-in-law; she managed to slip through the *interahamwe* net and make her way there. But her brothers-in-law considered that she was not one of the family and killed her. Furthermore, some Hutu men were forced to kill their wives with their own hands.

15. As in the case of all the victims of the genocide, it will probably never be known exactly how many women were killed nor how many were raped.

(ii) *Rape*

16. Rape was systematic and was used as a "weapon" by the perpetrators of the massacres. This can be estimated from the number and nature of the victims as well as from the forms of rape. According to consistent and reliable testimony, a great many women were raped; rape was the rule and its absence the exception. Unfortunately, there are no statistics to give, if not an accurate idea of numbers, at least an approximate one. The Ministry for the Family and the Promotion of Women recorded 15,700 cases of women raped during the hostilities. This official figure certainly underestimates the true situation for three reasons. The first stems from the fact that it is limited in space and time, since it only covers the period of the massacres in Rwanda. It does not take account of rape which took place after the hostilities in the refugee camps outside the country, particularly of women carried off to the camps as "loot" and handed over to their tormentors. The second is the result of the reluctance of some women, particularly young girls, to confess or admit that they were raped. The specialists (doctors and psychologists) add a third reason to the

foregoing, with reference to the number of pregnancies, which would seem to be between 2,000 and 5,000. According to the statistics, one hundred cases of rape give rise to one pregnancy. If this principle is applied to the lowest figure, it gives at least 250,000 cases of rape and the highest figure would give 500,000, although this figure also seems excessive. However, the important aspect is not so much the number as the principle and the types of rape.

17. The nature of the persons targeted also testifies to the systematic nature of the rapes. No account was taken of the person's age or condition. The 15,700 cases of rape recorded by the Ministry of the Family included women aged between 13 and 65. Under-age children and elderly women were not spared. Other testimonies mention cases of girls aged between 10 and 12. Pregnant women were not spared either. Women about to give birth or who had just given birth were also the victims of rape in the hospitals. Their situation was all the more alarming in that they were raped by members of the militias, some of whom were AIDS virus carriers (as was the case of the national chief of the militias, as several witnesses report). Women who had just given birth developed fulminating infections and died. Women who were "untouchable" according to custom (e.g. nuns) were also involved, and even corpses, in the case of women who were raped just after being killed.

18. The forms of rape similarly testify to their systematic nature. Two may be noted: gang rape and incest. The former, perhaps less common than individual incidents of rape, consisted in the victim being raped by several of her tormentors at one time. Many women who underwent this type of rape died as a result. The cases of incest are still more revealing of the systematic and abominable nature of the rape: direct relatives, or blood relatives, were forced to have incestuous intercourse. According to reliable testimony, militiamen forced fathers or sons to have sexual relations with their own daughters or mothers and vice versa. In addition to these atrocities the women were subjected to various brutalities which generally caused their death. Some were sexually humiliated: they were stripped and/or slashed and exposed to public mockery. Others had pieces of trees branches pushed into their vaginas. Even more had their external genitals, their buttocks and their breasts cut off. These brutal atrocities cannot but have serious consequences for the survivors.

(iii) The results and other consequences

19. The results and other consequences of rape basically take the form of physical injury, psychological problems and the social exclusion of the victims.

20. The physical injuries and their consequences range from mere abrasions to instant death, and include infection with sexually transmissible diseases. Some women escaped with mere abrasions, while others are still suffering from more serious injuries which in a number of cases have affected their sexual organs so that it may not be possible for them to have children in the future. This is, alas, the fate of the little girls who were raped. More serious still is the fate of the victims who contracted sexually transmissible diseases and particularly AIDS. This is the result most to be feared because Rwanda is one of the countries with the highest rate of HIV-positive persons and because the militiamen carrying the virus used it as a "weapon", thus intending to cause delayed death. Instant death has resulted from several factors including gang rape, difficult and complicated pregnancies (women who conceived although their bodies were not able to carry a pregnancy to term), the cutting off of sexual organs and other atrocities.

21. Psychological problems have been what the victims of the massacres in general and of rape in particular have most commonly shared. They are the result of psychological traumas which affect even women who have only been eyewitnesses of the above-mentioned atrocities, but particularly those who experienced them personally. These traumas are all the more serious because they were caused by acts or deeds which African tradition generally regards as prohibited, and which constitute a veritable taboo. This makes the behaviour of the victims, observed and described by the agents of the Human Rights Field Operation, all the more comprehensible. In their opinion, the victims questioned have adopted unusual and curious behaviour in which they show touchiness, irascibility and shame, and sometimes even a form of madness. For the most aware among them, their reticence or their taciturnity with regard to the taboo issue gives the impression that they want to flee their environment.

22. The major psychosis of the rape victims seems to be their social exclusion. This is particularly the case of girls who are afraid that they will no longer be able to find a husband. They therefore flee their hills and their own milieu for somewhere far away where they can live quietly and anonymously. Those who have become pregnant and give birth are in an even more uncomfortable position, since African society in general and Rwandan society in particular is unwilling to accept unmarried mothers. Their situation is all the more delicate because conception has been the result of rape and/or incest; it is therefore difficult for them to accept their offspring, the fruit of their own womb.

23. These children, born as a result of rape, are that crime's innocent victims. At best, they can expect to be

badly treated. The names given them, putting them in the same category as their fathers, are already revealing in this regard. They are called: "children of shame", "gifts of the enemy", "little *interahamwe*". These "little monsters" are more fortunate than the others who are sentenced to death before their cases are even opened. Many unmarried mothers have resorted either to abortion or to infanticide with or without the family's complicity. An investigation carried out in March 1995 by the Ministry for the Family and the Promotion of Women shows that, despite the law prohibiting abortion, a large number of victims of rape have sought medical help and in their despair have resorted to traditional means in order to end their pregnancy. A woman questioned at Butare said that in the medical centres which collected the survivors together, premises were made available to women victims of rape who were pregnant; she added that there was a long queue to use these premises. The same difficulties are encountered as regards material and psychological assistance to women victims of the genocide.

24. Among many other initiatives, UNICEF has set up income-generating activities by facilitating the granting of credit to groups of women (185 groups at Gitarama). It has also distributed food and has engaged in tracing and reuniting families and has supported post-trauma recovery programmes. Some local groups, with the help of the Government and of humanitarian organizations, have helped to provide psychological assistance to traumatized women, by setting up cell- and community-based support groups. These groups give the women an opportunity to discuss their common problems and they have created an atmosphere of support among their members. However, the women questioned say that a year after the genocide a great many of their physical, socio-economic and psychological needs have not been correctly dealt with. They consider that the United Nations bodies and the NGOs have devoted most of their services to unaccompanied children and have tried to deal with women's psychological needs using methods developed elsewhere that do not take the specific aspects of Rwandan society into consideration.

(b) *Children*

25. Children have not been spared by the events which caused the serious human rights violations of April 1994 and particularly the massacres; they have been involved both as perpetrators and as victims.

(i) *Children as perpetrators of massacres*

26. During the hostilities, both sides made extensive use of children as instruments for committing crimes against humanity, either as civilians or as soldiers.

Child civilians

27. The massacres were a mass phenomenon; this was deliberate and was intended to involve all the strata of the population, including the children, as killers "manipulated" by their handlers, often with the encouragement of their parents or members of the militias. Some received the same training as the militia members and behaved like them during the massacres; some, on the contrary, were urged on by adults (parents, neighbours and friends) to kill. This is why at the end of the hostilities many children were arrested and accused of taking part in the genocide. As of 9 December 1995, 1,711 children were under arrest; this figure accounts for nearly 2 per cent of the entire prison population, which is considerable. Apart from the numbers, something which inevitably gives rise to concern is the age of these children, varying from 17 to 10, or even 7 years of age; worse still, many of them have asserted that they do not regret what they did and are ready to do it again. The concern is all the greater in that their victims were other children; according to a UNICEF report, 47 per cent of the children questioned said that they saw other children killing or wounding youngsters. The same was the case among the child soldiers.

Child soldiers

28. Even before the massacres of April-July 1994, many children had been recruited by the two parties to the conflict, the Rwandan Patriotic Army (APR) and the former Rwandese Armed Forces (FAR). The number of these child soldiers (*kadogo*) is impressive; it is estimated at approximately 4,820, of whom some 2,000 are in the APR and the rest members of the ex-FAR. Their ages are equally impressive and range from 5 in the case of the youngest to 17 for the oldest. Among the APR child soldiers, 1,500 are aged 10 to 12 and 500 are aged 13 to 17. Where the ex-FAR are concerned, the ages vary as follows: 187 between 5 and 10, 252 between 10 and 15 and 257 between 16 and 18 (based at Bukavu), in addition to 500 to 800 aged 10 to 17 (in the Goma camps).

29. There can be no doubt of the participation of child soldiers on both sides in the conflict in Rwanda. All participated actively to a greater or lesser extent in the killings and summary executions carried out since 6 April 1994. The ex-FAR child soldiers in particular took part in the genocide to a greater extent than the others, who rather undertook acts of reprisal, taking advantage of the fact that their own parents or relatives had been massacred during the genocide and the hostilities.

30. In order to deal with the traumas and the social consequences resulting from the participation of children in military activities—something in flagrant conflict with

international rules, particularly those stemming from international humanitarian law and the United Nations Convention on the Rights of the Child of 20 November 1989—UNICEF has undertaken various actions, in collaboration with UNHCR and other bodies. These include the project to demobilize and reintegrate into society Rwanda's child soldiers, including those of the former FAR. This is an appropriate context for the project initiated by the Ministry of Defence of Rwanda, with assistance from UNICEF, to demobilize and provide vocational training for the child soldiers of APR in the former non-commissioned officers' college in Butare. At the same time, a similar action is taking place in the Rwandan refugee camps in Zaire, particularly in Goma. Certain non-governmental organizations, such as CARITAS, are associated with them.

31. Although many children took part in the massacres and other abominable crimes, most of them were rather the innocent victims, either as eyewitnesses or as targets of the massacres.

(ii) Child victims of massacres

Child eyewitnesses

32. Many Rwandan children who survived the hostilities, and in particular the massacres, witnessed the cruelties and atrocities perpetrated against men, women and other children. This dismal and terrible spectacle certainly affected and traumatized the children who were not targeted by the killings and all the more so those who were so targeted. The trauma experienced by the latter is aggravated by two tragic circumstances. The first is that they themselves only just managed to escape death by finding a chance hiding place. The second is that from this hiding place they were powerless witnesses of the torture and massacre of parents, relatives or friends. According to an investigation by the non-governmental organization "Emergency Project for Orphans' Care", 66 per cent of the children witnessed the violent death of their parents and that of other family members; 88 per cent of the children witnessed the killing of other known persons, carried out by armed militia members; 82 per cent of the children were threatened with weapons. Other bodies give even higher figures. According to the latest annual report of UNICEF, 87 per cent of children lost their parents while 96 per cent were the witnesses of massacres. Many more children, however, met the same fate as their parents.

Child victims of the massacres

33. As the Special Rapporteur stressed in his first report (E/CN.4/1995/7, of 28 June 1994, para. 28), the massacres spared neither children nor infants. Unfortunately, there are no figures for the number of children

who were victims of the massacres. What is certain is that many of them died in appalling circumstances. Some babies had their throats cut and others were hurled against walls in the presence of their parents before the latter were themselves executed. Some children were even killed by their parents under threat from militia members. This happened in the case of many children born to mixed Hutu-Tutsi couples.

34. The luckiest children escaped with wounds, sometimes very serious and often to the head. The survivors often escaped only by hiding under the corpses of older persons or in the forests adjoining the sites of the massacres. After the massacres at Kibungo, a priest who survived the genocide informed the Special Rapporteur that a number of children had been found alive, although injured, under the heaps of bodies lying in the courtyard of the Bishop's Palace, where the executions took place.

35. According to the above-mentioned report of "Emergency Project for Orphans' Care", a total of 25 per cent of the children were beaten with sticks, 26 per cent were wounded with firearms or cutting weapons, and 6 per cent are war-wounded, injured by the explosion of mines or by machetes (*Dialogue* No. 182, April 1995).

36. The children who escaped the massacres are in a state of trauma which is expressed in sadness, insomnia, nightmares, a permanent fear of being killed, mistrust of those around them and depression. The orphans and unaccompanied children are also faced with the crucial problem of who will provide for them. This problem is all the more acute because there are so many of them. On 31 December 1995, there were 47,000 individual children (orphans or unaccompanied children); 30,000 were in foster homes, 8,303 in 66 centres or orphanages. Children with no parents have been placed in orphanages; as for children separated from their parents, ICRC and other organizations are involved in searching for their families so that they may be reunited with them. However, many other families are obliged to take in these children. According to UNICEF, the family average, which was 5.5 children before the massacres, has increased to 7. It is particularly difficult for some families to bring up several children, and energetic measures are therefore needed to provide efficient assistance to the families and the organizations responsible for looking after these children, if necessary by giving them financial or material assistance.

(c) *The Twas*

37. Prior to the war, the Twas accounted for approximately 1 per cent of the population of Rwanda. Their role and their fate during the genocide are ambigu-

ous. Some took part in the genocide while others were its victims.

(i) Twas as perpetrators of massacres

38. There is little information on the participation of the Twas in the massacres. The only sources found by human rights observers show that many of them were forced, in differing degrees, to take part in carrying out the genocide. Like many other Rwandese, some were forced to kill Tutsis in order to save their own lives. Others, similarly under constraint, performed the same task but as *interahamwe* militia members. The non-governmental organization United Nations and Peoples Organization (UNPO) records in a report dated 9 March 1995 that Twas were recruited into the militias for financial and security reasons. The commune of Masango (Gitarama prefecture) provides a typical example of the enrolment of Twas in the militias. The local chief of the militias, Mr. Mpamo, a founding member of the National Revolutionary Movement for Democracy and Development (MNRD), recruited many Twas at first as dancers and singers and then as militia members. It is reported that, even before April 1994, Twas were used by the militia members and soldiers of the former FAR to rape Bagogwe women during the massacres which took place between January and March 1992. However, like many other Rwandese, the Twas were not spared by the massacres.

(ii) Twas as the victims of massacres

39. During the hostilities the Twas were rather victims than perpetrators, particularly as they were simultaneously targeted by both parties to the conflict. Where the Rwandan Patriotic Front (FPR) was concerned, reliable testimony showed that several hundreds of Twas were massacred. The above-mentioned report by UNPO specifies that APR soldiers attacked Twa villages a number of times, including the attack which took place in the Butare prefecture when it was taken by the APR in July 1994. On this occasion, the soldiers killed many Twas and Hutus while they were searching the houses looking for militia members. A Twa who survived reported that his wife, two of his children and eight other children perished as a result of this violence. Testimony from other Twas mentions other instances of massacres. There was the case of the execution by APR soldiers, at the end of June 1994, of a group of displaced Twas from Gitarama prefecture who were returning to seek food in their own village, and also the case of the massacre of 18 July 1994 on a hill in Gitarama prefecture; the APR soldiers invited the inhabitants of the hill to a meeting;

numerous Twas were among the 500 persons invited; they were literally massacred.

40. Many persons testified that former FAR and militia members razed several villages and massacred thousands of Twas. UNPO mentions numerous cases of massacres, including the massacre of 7 April 1994 in the commune of Murambi (Byumba prefecture), where militia members killed Tutsis, moderate Hutus and Twas. The toll of the massacres was often very heavy. At the end of the hostilities, in the sector of Kanazi (Kanzenze commune, Kigali prefecture), only 30 Twas were left out of the 150 in the community prior to April 1994. Similarly, in the sector of Nyakayaga (Gituza commune, Byumba prefecture), the number of the survivors was 25 out of 600 Twas previously identified, or less than 3 per cent.

41. Whether the massacres of the Twas were the work of the FPR or of the former FAR, they do not seem to have been motivated by any intention of totally or partially destroying this ethnic group or of targeting it as such. The underlying reasons for the massacre are very diverse and consist essentially in reprisal for complicity or collusion with the enemy. Thus, for the instigators of the genocide, despite their historical and political affinities with the Tutsi royal courts and their support for the FPR, the Twas were merely the "accomplices of the main enemy". However, the inquiry is not finished and continues, with the aim of specifying the role and the fate of the Twas during the massacres of April to July 1994, the perpetrators of which are soon to face prosecution.

B. Problems of proceedings against the presumed perpetrators of the genocide

42. The delay in bringing proceedings against the presumed perpetrators of the genocide and other crimes against humanity is increasingly becoming a matter of concern to international public opinion. This delay is also worrying the victims, who are clearly not concealing their impatience. In view of the danger created by this situation, it is important to act quickly to find an appropriate solution. Certain steps have been taken, however, and in any case the problem takes on different expressions depending on whether the courts are the Rwandan courts or the International Tribunal.

1. *Proceedings before the Rwandan courts*

43. Despite some progress made in setting up judicial structures, Rwanda's courts and tribunals are not yet in a position to begin the genocide trials, since they are confronted with a number of obstacles.

(a) *Progress achieved*

44. With the appointment and partial installation of the magistrates of the Supreme Court of Justice, the “rehabilitation” of the Rwandan legal system is beginning to take shape. Progress has also been made as regards the training of court personnel. This has benefited the magistrates referred to as “lay magistrates”, most of whom will be employed in the district courts but some of whom may be called on to assist the magistrates in the courts of first instance. The training has been achieved thanks to aid from the international community, particularly the non-governmental organization “Réseau des citoyens”, with the support of Switzerland and Belgium. By 25 November 1995, 110 “lay magistrates” had completed their training. In theory, an additional group of a further 100 should join them on 25 January 1996.

45. The Human Rights Field Operation in Rwanda has set up continuing training programmes for “lay magistrates” and inspectors of the judicial police. These programmes include, in particular, seminars on arrest and detention procedures, techniques for the investigation cases and respect for the rights of detainees and victims. A medium-term training programme on the rights of communities and techniques of evidence has also been initiated. The long-term programme will involve the retraining of Rwandan judicial personnel. Despite these efforts, it must be stressed that the legal system is still far from meeting the expectations of the parties to proceedings and of the victims, while obstacles still stand in the way of its “rehabilitation”.

(b) *Obstacles encountered*

46. The obstacles which prevent or at least delay the “rehabilitation” of the Rwandan legal system and thus the trying of the presumed perpetrators of the genocide are of three types: institutional, human and material.

(i) *Institutional obstacles*

47. The first obstacle to the restoration of the legal system in Rwanda is constituted by the absence of certain bodies which are essential to its organization and operation. First among these is the Supreme Council of Justice (SCJ), which should be composed of representatives of all levels of courts instituted by the code of judicial organization, from the district courts to the Supreme Court of Justice. Some of these jurisdictions, like the Supreme Court and the courts of appeal, have not yet been fully constituted and thus cannot be represented in the SCJ. Moreover, the authority to appoint the judges comprising the various courts devolves on the SCJ. Since it has not yet been constituted it cannot carry out these appointments. This gives rise to a vicious circle and it is

to break this that the Rwandan Government has submitted to the National Assembly a bill to amend the Constitution regarding the formalities for setting up the SCJ.

48. As of 10 December 1995, the Rwandan courts and tribunals were in the following state of operations: (a) of 147 district courts, less than 50 were functioning; (b) of 12 first instance courts, only half were operational (Byumba, Butaré, Gikongoro, Cyangugu, Kigali and Gitarama); (c) none of the four courts of appeal is currently in operation. It is thus apparent that none of the courts which are competent to hear genocide cases are functioning. It is in this context that the recommendation adopted by the Kigali Conference on Genocide and Impunity (1 to 5 November 1995), to establish specialized judicial machinery to judge the genocide, must be situated. The Conference envisages two solutions; the first concerns the establishment of a special independent court but encounters the opposition of those who believe that the creation of such a specialized body would lead to a form of special justice paralleling ordinary justice. This dualist system of justice is also liable to stretch the meagre resources available. The second solution, if the first is not adopted, proposes the institution within existing courts of specialized chambers competent to hear genocide cases. The opponents of this system argue that it is likely to be inefficient by being incorporated into the ordinary legal system. These two proposals have been submitted to the Government of Rwanda for its decision.

(ii) *Human obstacles*

49. The existence of structures or jurisdictional courts is not sufficient by itself; there is also a need for competent staff to operate them. In his earlier reports, including the report of 28 June 1995 (E/CN.4/1996/7), the Special Rapporteur had occasion to criticize the lack of human resources, which he considered to be one of the major obstacles to the entry into operation of the Rwandan courts. The judicial personnel situation has not so far shown any real progress. By the end of October 1995, the Ministry of Justice did indeed have 387 judges, 110 registrars, 20 government law officers and 312 judicial police inspectors; but these figures remain far below the requirements for judicial personnel, estimated by the Human Rights Field Operation in Rwanda—and only for “start-up” purposes—at 664 magistrates, 330 registrars, 163 government law officers and 312 judicial police inspectors.

50. As can be seen, although the judicial police inspectors are for the time relatively numerous, this is not the case for the other categories of personnel, particularly the magistrates, among whom are many “lay magis-

trates". Out of the 387 judges, only 284 were in a position to practise by November 1995. These figures are ridiculously low compared with the 800 judges who practised before the genocide.

51. The foreign judicial personnel aid project, launched by the United Nations in the context of the Secretary-General's Trust Fund for Rwanda, was not accepted by the Government of Rwanda for reasons relating to national sovereignty. The Government also considered that it would be of greater benefit to Rwanda if the funds available could serve to strengthen national jurisdictions, in particular by recruiting Rwandese lawyers, who today, because of the modest salaries paid, have little incentive to offer their services as magistrates; these funds would thus, according to the authorities, allow them to be given bonuses. Following negotiations between the Government of Rwanda and UNDP, a compromise was finally reached to earmark 60 per cent of the US\$ 1,800,000 (intended for the "rehabilitation" of the legal system phase II) for the support of local judicial personnel, and use the remainder to recruit foreign jurists as consultant-experts of the Ministry of Justice.

(iii) Material obstacles

52. The material obstacles are no easier to overcome than those just mentioned. They are all the more important in that, despite the purchase of some office equipment and vehicles, the state of the legal system still leaves much to be desired, since there is a severe lack of everything. For the time being, emphasis is being placed on restoring old buildings or building new ones. The restoration of the Supreme Court building should be completed in two months. Similarly, the buildings housing the prosecution services and the courts of first instance and the courts of appeal are in the process of being renovated with financial assistance from USAID. The Trust Fund mentioned above has programmed US\$ 3 million to be made available to the Ministry of Justice. Under a Government project, part of these funds are to be used for technical support, for the triage committees (*commissions de triage*) and equipment for courts and tribunals. The present equipment does not allow these to operate at present, and this only delays the trial of the presumed perpetrators of the genocide. The Secretary-General of the United Nations commented sharply on this situation in his report to the Security Council of 1 December 1995 (S/1995/1002) when he said: "Because the Rwandan judicial system is not yet functioning, criminal trials cannot commence ...". This is

not the case of the International Tribunal for Rwanda which has begun proceedings.

2. *Proceedings in the International Tribunal for Rwanda*

53. Since its official installation in The Hague on 27 June 1995, the International Tribunal has made progress in the inquiry into the genocide and should soon begin trials. However, its success will depend on the cooperation of the States, particularly those on whose territory the main instigators of the genocide are to be found.

(a) *Progress of the Tribunal's activities*

54. The start of the trials was dependent on the restoration of the buildings of the Arusha International Conference Centre, where the International Tribunal has its headquarters. As a result of the efforts of the Secretary-General of the United Nations and despite the Organization's financial crisis the work of restoring the Centre was carried out rapidly, with the result that early in January 1996 it became operational and could be used from 8 to 12 January for the second plenary session of the Tribunal, which proceeded to adopt a directive on assignment of defence counsel, the rules governing conditions of detention of persons awaiting trial before the Tribunal and the adoption of the Tribunal's annual report.

55. The progress thus made in ensuring effective operation of the Tribunal confirms the trend already mentioned in connection with the progress of investigations within the Government Procurator's Office. In the above-mentioned report to the Security Council, the Secretary-General noted that a total of \$6.4 million had been made available to the Voluntary Fund to Support the Activities of the Tribunal. These funds have enabled personnel to be recruited both for the Registrar's Office and for the Government Procurator's Office. Some countries have also made available experienced investigators to help in the investigation of cases. Much nevertheless remains to be done, particularly as regards recruitment of personnel and, more especially, cooperation by States which have received or given asylum to the instigators of the genocide.

(b) *The problem of cooperation by States*

56. As mentioned in the Special Rapporteur's last report, only the principal instigators of the genocide will in fact be answerable to the International Tribunal. Since most of them are living abroad, the problem arises whether the States on the territories of which they have taken refuge will agree to collaborate with the International Tribunal. The problem is all the more acute as a

number of these States have denied the existence of the genocide and some of the presumed perpetrators continue to benefit, if not from support, at least from the sympathy and protection of those States in the territories of which they live and move around unmolested and with all impunity. It is precisely to put an end to this unfortunate situation, distressing for the victims and embarrassing for the conscience of the international community, that the Security Council adopted resolution 978 (1995) of 27 February 1995, concerning cooperation between States and the International Tribunal for Rwanda. While this measure is initially conservative, it should have all the required effects in inducing the States concerned to implement it in good faith; they are urged, where there is sufficient evidence, to arrest and detain the presumed perpetrators of the genocide, pending prosecution by the International Tribunal.

57. Even before this resolution was adopted, some States had already initiated proceedings against the presumed perpetrators of the genocide on their territory. The cases of Belgium, where four suspects were arrested and detained, Canada, where legal proceedings were initiated against a high official of the former regime suspected of being one of the instigators of the genocide, and Switzerland, where another high official was arrested and imprisoned, may be mentioned. Since 27 February 1995, other States have conformed to resolution 978. Zambia has arrested 14 persons sought for their participation in the organization and carrying out of the genocide and is preparing to extradite them so that they may appear before the International Tribunal. Kenya did the same in December 1995 and arrests have allegedly also taken place among the suspects in Zaire. However, in these latter cases, prudence is advisable, since the arrests have targeted secondary criminals, the principal instigators of the genocide being practically safe from prosecution. It is to be hoped that the start of the trials will contribute to inducing States to change their positions and to reassuring the victims of the genocide so that the reprisals and indeed actual human rights violations will diminish and even come to an end.

II. CURRENT VIOLATIONS OF HUMAN RIGHTS

58. Notwithstanding certain isolated improvements, the human rights situation seems to be deteriorating, owing in particular to the addition of a new form of violation which had previously been barely noticeable: violations of freedom of expression. The following forms have been noted: violations of property rights, of freedom of expression, of personal security and of the right to life.

A. Violations of property rights

59. Violations of property rights come down in the main to the illegal occupation of property: this is one of the key problems of Rwanda, and one to which the solution is far from clear.

1. *The problem of the illegal occupation of property*

60. There are certain towns which are not affected by the evils arising from the illegal occupation of property since they have unoccupied houses and there are formal means of settling disputes which operate more or less satisfactorily; this applies to Gisenyi, Ruhengeri and Kibuye. But this is no more than an exception which proves the rule. The problem of the occupation of other people's property arises on a continuing basis in several large urban areas, particularly in Kigali, Byumba and Kibungo. In November 1995, human rights observers reported at least 18 cases of violations of human rights connected with disputes over real estate; some of these even ended in murder. One case in point was the murder, on 28 August 1995, of Mr. Callixte Kamanzi, which occurred when he was trying without success to regain possession of his house, which had been occupied by an APR captain. Observers in Kigali also reported several other cases of death threats made against dispossessed owners. Others, after claiming their property, were arrested and imprisoned on charges of having taken part in genocide.

61. The problem of illegal occupation is as difficult as it is fundamental. It is difficult because the Rwandan State, which has barely emerged from the ordeal of the civil war, is confronted by the twofold obligation to ensure respect for the property rights of the new refugees who have been dispossessed, in particular by recovering their property, and to safeguard the right to resettlement of former refugees who have been repatriated or evicted and to find them somewhere to live when they have been dispossessed. The scale of the task will be apparent if one bears in mind that former refugees number at least 600,000. The situation, which is already precarious because of property occupations, will be still further complicated in the event of the mass return of refugees. This problem is also a fundamental one since it is a source of other problems and conflicts the solutions to which depend on it. The resolution of the problem of property will undoubtedly contribute to reducing the frequency of malicious accusations and, accordingly, the number of arbitrary arrests and detentions, and murders. The problem is therefore one that has to be tackled and an appropriate solution must be found within a reasonable time. At present the solutions envisaged are far from being appropriate.

2. Solutions which are still inadequate

62. Being aware of the importance of the difficult problem of property, the Rwandan State and the international community have taken active steps to seek a solution. There is thus a distinction to be made between the action of the public authorities and that of private institutions.

(a) Action by the authorities

63. Following the failure of the land dispute committee, the Government decided to suspend its activities and proposed two solutions to the problem. The first is the adoption of an administrative rule making the State responsible for the management of currently vacant property. The second concerns the plan to develop certain sites where it is intended to resettle repatriated people within community structures (peasant villages): the purpose of this development is to improve sites to make them habitable (provision of water and electricity, construction of schools and hospitals within the boundaries identified, and so forth). The Administration will allocate a plot of between 1.5 and 2 hectares to each repatriated family for residential occupation and farming. The development mainly concerns three major sites in the regions of Mutara, Bugesera and Ruhengeri. Unoccupied plots of land situated at the edge of the Akagéra national park have already been divided up. Lastly, the Government intends to complete the site development measures by taking steps to expropriate land on grounds of public interest, subject to the payment in advance of fair compensation, and to redistribute it as part of an agrarian reform programme that is in preparation.

64. UNDP has provided assistance to the Government in carrying out these projects. It has also provided one-time assistance to the World Food Programme which has had some 600 houses built in the Akagéra park region as part of its "food for work" programme. However, UNDP is specific about the form to be taken by the aid granted: site development is a preliminary measure intended only to facilitate self-construction. It is therefore not a matter of building villas to be handed over to beneficiaries ready for occupation, nor of financing their construction. The aid is intended to assist the Government to create the conditions for the construction of homes. The cost is met by the Voluntary Fund for Rwanda of the Secretary-General of the United Nations.

65. It should be mentioned that the Voluntary Fund, which was set up following the Geneva Round Table Conference in January 1995, is beginning gradually to receive contributions. Whereas in July 1995, at the time of the mid-term review of the implementation of projects decided on in Geneva, only 20 per cent of the

total funds pledged had been deposited, the proportion of sums deposited rose to 43 per cent between mid-July and November 1995. That is a remarkable improvement which deserves further encouragement.

66. In addition to action being carried out or planned by the public authorities, with UNDP assistance, mention should be made of private initiatives.

(b) Action by private institutions

67. In view of the inadequacy of the solutions adopted by the Government and in order to help in resolving the housing crisis, certain non-governmental organizations and individuals took action to build new dwellings. Several examples are worthy of mention.

68. In Gitarama prefecture, where about 14,000 houses had been destroyed during the massacres and hostilities, the diocese of Kabgayi, under the lead of Mgr. André Sibomana, managed to secure funding and to launch a major plan for the reconstruction of some 14,000 mud houses. A first batch of 1,000 houses was therefore made available to the homeless during 1995; another 1,000 homes are under construction. In allocating these houses, valued at between 250,000 and 300,000 Rwandan francs (or US\$ 1,000), priority is given to those whose homes have been destroyed. Some of the people concerned have also taken part in the reconstruction work.

69. Also in Gitarama, in Taba and Runda communes, the Rwandan Agency for Development and Cooperation (ARDEC) has already built some 100 houses for widows, survivors of genocide and returnees. In Kibungo prefecture, Rwiukwavu commune, ARDEC, in collaboration with other non-governmental organizations such as Urumuli, which distributes plots of land to returnees, and ASOFERWA (Rwandan Women's Alliance and Solidarity), which provides doors and windows, has already built several hundred houses intended for widows, orphans, returnees and survivors of genocide.

70. In the majority of prefectures, several similar projects are currently being conducted. It is to be hoped that financial support will be forthcoming from the international community since that will make it possible to extend this movement of solidarity and to reduce the number of instances of illegal occupation of property. The example of the diocese of Kabgayi is a clear case in point: human rights observers have noted that, following the allocation of houses built by the diocese, there was a significant drop in the number of arrests, particularly those due to disputes over housing or land. The situation is different, however, as regards arrests connected with freedom of expression.

B. Violations of freedom of expression

71. Violations of freedom of expression take the form of intimidation and aggression targeted particularly at journalists, religious workers and people belonging to other professional categories who make their opinions known orally or in writing.

1. Journalists

72. The primary target appears to be journalists and, through them, press freedom. The press is subject to censorship: suspension of newspapers and seizure of copies. Examples include the suspension of newspapers such as *Arc-en-Ciel*, *Le Messenger* and *Le Tribun du Peuple*; another case was the seizure, on 4 October 1995, of the weekly newspaper *Le Partisan*. It also applies to the confiscation of the files and equipment of the newspaper *Le Partisan*, for having criticized the "excessive" expenses incurred for the commemoration of the fifth anniversary of the death of Fred Rwigema, former Commander-in-Chief of the APR/RPF.

73. But attacks on the freedom of the press have mainly taken the form of physical aggression preceded by threats and intimidation, to which several journalists were subjected between January and November 1995. Three fairly well-known cases may be mentioned. The first is that of the attack on Mr. Edouard Mutsinzi, Editor of the newspaper *Le Messenger*, which followed criticism he had made against the policy of the Government: at 9 p.m. on 29 January 1995 he was in a bar in the company of his wife and some friends when three men in civilian clothes beat him up violently. He was seriously injured and was evacuated to Nairobi for humanitarian reasons by the Human Rights Field Operation in Rwanda. The second case was that of Mr. Théoneste Mubuantwali, Editor of the weekly *Nyabarongo*, who narrowly escaped an attempt on his life prepared by three civilians and a soldier towards the end of July 1995. Finally, the third case concerns the disappearance on 19 August of Mr. Manasse Mugabo, Rwandan correspondent of UNAMIR radio: he went on holiday for 12 days and has never been seen again; efforts to find him have so far been unsuccessful.

2. The religious community

74. Religious workers, particularly priests of the Catholic Church of Rwanda, are also targets of threats and physical aggression. Several examples may be mentioned, merely as an indication. As early as October 1994, a Canadian monk, Father Simard, was found dead and bound in the Butare area. Recently, a Rwandan priest from Kamonyi parish, Abbé Pie Ntahobari, was murdered and found dead on 2 August 1995. Father Ramon

Amounarriz, who contributed to numerous development projects over the past 20 years, felt he was being harassed by APR soldiers and preferred to leave Rwanda. During the searches that were made for him by five members of the APR, seven Franciscan nuns whose home had been entered and searched, were beaten up. Consistent and reliable information indicates that even Father Blanchard, who saved so many lives during the massacres in Nyamirambo parish (Kigali), is under threat. The same applies to Mgr. André Sibomana, the Apostolic Administrator of the diocese of Kabgayi, Editor of the periodical *Kinamateka* and human rights militant, under both the former regime and the new one; he is accustomed to threats and intimidation from APR soldiers.

75. Religious personnel are targets not for confessional reasons but rather for political motives. This applies to the Seventh Day Adventist Church, 15 of whose members were arrested and imprisoned on 14 November 1995 and 44 others on 24 November on charges of failing to obey the curfew and showing disrespect for the national flag. The same is true of the Catholic Church, which is perceived as being an ally of the former regime because of the privileged relations of its hierarchy with the authorities up to April 1994. The thinly veiled anti-clericalism of the new regime is exemplified by the reaction to the homily of Pope John Paul II in Uhuru Park in Nairobi on 19 September 1995 by the Minister for Foreign Affairs of Rwanda, who said on 22 September: "The Rwandan people and the Government of National Unity, in addition to the blessing of the Holy Father, would have wished to hear words of comfort indicating condemnation of the crimes against mankind committed by the first 'Nazis of Africa' and of the bad policy which relied on ethnic differences to practise division, exclusion and genocide ... Rwanda should be given help to preserve the unity of its people rather than appeals for 'forgiveness' without repentance and for a superficial 'national reconciliation' between the victims and their tormentors." In addition, and still in the context of attacks against the Catholic Church, a senior government official declared on the occasion of a ceremony to inter the bones of the victims of massacres in November 1995 that "the Muslims behaved better than the Christians during the massacres".

3. Other professional categories

76. Other professional categories are suffering greatly from the decline in freedom of expression. Without going into detail, we shall merely mention that magistrates, deputies and active members of political parties and of human rights associations have been threatened for having expressed themselves freely. In the latter case, mention should be made of the arrest and imprisonment

on 18 November 1995 of Mr. Théobald Gakwaya Rwaka of the League for the Defence of Human Rights in Rwanda (LIPRODHOR). He was accused of having stated that "Rwanda is not yet a State under the rule of law". More recently, at the beginning of December, it was the turn of the new President of the Collective of Associations for the Defence of Human Rights in Rwanda, Mr. Jean-Baptiste Barambirwa, to be arrested after he had just made a speech. He was released on condition that he reported once a week to the gendarmerie.

77. Lastly, it should be mentioned at this point that some 30 non-governmental humanitarian organizations were asked, at the beginning of December 1995, to leave Rwanda. A senior government official explained to the Special Rapporteur during his last visit to Rwanda that several reasons had prompted the Rwandan Government to take that step. The first was the fact that certain international organizations had established themselves "anarchically" in the country without signing a basic contract with the authorities. The second, which follows from the first, was that, by behaving in that way, the NGOs concerned had not integrated their activities in the overall reconstruction programme of Rwandan society; this had entailed a dissipation of efforts the adverse effect of which had been that their activities had had no impact on the improvement of the situation in the country. Furthermore, the real value of their investment in the field, according to the senior official, was marginal in relation to the large sums spent on salaries and overheads. In that connection it is claimed in Kigali that the luxurious lifestyle of the expatriate officials of the NGOs involved was in contrast with the impoverishment of the afflicted population they had come to assist. Lastly, the Rwandan authorities suspected certain organizations of having engaged in espionage. However that may be, consistent evidence proves that expulsion orders were issued against some of the organizations because they had denounced serious and acknowledged violations of human rights, in particular during the Kibeho massacres in April 1995. Such measures are therefore not divorced from political considerations which, in the case of nationals, go together with attacks on personal security.

C. Violations of the right to personal security

78. The right to personal security still suffers from serious violations which continue to be a matter for concern. These violations are particularly disturbing in that the Rwandan Parliament has attempted, albeit in vain, to suspend the right to personal security, arbitrary arrests and detentions are continuing and the conditions of detention remain distressing and have not been

perceptibly improved by the partial refurbishment of the prisons.

1. *The unsuccessful attempt to suspend the right to personal security*

79. The legislature passed an Act to suspend fundamental safeguards with respect to detention but it was fortunately censured by the Constitutional Court. The facts are sufficiently serious to warrant attention. On 9 June 1995, the Rwandan Parliament passed an Act suspending the application of the rules on remand in custody and the release on bail of persons charged with genocide, massacres, war crimes, crimes against humanity and other crimes. In accordance with article 75, paragraph 1, of the Constitution of 10 June 1991 (Basic Law), the Act was submitted for review as to its constitutionality to the Constitutional Court. In its judgement of 26 July 1995, the Court declared the Act to be incompatible with the Basic Law: in general, it considered that the law it had censured was in conflict with a generally recognized principle of criminal procedure according to which "liberty is the rule, and detention the exception". More substantially, the Court found that the law violated several of the fundamental safeguards of any accused and detained person which were enshrined in the Rwandan Constitution and in relevant international instruments that were binding on Rwanda. Those safeguards were: the presumption of innocence, the right to a fair hearing, the independence of the judiciary, the principle of security and that of the non-retroactivity of criminal laws.

80. Article 1 of the Act of 9 June 1995 which, on an exceptional basis, provides for suspension of the procedural rules relating to remand in custody and release on bail was found by the Court to be incompatible with the principle of the presumption of the innocence of any accused person. According to that principle, any person accused of having committed an offence or a crime is deemed to be innocent until such time as his guilt is proved. It is embodied both in article 12, paragraph 1, of the Constitution and in numerous international instruments including the Universal Declaration of Human Rights (art. 11, para. 1) and the African Charter on Human and People's Rights (art. 7 (b)).

81. Article 2 of the Act provides: "The period [the duration of the suspension] which shall in no case exceed four years, shall be determined by the Minister of Justice on the decision of the Council of Ministers subject to the approval of the Supreme Court." The Court considered, in the first place, that the duration of the suspension, namely four years, was incompatible with the right of any accused person to a fair hearing, which implies that the trial takes place within a reasonable time. This principle is enshrined in particular in article 9, paragraph 3, of the

International Covenant on Civil and Political Rights (to which Rwanda is a party) and in article 33 of the Constitution. Turning next to the question of the competence of the Minister of Justice to determine the duration of suspension, the Court considered that the provision violated the principle of the separation of powers and its corollary, that of the independence of the judiciary *vis-à-vis* the legislature and the executive. Consequently, it violated the Basic Law and article 6, paragraph 3, of the Memorandum of Agreement on the Rule of Law of 18 August 1992 which formalized the separation of powers. Lastly, on the same matter, the Court stated that, in law, by leaving the power of determining the duration of suspension of the law to the discretion of the executive, the legislature also infringed the principle of security which provides that persons may be arrested and detained only in the manner prescribed by law. That is no longer the case if arrest and detention are made by virtue of a rule, as in the present case.

82. Furthermore, the Court censured article 3 of the Act it was considering. It took the view that, by providing that it would be effective from 6 April 1994, the Act violated the principle of the non-retroactivity of criminal laws. It was thus "incompatible with the spirit of article 9, paragraph 1, of the International Covenant on Civil and Political Rights in that the Act is designed to replace a procedure for arrest, remand in custody and release on bail by a new procedure that is more subversive of fundamental rights".

83. Thus the 1963 Act on the rules for remand in custody and release on bail remains in force. Arrests and detentions carried out in defiance of its provisions must thus be regarded as arbitrary. That is the case with the majority of such actions carried out to date.

2. Arbitrary arrests and detentions

84. The number of arrests and detentions, after having more or less stabilized, has been increasing appreciably and steadily since October 1995. From an average figure of 550 per week from October to mid-November, the number of persons arrested has fluctuated between 800 and 1,200 per week following the escalation of insecurity largely due to incursions by former militiamen and soldiers from Rwanda's former armed forces. It was in this context that the Secretary-General of the United Nations, in his report to the Security Council mentioned earlier (S/1995/1002), stated that acts of infiltration and sabotage had been committed by these armed refugees along the frontier between Rwanda and Zaire. This situation prompted the Rwandan authorities to strengthen their security forces along the frontier and to carry out arrests and detentions on a massive scale throughout the territory in their search for the "infiltra-

tors". The situation deteriorated still further following the attack and victory of the APR on Iwawa island in Lake Kivu, over members of Rwanda's former armed forces and militiamen who were training there. Their intervention on the island resulted in an increase in the number of patrols and searches and thus in the numbers of persons arrested and detained.

85. Waves of arrests took place, particularly in Cyangugu, Butare, Gitarama and Kibuye prefectures. Human rights observers report that the persons most affected, belonging to the Hutu ethnic group, are civil servants, teachers, returnees working as small-scale traders, former soldiers from Rwanda's former armed forces and the local employees of humanitarian organizations. An increase in persons detained in communal jails is also noted. Thus, between October and November 1995, over 400 persons were incarcerated in the 17 communal jails of Gitarama prefecture. As in the past, these arrests are made following denunciations of participation in genocide. Other reasons are also given, such as "disturbing the peace at night", unauthorized association and breaches of the peace, aimed in the main at religious sects. Numerous instances of arrests on those grounds have been identified in Kibuye and Gitarama prefectures.

86. In most cases people are arrested without a warrant and by officials who have no actual arresting authority: soldiers, communal policemen and burgomasters; many people are detained without being informed of the charges against them. It is indeed rare for persons arrested and detained to have a case file. In October 1995, only 160 of 2,000 persons detained in the central prison of Cyangugu had files recording evidence against them. It is also to be noted that where files do exist they are incomplete and lacking in probative elements such as evidence for the prosecution or the defence. Many files consist mainly of a record drawn up following the first interrogation. In the country as a whole there are about 20,000 persons in detention who have never been heard by any judicial authority. Furthermore, there are reports of the existence of numerous unofficial detention centres or simply private cells. Thus, in Gisenyi prefecture alone there are said to be more than 10 of these, in which over 100 persons are detained. It is admittedly difficult to give the exact number of these detention centres throughout the territory of Rwanda but consistent reports confirm their existence. Finally, certain detention centres are not open to visits by human rights observers. This applies to those in the subprefecture of Kanazi. The same is true of the military detention centres, to which it is difficult for observers to gain access. For example, it was only on 30 November 1995, or one year after the deployment of the Human Rights Field Operation in Rwanda, that observers were authorized to enter the military jail of

Birambo (Kibuye prefecture) to interview the 50 detainees held there.

87. There are several reasons which may account for the escalation in cases of arrest and detention, of which two of the most important will be mentioned. One is "structural" while the other is due to prevailing circumstances. The former is a result of the false accusations referred to previously in the report of 28 June 1995 (E/CN.4/1996/7). The second is related to the deterioration in security due to the incursions.

3. *Deplorable conditions of detention*

88. The situation in prisons and other detention centres continues to cause concern. It is characterized by overcrowding and by inhuman and degrading treatment, despite the partial refurbishment of prisons.

(a) *Overcrowding in prisons*

89. In his last report (E/CN.4/1996/7), the Special Rapporteur already noted the overcrowding of prisons and official detention centres. The prison population was estimated respectively at 29,400 persons in the 13 official detention centres as of 29 May 1995, and at 46,000 in all prisons as of 10 June. Those figures have increased substantially, having risen, as at 6 December 1995, to 44,712 and about 61,210, respectively. They will certainly have to be revised upwards because of the increase in persons incarcerated in isolation cells. Although the population of the majority of the prisons is relatively stable, that is not the case in the prisons of Kibuye, Gikongoro and Nyanza, where numbers of inmates have risen substantially, swollen by the transfer of prisoners from isolation cells. The rise in numbers is as follows: Kibuye from 1,965 to 2,531; Gikongoro from 1,040 to 1,439; and Nyanza from 1,565 to 2,804.

90. The overcrowding of Rwandan prisons remains at levels that are humanly intolerable. This applies, for example, to the prison of Butare, which, at 31 December 1995, housed 6,590 detainees in a space intended for about 1,200, in other words five times more than capacity; Kigali prison, which, at the same time, housed 10,082 detainees in a space intended for approximately 2,000, was thus overcrowded to the same degree as that of Butare. The overcrowding is still more acute in the communal jails: this applies to the jails of Ngenda (Rural Kigali prefecture), Muhazi (Kibungo prefecture), Ntongwe (Gitarama prefecture), Kivumu and Rutsiro (Kibuye prefecture).

91. The deplorable conditions of detention, resulting from prison overcrowding, which were described in the previous report (paras. 72 and 73) have not, with few exceptions, radically changed. There is therefore no need to revert to the matter apart from indicating, however,

that the insanitary conditions tend to deteriorate markedly as a result of the increasing failure to make provision for waste disposal. This situation increases the threat to the life of children, the old, the sick and women, including those who are pregnant. These vulnerable categories share the same premises and the same conditions of detention as the other detainees. There is, however, an exception which confirms the rule: the prisons of Butare, Kigali, Kibuye and Gitarama have separate accommodation for men and women. It is important to note in passing that the conditions of detention are even worse in the communal jails, particularly on account of the inhuman treatment inflicted on detainees.

(b) *Inhuman treatment*

92. Most of the cases of cruel, inhuman or degrading treatment reported to the Human Rights Field Operation still occur at detention centres. Instances of ill-treatment have been reported in the communal jails of the prefectures of Kibuye (Kivumu, Mabanza), Gikongoro (Musange, Rwamiko, Rukondo), Butare (Rusatira) and Gisenyi (Ramba) and Gitarama (Runda, Kayenzi). Such practices have also been recorded in the gendarmeries of Butare, Ruhengeri, Cyangugu-Cimerwa and Gikongoro. Physical assaults of this kind caused the death of three detainees in the communal jail of Runyinya (Butare prefecture) on 28 and 29 October 1995, and of a fourth in Ngenda jail (Rural Kigali prefecture), on 29 November 1995.

93. In addition to the forms of cruel, inhuman or degrading treatment described in the previous report, there are some new forms that are making a tentative appearance and are likely to become more widespread. These include necklacing, rape, denying food or medical treatment, detention in the "amigos", the most unwholesome, darkest and most sinister places in the detention centres where the prisoners are heaped one on top of another, presenting food on dirty paper or even on the ground. The multiplication of physical assaults and their intensity are likely to nullify the beneficial effects of the partial improvement of the prison premises.

(c) *Partial rehabilitation of prisons*

94. For several months following the failure of the case file sorting commissions (*commissions de triage*), the Rwandan Government, with the assistance of the international community, undertook various types of action to increase the admission capacity of the prisons and detention centres. Only the three most important of such measures will be mentioned.

95. The first entailed altering the prisons of Kibuye, Cyangugu, Gisenyi, Byumba and Nyanza in

order to increase their admission capacity. This resulted in a substantial improvement in the conditions of detention in certain prisons. That was the case with Gitarama prison which received a new extension where, on 19 and 21 November, it housed about 2,640 detainees. This prison provides the most representative example: a few months ago it was beating all records for prison overcrowding and detainees suffered the most atrocious treatment as a result of being in such cramped conditions, one on top of the other. The decongestion as a result of the new extension substantially improved the conditions of detention. There has been a considerable drop in the death rate: whereas the number of deaths previously averaged two per day, no death was recorded during the month of November.

96. The second measure involved the construction of a new prison capable of holding 5,000 detainees. Situated at Nsinda, in Kibungo prefecture, it was inaugurated on 5 November 1995. Between 17 and 30 November, 5,091 detainees from Byumba, Kibungo and Kigali prisons were transferred there in UNAMIR vehicles and under surveillance by human rights observers. It is important to note that the transfer operations took place without incident.

97. The third measure was the identification of seven sites to serve as "provisional detention centres". As the name indicates, these are detention centres of a strictly temporary nature intended to provide a short-term solution to the problem of prison overcrowding and to alleviate the present humanitarian crisis. The seven sites are: ONATRACOM (Remara III), in Kigali prefecture; the Kabuga Warehouses at Gikondo, also in Kigali prefecture; the RWANDEX Warehouses, in Butare prefecture; the OPROVIA Warehouses, in Kibungo prefecture; the OPROVIA Warehouses, in Byumba prefecture; the OCIR Depository, in Gisenyi prefecture; and the Rilima Security Area, in Rural Kigali prefecture. Transfers of detainees are scheduled to take place in the coming days to the sites of the Kabuga and RWANDEX Warehouses.

98. Given, however, that these sites afford only a short-term solution, the Government envisages the construction of five new permanent detention centres for which there is as yet no funding. It is, however, necessary to build them, in view of the prospect of a large-scale return home of refugees and of possible arrests among them, in order to avoid risk to human life.

D. Violations of the right to life

99. Human rights observers report that violations of the right to life are continuing. They still consist in the main of summary executions, abductions and enforced disappearances.

1. Summary executions

100. As in the previous period, the summary and extrajudicial executions that were brought to the attention of the human rights observers include murders and massacres.

101. The murders are attributable to various persons: the State, former *interahamwe* militiamen or members of Rwanda's former armed forces, unidentified but uniformed individuals and survivors of genocide. But the majority of murders are attributed to the State through its organs, particularly the APR. In November, the State was involved in 62 of the cases of murder and death resulting from ill-treatment that were recorded by the Human Rights Field Operation. The figures available for October and November alone show a considerable increase, rising from 51 to 63 and involving, in descending order: men (43 in October and 43 in November), women (5 in October and 16 in November) and children (3 in October and 4 in November). The victims were killed by gunfire, by blades (knives or machetes) or died as a result of cruel treatment. Seven of the 10 prefectures where there is a regional office of the Human Rights Field Operation were the scene of such summary executions. But the prefecture the most frequently involved is Gikongoro: 31 of the 62 cases of murder identified, in other words half of their number, took place there. The explanation lies in the massacring of displaced persons, massacres for which the APR is responsible.

102. The period covered by this report includes three massacres. The first one took place on 6 November in Nshili commune (Gikongoro prefecture): 17 people, including a girl of 12, were shot to death there by an APR soldier who was found dead not far from the incident; the local authorities, who said that the soldier had been seized by a fit of insanity and had subsequently killed himself, did not allow the observers to examine his body. The second massacre took place on 25 November 1995 in Nyungwe forest (Gikongoro prefecture) in an unofficial camp: 13 victims comprising at least 6 women, 2 children and 3 men were counted by the Operation. According to eyewitnesses they were killed in cold blood by APR soldiers, whereas the latter claimed that they acted in self-defence; an inquiry has been opened. The third, the best known, was the massacre at Kanama (Gisenyi prefecture), which occurred during the night of 11 to 12 September 1995 and resulted in the death of 110 people including women and children. The direct involvement of APR soldiers in these killings has been acknowledged by the Minister of Defence himself who stated that "they made excessive use of their weapons".

103. The circumstances of this third massacre deserve to be briefly reported. On 11 September at about 7 p.m., an APR second lieutenant, accompanied by his

driver, two bodyguards and another person, was coldly shot dead at what was apparently a bogus roadblock. Following this incident, about 60 soldiers encircled the neighbouring villages of Bizizi and Kayove in Kanama commune. According to the APR officer in command of the sector, the second lieutenant's murderers had taken refuge in those villages and then opened fire on the APR soldiers who had been sent to the scene. It was claimed that the latter then returned fire and it was during this incident that deaths and injuries occurred. On the other hand, according to consistent statements by the villagers who survived, the majority of the victims, including women and children, were killed either inside their homes or in the courtyard of their houses. These statements were corroborated by the inquiry carried out jointly by the Human Rights Field Operation and the National Gendarmerie.

104. It is important to note that, according to information from certain prominent Rwandans, massacres of Hutu populations have taken place on a massive scale. The former Prime Minister, Mr. Faustin Twagiramungu, puts the figure at 310,000 dead. That estimate is based on information provided by the former Director-General of the Internal Intelligence Service, Mr. Sixbert Musangamfura, who was in office from September 1994 to August 1995. The Special Rapporteur cannot confirm this information at the present stage of his investigations; however he met some of the persons named, including the former Prime Minister, who promised to make available to him the documents and evidence in their possession. Once that material has been received it will be studied in detail and an inquiry on the spot will be carried out by human rights observers to whom numerous cases of abduction and enforced disappearance have already been referred.

2. *Abductions and enforced disappearances*

105. In his last report, the Special Rapporteur noted the increase in cases of abductions and enforced disappearances of Hutus (paras. 106-109). These acts, which are attributed to APR soldiers and sometimes to militiamen and soldiers from Rwanda's former armed forces, are directed against refugees who have recently returned to Rwanda. The victims often reported missing after being arrested, detained or transferred from one detention centre to another; they are almost exclusively adult males. The greatest number of people were abducted or reported missing in Gisenyi prefecture, followed by Kibuye, Ruhengeri, Kigali-Ville and Rural Kigali prefectures.

106. Several examples will be mentioned, purely as an indication. A retired captain of Rwanda's former armed forces, Deo Kabera, was arrested on his return

from Zaire on 19 August 1995. Being originally from Karago commune, he asked to be transferred to the ETAG detention centre and stated that he had no intention of joining the APR. On 26 September he left ETAG for Kigali in the company of the lieutenant commanding that centre. Attempts to find where he was taken have so far been to no avail.

107. On 25 September 1995, the burgomaster of a commune in Kibuye arrested two brothers, Ephrem and Bagabo Hakizimana, who were accused of having taken part in genocide. He informed the Human Rights Field Operation that he had sent the complete files on the two brothers to the court. The procurator stated one month later that he had never received the files. To this day it has not been possible to find the two people concerned in any of the communal jails in the prefecture, or in the central prison. The two brothers are therefore reported as missing. It is thought that they have either been executed or have been taken to a military camp to which human rights observers have no access. Lastly, two refugees answering to the names of Karani and Karemangiro, respectively from Karumbi and Nyabiyega in Gisovu commune (Kibuye prefecture), have also been reported missing; they were arrested by APR soldiers and taken into a forest; since then they have not been seen again.

108. Many more examples could be quoted. However it is important to note that abductions and enforced disappearances, which had increased in number since August, have recently decreased markedly. Whereas, in August 1995, human rights observers had 18 cases referred to them, 1 being a case of voluntary disappearance, the figure fell in November to 2. It is to be hoped that this downward trend will continue, in which case it might be conducive to the return of refugees.

III. THE RETURN OF REFUGEES

109. Since the closure of the camps and the forced repatriation of displaced persons to their communes of origin, the problem of returnees arises only in relation to refugees. No substantial progress has yet been made in this respect and, on the contrary, the problem has been further complicated by the forced repatriations of refugees from Zaire and by the threat of new expulsions.

A. *Expulsion of Rwandan refugees from Zaire*

110. During his visit to Rwanda in August 1995, the Special Rapporteur received detailed information from human rights observers, UNHCR officials and several other trustworthy sources, concerning expulsion operations and the reception of expelled refugees.

1. *Expulsion operations*

111. Operations to expel Rwandan refugees living in Zaire were, it seems, launched unexpectedly by the Zairian authorities on the morning of Saturday 19 August 1995. Initially, local authorities were not involved. At first Zairian soldiers collected people haphazardly without regard for nationality on the road leading to Mugunga camp and loaded them by force in specially hired trucks. The group included several Zairian nationals, who were later released. On the following day, 20 August, no repatriation activity was observed. On Monday 21 August, however, repatriation operations began in earnest. They started around 10 a.m. and were conducted with brutality by hundreds of Zairian soldiers. Several acts of violence, including pillaging, vandalism, rape and beatings, were committed against refugees. Shots were fired in the air to intimidate them and to force them to evacuate the Libero and Rimera quarters in Mugunga camp. Three refugees suffered bullet wounds, and much of the camp was in complete disarray. A number of tents, commonly known as "blindés", were either completely or partially ransacked, while others were set fire to or destroyed by the soldiers. Some of the American Refugee Committee's medical facilities in Mugunga camp suffered the same fate, being sacked and pillaged, first by the Zairian soldiers and then by refugees, which left them virtually unserviceable.

112. The refugees expelled in this way from Goma to the Rwandan frontier included more women, elderly people and children than youths or male adults. According to some sources, the soldiers who carried out these reprehensible acts may have disregarded the instructions given by their superiors. At no time did the Zairian troops made available to the United Nations to ensure security in the camps intervene to protect the refugees, who, bewildered and panic-stricken, fled in large numbers into the surrounding hills or to other camps which had not yet been affected by expulsions.

113. The expulsion operations continued on 22 August a little more calmly, without any pillage, apart from the burning of some tents. About 30 Zairian soldiers were directing the loading and transport of refugees, while others were deployed all along the road from Goma to Mugunga, which was the refugee route. This time the Zairian military contingent responsible for protecting the camps was present at the hospital run by the American Refugee Committee and supervised UNHCR convoys throughout the trip to the frontier. However, access to the camp was still closed to UNHCR personnel (except security personnel and department chiefs), as well as to some non-governmental organizations. As a result, emergency humanitarian aid was temporarily suspended.

114. On Wednesday 23 August, the expulsion operations continued without any major incident or unrest. The atmosphere was still notably tense, however, in Mugunga camp. The 500 occupants of a centre for unaccompanied children were evacuated for safety reasons. Finally, on Thursday 24 August, the feelings aroused in the international community by the inhuman conditions in which the Rwandan refugees were being expelled and the resulting reactions led to the opening of negotiations between UNHCR and the Zairian Government in order to arrive at a temporary suspension of the forced repatriations.

115. According to some sources, the camps of Kibumba, Katalé and Mugunga had been given priority in the voluntary repatriation operations planned by UNHCR. That did not mean, however, that the UNHCR could not take charge of voluntary departures in other camps. In fact, refugees' fears centred less on their departure than on their arrival, that is, the sort of reception that awaited them.

2. *Reception of expelled refugees*

116. In the light of his interviews during his visit, at the time of the expulsions and in the course of field trips, the Special Rapporteur was able to gain a picture of the real situation regarding the reception of refugees on Rwandan territory. During that period, that is, from 19 August to 1 September 1995, about 20,383 refugees returned to Rwanda, willingly or under compulsion. The action taken to deal with this situation consisted in setting up reception facilities and adopting security measures.

(a) *Reception facilities*

117. The facilities provided to receive refugees expelled from Zaire consist mainly in transit centres, which operate according to a specific system.

(i) *Transit centres*

118. The transit centres were situated near the two frontier posts of Gisenyi and Cyangugu. In the Gisenyi area, the Nkamira site served as a transit centre, where the facilities of the Tunisian UNAMIR military contingent were adapted in order to receive up to 1,500 persons, if necessary, including 800 under tents and the others in the open. In addition to this site, former colleges and schools (such as the nursing school) in the region had also been converted to transit centres, where tents were set up to take in the refugees. It was estimated that all these centres together could cater for up to 10,000 refugees. The refugees were registered in Goma; 7,774 persons had been sent back from the Goma area to Gisenyi, and had also transited through the Nkamira camp before being sent on to their home communes.

119. The frontier post of Cyanguu also had two transit camps, Nyagataré and Nyarushishi, which could take up to 10,000 and 15,000 persons respectively. Only the first of these was used, with the Ruzizi I entry point and not Ruzizi II. This camp is run by a non-governmental organization known as the International Rescue Committee (IRC); the ICRC looks after only unaccompanied children, emergency cases and family reunions. The camp is fairly well organized and equipped. It consists of several parts: one group of about 300 tents built by the IRC; about 30 toilets; water containers holding up to 56 tonnes each; and 4 sheds containing the food store, the medical service, the refugee registration centre and the food distribution unit.

120. In addition to these facilities, two separate areas are set aside, one for unaccompanied children and the Red Cross, and one for a detachment of the APR. The medical staff is composed entirely of IRC employees and, at the time of the expulsions, included one doctor and two nurses (all three expatriates), as well as one medical assistant, two other nurses and one office worker, all locally recruited. Sanitary and food conditions were satisfactory. There was continuous medical supervision. Between 22 and 26 August, almost 1,000 persons had been examined for malaria. No epidemic was reported. Two refugees died. About 10 sick people were transferred every day to more appropriate hospitals. A one-month food ration was distributed to every person or family on arrival.

(ii) Repatriation procedure

121. The reception procedure adopted by the Rwandan authorities was as follows: when refugees arrived at the entry point, all luggage was thoroughly searched and APR soldiers carried out an initial sorting on the spot. After that, the UNHCR registered the refugees, who were directed to the waiting area and then loaded onto trucks headed for the transit camp.

122. The refugees had to wait about three hours from the time of their arrival at the entry point to the time when they departed again. The time allowed in the transit camp prior to their transportation to their communes of origin was about 96 hours. Departures from the transit camp of Nyagataré to the refugees' home communes proceeded at a maximum rate of 2,000 persons per day. If their communes were near the transit camp, some refugees preferred to return on foot. On 24 August, for instance, 54 refugees were reported to have set off on foot from the town of Bugarama of their own accord, under UNHCR escort, for their home communes of Bugarama, Gishoma and Cyimbogo, in the prefecture of Cyanguu.

123. The declared objective of the Rwandan authorities was to expand transport facilities very rapidly

in order to speed up repatriations from the transit centres back to the communes of origin. The maximum waiting time in these camps was 48 hours. In order to avoid a proliferation of internal transit camps, with the danger that these might eventually turn into camps for internally displaced persons, the Rwandan authorities were not planning any new camps.

(b) *Security measures*

124. The intention with security measures was to prevent possible "infiltrations", to arrest those suspected of genocide and to protect returnees from reprisals. The measures served part policing and part confidence-building objectives.

(i) *Police measures*

125. The political authorities strengthened the system of regional patrols by APR forces in order to regain control of incursion pockets and to ensure security. According to the military authorities, the desired result was achieved, since, despite some infiltrations by former FAR, the reception operations proceeded without incident, thanks to successful cooperation between UNAMIR and APR forces. The authorities said that some 20 former FAR soldiers had been arrested and removed from the group of refugees for the usual checks. The soldiers then had the option of either being demobilized, or reincorporated into the APR after a course of retraining and reintegration. These arrangements were supported by further measures.

(ii) *Confidence-building measures*

126. In addition, the Government had adopted measures of three kinds: making transporters and local authorities responsible for the movements of refugees, shortening waiting times in transit camps and informing the population at large.

127. For the transport of refugees by truck from the transit camp to the main town of the host commune or prefecture, every driver was furnished with a waybill, which he handed to the host authority in person on arriving at the destination. The official responsible then had to sign the waybill, certifying that he had received the persons listed thereon, which was a means of guaranteeing the safety of the returnees. For the sake of transparency and in order to facilitate monitoring, it was decided that copies of the waybill would be issued to all the parties involved in the repatriation operation. Owing to the chronic logistic deficiency, however, it was not possible to introduce an effective system of checks, which might, for instance, have taken the form of unannounced visits to monitor compliance with government instructions. The results achieved were also due to the transit centres

(such as Nkamira, which could take in up to 1,500 returnees per day), the shorter waiting times in the camps and the emergency committees which were set up (with government and non-government representatives) to supervise the repatriations.

128. At the same time, the Rwandan authorities had launched public information campaigns in order to avoid any mishaps such as those which occurred at the time of the Kibeho operation. These campaigns appear to have had a positive impact, if one is to judge by the overall success of the operation; refugees returned unmolested to their home communes and some even voiced appreciation of the solidarity they had been shown. Such campaigns, however, and the other measures described would still be insufficient to avoid trouble in the event of a mass return of refugees.

B. Threat of expulsion of Rwandan refugees in Zaire

129. The Zairian authorities' threat to repatriate Rwandan refugees by force is still a matter of concern for the international community, leading to the adoption of new measures.

1. Subjects of concern

130. A brief recapitulation of events may help to understand why these concerns have arisen. At the beginning of September, the Zairian authorities had issued an ultimatum demanding the forced repatriation of all Rwandan refugees by 31 December 1995 at the latest. Although, at the Cairo Regional Conference on the Great Lakes Region on 29 November 1995, the Zairian Head of State went back on that decision, he was not supported by the Zairian Government, which, while recognizing that the time allowed had become clearly insufficient, nevertheless insisted that the refugees should leave as soon as possible. The problem was aggravated by the failure of voluntary returns. This is clear from the joint communiqué issued after the tripartite meeting of 20 December 1995 in Geneva between the Rwandan Minister for Rehabilitation and Social Integration, the Zairian Minister for Foreign Affairs and the High Commissioner for Refugees. The communiqué states that the three parties, after examining the difficulties they encountered in attempting to implement large-scale voluntary repatriation, expressed serious concern at the significant fall in the number of repatriations in recent months, despite their efforts and the assistance provided by UNHCR. In view of the difficulty of applying decisions taken by earlier meetings (tripartite agreement between Rwanda, Zaire and the UNHCR of 24 October 1994 in Kinshasa; Nairobi Summit Declaration on Rwanda of 7 January 1995; Plan of Action of the Bujumbura Conference of 17 February 1995 and the Cairo Summit Declaration of

29 November 1995) and the disagreement between the Zairian Head of State and the Government regarding the departure of Rwandan refugees, it is still likely that the threat of expulsion may be put into effect. In addition to that already difficult problem, there is a further one recently created by the situation of Rwandan refugees in Burundi. As a result of the civil war occurring in Burundi, a Rwandan refugee camp, situated in Mugano in northern Burundi, was attacked in mid-January 1996. About 17,000 Hutus from the camp sought refuge in Tanzania, but were sent back. At the time of preparation of this report, a senior UNHCR official from the Ngara camp in Tanzania confirmed that these refugees, having been refused entry from both sides of the frontier between the two countries, were starting to head for Rwanda. To receive those returning to Burundi, UNHCR was re-establishing a camp at Ntamba.

131. The concerns arising from the prospect of a large-scale return, in the event of the threat of expulsion of refugees being implemented, are far from dispelled. They are linked to a number of basic problems, including: providing reception facilities for returnees; ensuring the security of refugees during repatriation and their resettlement in their home communes; breaking with the tradition of impunity by identifying and lawfully arresting all those suspected of genocide and massacres; ensuring respect for the rights of all refugees without any distinction, including those of previous years; guaranteeing their safety in their home communes; monitoring their resettlement in their former social environment for a certain period, in order to avoid any attempts at reprisals and any acts of revenge or personal justice; and especially the problem of illegal occupation of properties. All these problems call for new measures.

2. Measures to be envisaged

132. Apart from the measures already described for dealing with illegal property occupation and the social resettlement of returnees (paras. 58-67), which are not sufficient in themselves, other measures are needed to provide an appropriate solution to the problem of the great return from exodus. They should consist of strengthening reception facilities and security measures.

(a) Strengthening of reception facilities

133. According to UNHCR representatives, in the event of large-scale expulsions of Rwandan refugees from Tanzania and Zaire, between 5,000 and 6,000 returnees could be catered for in the transit centres now operating, provided they do not stay longer than 48 hours. If they do, excesses and incidents are bound to occur, since in the event of a mass return, all available reception facilities and support measures together would be inadequate.

134. With regard to resettlement, the housing problem will be added to the problems of crops and pasture lands. According to UNHCR representatives, Rwanda needs about 500,000 houses for some 1,700,000 refugees. The solution would be to undertake an extensive programme of housing reconstruction. We have seen the limitations of the site development programmes considered by the Government with the assistance of the international community. Everyone agrees that repatriation is the only solution, but nobody wants to discuss how to proceed, according to the head of a humanitarian organization based in Kigali. The same is true of reception facilities and of the measures needed to ensure the security of refugees during and after their return.

(b) *Strengthening of security measures*

135. New security measures should be added to those already in place. They would consist in setting up humanitarian corridors and bridges and increasing the assistance provided by the international community.

(i) *Setting up humanitarian corridors and bridges*

136. In his second report (E/CN.4/1995/12, 12 August 1994), the Special Rapporteur mentioned a number of measures which had been taken by the Rwandan Government, the countries of asylum and the international community, in order to reassure the refugees and encourage them to return home. It is clear, however, that, for several reasons already referred to, these measures did not ensure the voluntary return of the refugees. Despite the success of repatriation operations undertaken in August 1995, the precedent of Kibeho in April should not be forgotten. Hence the need, the urgent need in fact, to set up preventive security arrangements in case of a mass return of refugees. The aim should be in particular to protect convoys of pedestrians and trucks from lynching, reprisals and other acts of violence, practices observed and deplored at the time of the closure of the Kibeho camps of displaced persons.

137. In order to ensure much greater security for refugees, humanitarian security corridors and bridges should be set up all along the routes taken by the convoys of trucks and pedestrians. These humanitarian corridors and bridges, suitably equipped with medical and sanitary posts, should be organized by the Rwandan authorities with the assistance of non-governmental organizations and United Nations bodies working in the humanitarian field, including the Human Rights Field Operation. UNAMIR's material and logistic support would be essential. These organizations will be able to fulfil their mission only if, in the light of regular monitoring of the resettlement of refugees in their social environment, they are

assured that the newcomers are safe from all acts of reprisals or violence. The time such monitoring would need to last following a resettlement would depend on the socio-political circumstances in each locality.

(ii) *Increasing international community assistance*

138. The Rwandan authorities would like the international community to commit more material support to repatriation operations. This would mean increasing the human and material resources deployed by specialized agencies of the United Nations, such as the Human Rights Field Operation and UNHCR, so as to allow them to deploy a sufficient number of human rights observers and protection officers all along the routes followed by the convoys. These measures should also assist UNAMIR, whose mandate was adjusted by Security Council resolution 1029 (1995) of 12 December 1995 so that it would:

(a) Exercise its good offices to assist in achieving the voluntary and safe repatriation of Rwandan refugees within the frame of reference of the recommendations of the Bujumbura Conference and the Cairo Summit of the Heads of State of the Great Lakes Region, and in promoting genuine national reconciliation,

(b) Assist the Government of Rwanda in facilitating the voluntary and safe return of refugees and, to this end, support the Government of Rwanda in its ongoing efforts to promote a climate of confidence and trust through the performance of monitoring tasks,

(c) Assist the United Nations High Commissioner for Refugees and other international agencies in the provision of logistical support for the repatriation of refugees.

139. All the problems which have been identified and examined in this report require urgent solutions as well as support measures. The following recommendations would be appropriate in this respect.

IV. RECOMMENDATIONS

140. The Special Rapporteur's recommendations deal essentially with the problems which give rise to the greatest concern and which require urgent responses by the Rwandan Government and the international community. They concern assistance for victims of genocide and other crimes belonging to vulnerable groups; the "rehabilitation" of the Rwandan judicial and prison system; the opening of trials at the International Tribunal for Rwanda and the cooperation of States; the punishment of current human rights violations; and the strengthening of reception, resettlement and security facilities for returnees.

A. Assistance for victims of genocide

141. As recommended in the third report (E/CN.4/1995/70, para. 81), the United Nations should establish an appropriate legal framework to ensure the protection of widows, women raped during the genocide, orphans and unaccompanied children and to guarantee their fundamental rights. For this purpose, it would be appropriate to provide compensation for victims through a special fund set up to that effect.

142. The United Nations should:

(a) Provide more substantial assistance to the Rwandan Government to help with its programmes for the social and psychological rehabilitation of the above-mentioned vulnerable groups of people, by supplying the equipment, funds and expertise required for the effective implementation of such programmes;

(b) Recommend that the Rwandan Government take appropriate measures, in particular discriminating in favour of women, children and Twas, in order to ensure their social reintegration and their well-being, subject to the principle of the equality of all citizens before the law.

B. Prosecution of persons suspected of genocide

143. The United Nations should:

(a) In cooperation with other organizations concerned, increase its assistance to the Rwandan Government with a view to restarting the judicial system, in particular through provision of more training for local personnel, for the establishment of a national Bar, for the reconstruction of courts and tribunals and the renovation of prisons and other detention centres;

(b) Increase the budget of the International Tribunal in order to provide it with the necessary human and material means to fulfil its mission as effectively as possible;

(c) Remind States, in accordance with Security Council resolution 978 (1995) of 27 February 1995, of the need to cooperate with the International Tribunal for Rwanda in order to ensure that genocide and other crimes against humanity are punished.

C. Cessation of human rights violations

144. The United Nations should:

(a) As recommended in the previous report (E/CN.4/1996/7, para. 139), demand that the Rwandan authorities take appropriate steps to ensure:

(i) Observance of the forms and procedures laid down by national legislation, and the international rules governing the arrest and detention of suspected criminals;

(ii) Observance of freedom of expression, which is essential for the establishment of democracy and the rule of law;

(iii) Punishment of all human rights violations as a means of breaking with the tradition of impunity;

(b) Substantially increase its assistance to the Rwandan Government in order to enable it as soon as possible to implement its programme for the development of sites to receive returnees and to alleviate if not eliminate the recurring problem of housing and land conflicts arising from illegal occupations of properties;

(c) Provide appropriate and adequate funding for the Human Rights Field Operation with a view to:

(i) Ensuring that it survives and that its current work is carried out effectively and rationally;

(ii) Increasing the number of observers, as recommended in the previous report, from 147 (the figure initially planned but never achieved) to 300, in order to enable them, simultaneously and satisfactorily, to ensure the supervision, reception and repatriation of refugees, especially in the event of a mass return.

D. Repatriation and resettlement of refugees

145. The United Nations should recommend:

(a) That the Rwandan Government and the Governments of countries of asylum apply in good faith the commitments undertaken at the various conferences dealing with voluntary repatriation. Steps should be taken in that respect to separate politicians from other refugees;

(b) That the Rwandan Government, as recommended in the previous report, continue to conduct and intensify campaigns to inform the population, in order to avoid the perpetration of reprisals against returnees. Appropriate administrative measures accompanied by effective sanctions should be adopted in that respect;

(c) That the international community provide more substantial assistance to the Rwandan Government to:

(i) Expand reception facilities in transit centres in order to ensure that refugee repatriation operations are carried out under the most favourable conditions;

(ii) Revitalize the educational infrastructure through the input of more human and material resources. Special assistance should be allocated to re-establishing the National University of Rwanda, and especially its law faculty, in order to train new lawyers to strengthen the existing judicial personnel;

(d) That Member States effectively make available to the Rwandan Government all funds promised at the Geneva Round Table Conference and provide further assistance, to enable it to implement programmes for the rehabilitation of economic and social infrastructures.

E. Settlement of the problems of the Great Lakes Region

146. As recommended in the previous report (para. 148), the United Nations should, by means of an

integrated approach to the problem of the Great Lakes Region:

(a) Adopt a comprehensive strategy designed to prevent the disintegration of the subregion;

(b) Convene, by agreement with the Organization of African Unity and the permanent members of the Security Council, an international conference to resolve the problems of the subregion, in view of their related, interdependent and transboundary nature, with a view to establishing a permanent peace.

Document 168

Progress report of the Secretary-General on UNAMIR for the period from 2 December 1995 to 30 January 1996, regarding the end of the mission's mandate and the future role of the United Nations in Rwanda

A/50/868-S/1996/61, 30 January 1996

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1029 (1995) of 12 December 1995, by which the Council adjusted and extended the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) for a final period until 8 March 1996 and requested me to reduce its troop level to 1,200 and the number of military observers, headquarters and other military support staff to 200. The Council further requested me to withdraw the civilian police component (CIVPOL) of the Mission and to initiate planning for the complete withdrawal of UNAMIR within a period of six weeks after the expiry of the mandate.

2. The present progress report describes the action taken by UNAMIR in implementation of resolution 1029 (1995) and provides an update on developments in Rwanda since my report of 1 December 1995 (S/1995/1002). A further report will be submitted to the Security Council before the expiration of UNAMIR's mandate on 8 March 1996.

3. The present report is also submitted pursuant to General Assembly resolution 50/58 L of 22 December 1995, in which I was requested to consult with the Government of Rwanda and with the relevant United Nations agencies on the nature of a continued United Nations presence in Rwanda after 8 March 1996; on the role such a United Nations presence might play in furthering the search for peace and stability through justice, reconciliation and the return of refugees and in assisting the Government of Rwanda in its pressing task of rehabilitation and reconstruction, and to report to the General

Assembly by 1 February 1996 on the results of those consultations.

II. Political developments

4. Since my last report, there have been no significant changes in the internal situation in Rwanda. There are increasing signs of normalcy and stability, with a marked diminution of overt violence. Rwanda's relations with its neighbours, especially the United Republic of Tanzania and Zaire, have also improved. President Bizimungu visited the United Republic of Tanzania on 14 December and held discussions with the newly elected President, Mr. Benjamin Mkapa. A tripartite meeting with Zaire and the United Nations High Commissioner for Refugees (UNHCR) on the refugee issue was followed by a visit of the Minister for Foreign Affairs of Rwanda to Kinshasa. During the visit, Zaire agreed in principle to return assets that had been carried across to Zaire in 1994 by the former Rwandese government forces (RGF). These internal and external developments reflect a positive trend.

5. Two events, however, had a negative impact on the political situation in Rwanda. The first involved the manner in which 38 non-governmental organizations (NGOs) were asked to cease activities in Rwanda and 18 others were suspended, their assets frozen and their equipment impounded. The international community's concern over this announcement was conveyed to the Minister for Foreign Affairs by my Special Representative in Rwanda and I hope that the appeals made by NGOs will be given due consideration by the Government. The

second event was the defection of some senior civilian and military officials, including the Governor of the State Bank. Following the departure of former Prime Minister Faustin Twagiramungu and of one of his Cabinet colleagues, these defections represent a setback to the prospects for promoting national reconciliation.

6. The current mandate of UNAMIR focuses on the provision of assistance to facilitate the safe and voluntary return of refugees. So far, however, despite intense efforts by UNHCR, this process remains at a trickle. Monthly figures of returnees declined from 35,000 in January 1995 to approximately 6,000 in November, though it rose to 13,500 in December (see sect. V below). The main hurdles to refugee return continue to be the fear of oppressive treatment, intimidation and political dissuasion by former Rwandese government forces leaders in the camps, and the perception of relatively better living conditions in the camps than those expected on returning home. Notwithstanding sustained efforts to tackle these difficult issues, they remain unresolved and the number of returning refugees is not likely to increase significantly.

7. Relations between UNAMIR and the Government during this final period of the Mission's mandate continue to be generally cooperative, though not without friction. The disposition of UNAMIR equipment and assets remains a matter of concern. In this connection, it will be recalled that paragraph 7 of Security Council resolution 1029 (1995) requested me "to examine, in the context of existing United Nations regulations, the feasibility of transferring UNAMIR non-lethal equipment, as elements of UNAMIR withdraw, for use in Rwanda". The Secretariat has been preparing recommendations to be presented to the appropriate legislative bodies. It is my hope that, in the meantime, Rwanda will not impede the transfer to other peace-keeping operations of equipment that has become available as a result of the current reduction of UNAMIR.

8. A second source of concern is the insistence of the Rwandan Government that contractors providing goods and services for the exclusive use of UNAMIR should pay various types of taxes. These claims raise complex legal issues and may have a serious adverse impact on UNAMIR's operational capabilities and on the provision of goods and services by the contractors to UNAMIR. A similar problem has developed in connection with the Government's insistence on collecting frequency management and coordination fees and requiring licences for the use of the United Nations communications equipment. A third point of contention arises from the Government's attempts to renegotiate the status-of-mission agreement. The Secretariat has attempted to respond to the issues raised by Rwanda with a view to

resolving them amicably. While in a number of areas the positions of the parties remain far apart, in others the Secretariat has responded positively to Rwanda's concerns regarding payment of social security taxes for personnel engaged by contractors to support UNAMIR activities, charges for public utility service related to communications and frequency management and use of airport facilities at Konombe airport. In an effort to continue to address Rwanda's concerns and resolve outstanding issues, I have dispatched a group of experts to Kigali to discuss these matters with the Government.

III. Human rights

9. The staffing of the United Nations Human Rights Field Operation in Rwanda fell from 120 at 30 November 1995 to 93 by 31 January 1996. The reason for this reduction is that voluntary contributions were not sufficient for the recruitment of new field officers (the majority of whom are United Nations Volunteers (UNVs)) to replace those who had completed their contracts. In addition to meeting the immediate operational needs of the Field Operation, the Commission for Human Rights has yet to receive sufficient financial support from donors to be able to reimburse a \$3 million loan received from the Central Emergency Revolving Fund to start operations in September 1994. Such loans must normally be repaid within six months. While the Field Operation has continued to maintain field offices in 10 prefectures, this level of staffing is limiting its ability to monitor conditions in all communes and to give particular attention to the communes to which the largest number of refugees have returned or are expected to return.

10. The Field Operation continued to undertake regular visits to prisons and detention centres. While transfers to new accommodation alleviated some of the overcrowding, this remained an acute problem in prisons and local detention centres. Arrests continued to be carried out, in most cases outside legal procedures, while progress in the creation and preparation of case files was slow. The triage committees (*commissions de triage*) met in only a few prefectures and a very limited number of detainees was released as a result. The Minister of Justice sought interventional assistance to revitalize the committees and to establish such committees at the local level in all 147 communes. In addition to overcrowding, the Field Operation expressed concern to the Government about the ill-treatment of prisoners in many local detention centres, which had resulted in a number of deaths.

11. The authorities took some significant steps to address reported human rights violations. Four soldiers were tried and convicted by a military court in late December 1995 for their involvement in an incident in which four civilians were shot, and three killed. The

Rwandan Patriotic Army cooperated with the Field Operation in its investigation of the 25 November killings by soldiers of civilians at a temporary settlement in Nyungwe forest. The official investigation is now in the hands of the Military Prosecutor. The need to build a State of law while addressing security concerns was publicly emphasized by the Vice-President, Maj.-Gen. Paul Kagamé, when he led visits of the National Security Council to two prefectures in December. However, the Field Operation remained concerned that official investigations were carried out only in some of the cases of possible human rights violations reported to it, including killings of civilians allegedly by members of the security forces.

12. The Field Operation continued its efforts to provide assistance to the judicial system and promote human rights. It also pursued its tasks of confidence-building and human rights monitoring in the context of refugee return.

13. The International Criminal Tribunal for Rwanda issued its first indictments on 12 December 1995, so as to carry forward the process of bringing to justice persons accused of genocide and crimes against humanity. All Member States in the region have given assurances that they would cooperate with the Tribunal, as agreed at the Cairo Summit. The proceedings against suspects accused of genocide in Rwanda are expected to commence shortly.

14. The Tribunal held its first plenary session in Arusha on 8 January 1996. On that occasion, the second trial chamber examined an application presented by the Prosecutor concerning the deferral of investigations and prosecutions conducted by Belgium on three suspects currently detained in that country. On 11 January, the trial chamber decided formally to request Belgium to defer to the competence of the Tribunal the investigations and prosecutions concerning the three suspects.

15. In Rwanda, the recently established Supreme Court has begun a review of the judicial system so as to ensure that it becomes operational and those responsible for genocide are brought to justice. Arrest and detention procedures are also being reviewed. Furthermore, it was announced on 13 January that the National Assembly had amended the Rwandan Constitution, taking into consideration the exceptional circumstances Rwanda had gone through. The addition of the text of article 4 of the International Covenant on Civil and Political Rights to article 12 of the Constitution would allow the enactment of laws to regularize retroactively the arrests of those suspected of crimes related to the genocide. The text of article 15, paragraph 2, of the International Covenant was also added to article 12 of the Constitution. This should enable Rwanda to bring to trial suspects for

genocide, which is a crime according to the general principles of law recognized by the community of nations, although it is not so characterized in the Rwandan Criminal Code.

16. The crash programme undertaken by my Special Representative for improving prison conditions has mitigated the problem of overcrowding in the Rwandan prisons. Six thousand detainees have now been transferred to the semi-permanent detention site at Nsinda and to the extension of Nyanza Prison. The completion of the second courtyard at Gitarama prison, the imminent opening of additional temporary detention sites and the launching of transfers from communal lock-ups in Kibungo to the prefecture's civilian prison should also contribute to the improvement of detention conditions in Rwanda.

IV. Military and security aspects

17. The provisions of the new mandate concerning the adjustments to be made to the force level of UNAMIR have been largely implemented. Troop strength has been reduced from 1,800 to 1,452 and the target figure of 1,200 will be realized following the departure of 153 Ghanaians on 31 January and 97 Canadians on 2 February. The number of military observers and headquarters staff has been brought down to 219 and will be further reduced to the authorized strength of 200, with the departure of the Canadian military observers and staff officers, on 2 February (see annex). General Guy Tousignant, who served with great distinction as the UNAMIR Force Commander from 15 August 1994, left the mission area on 15 December 1995 upon completion of his tour of duty. Brigadier General Siva Kumar has been designated as Acting Force Commander of UNAMIR. The civilian police component of UNAMIR has ceased its activities and all CIVPOL personnel have been repatriated, in accordance with Security Council resolution 1029 (1995).

18. UNAMIR logistic bases, consisting of about 40 personnel each, have been deployed at Nyundo, near Gisenyi, and Shagasha, near Cyangugu, to assist in the return of refugees. Primarily, the deployment to the border areas is meant to provide logistic support to UNHCR to move the refugees from the border to the transit camps in Sectors 4 and 5. All other formed troops are deployed in Kigali (see map). [Editor's note: Map of UNAMIR Sectors of Operation and Deployment as of 31 January 1996 is not reproduced here.] The troops stationed in Kigali are essentially tasked to contribute to the security of the Tribunal, the provision of humanitarian assistance, the protection of United Nations property and assets, construction works and assistance in rehabilitation and the repair of infrastructure. A small contingent is also

deployed at Kibuye for the protection of members of the Tribunal working in that town. With just over a month remaining before the end of the mandate, the preparations for terminating the Mission have unavoidably curtailed the full performance of its tasks.

19. On 5 January 1996, the Permanent Representative of Canada informed me that his Government had decided to withdraw its participation in UNAMIR. In a letter of 16 January (S/1996/35), he explained that his Government considered that the UNAMIR mandate, as adjusted in December 1995, was not viable in the light of the reduction of the force level effective 2 February. My efforts to persuade the Canadian authorities to reconsider their decision have proven unsuccessful. While I fully understand the issue of principle that has led the Canadian Government to take the decision to withdraw, the departure of this key logistic support unit is another factor reducing the operational effectiveness of UNAMIR during the sensitive concluding phase of its mission. Since alternative arrangements cannot be made in the time remaining, the Acting Force Commander has taken steps to restrict the remaining UNAMIR strength to a garrison mode in Kigali.

20. In the Rwanda-Zaire border regions, infiltration and sabotage activities by elements of the former Rwandese government forces have continued, although at a lower level of intensity. Electric pylons, bridges and factories have been targeted. Some attacks were carried out on "cachots" (improvised detention centres), leading to escapes by prisoners. There were eight reported mine incidents during the period under review, in which civilians and soldiers of the Rwandan Patriotic Army were injured while removing or stepping on anti-personnel mines.

21. Another aspect of the activities of the former Rwandese government forces concerns the allegations of sale or supply to them of arms and related materials, as well as reports that these forces are receiving military training in order to destabilize Rwanda. It will be recalled that, in order to investigate these reports, the Security Council, in its resolution 1013 (1995) of 7 September, requested me to establish an International Commission of Inquiry. The Commission has been in the Mission area since early November and has submitted an interim report (see S/1996/67).

22. In the face of the security problems posed by the former Rwandese government forces, the Rwandan Patriotic Army has increased its patrolling activities. The preemptive measures it has taken against the local population have been noticeably more severe in the border region than in other parts of the country, with a commensurate increase in tension. On 4 January, the Rwandan Patriotic Army fired rockets at parts of Ijwi island in Lake

Kivu, as it suspected that the island was being used by saboteurs. These incidents notwithstanding, the general security situation is improving steadily.

V. Humanitarian developments

23. Humanitarian operations within Rwanda continue to be coordinated under the overall leadership of the Department of Humanitarian Affairs. The United Nations Resident Coordinator has now assumed also the responsibilities of United Nations Humanitarian Coordinator. Though the United Nations Rwanda Emergency Operation structure was officially closed at the end of October, a support office was established to facilitate the Humanitarian Coordinator's operations. One of the principal activities of the Humanitarian Coordinator will be to ensure the continuity of humanitarian assistance to Rwanda following the departure of UNAMIR.

24. In December 1995, the number of returnees increased slightly. According to UNHCR, more than 13,500 refugees returned to Rwanda compared to some 6,700 in November. This increase was due to an influx of refugees from Burundi when 5,499 returnees crossed the border in UNHCR-organized convoys between 19 and 23 December. Unfortunately, the flow of returnees from the United Republic of Tanzania has nearly ceased.

25. During the reporting period, UNHCR issued a \$288 million appeal to cover the cost of its 1996 operations for Rwandan and Burundian refugees and returnees in the Great Lakes region. The new appeal places special emphasis on voluntary repatriation to Rwanda in 1996, and plans for a shift in UNHCR programmes from care and maintenance of refugees in countries of asylum to return and reintegration in the country of origin. The United Nations Development Programme (UNDP), the World Food Programme (WFP), the United Nations Children's Fund (UNICEF), other United Nations agencies and NGOs are collaborating in these efforts.

26. At the Rwanda/Zaire/UNHCR Tripartite Commission meeting held in Geneva on 20 December, the three parties expressed strong concern at the recent decline in the repatriation of refugees to Rwanda. The High Commissioner for Refugees informed the meeting that political factors, an increase in insecurity in the region and a failure by the parties to translate earlier commitments into concrete action were in part responsible for the slow progress in getting people back home. In a joint communiqué, Rwanda reaffirmed its commitment to establish the necessary conditions for the safe return of refugees and to strengthen its capacity to welcome them home. Zaire reaffirmed its commitment to rid the camps of those resorting to intimidation to block the return of refugees. The meeting was the second between UNHCR, Rwanda and Zaire on this matter. The Tripartite

tite Commission consisting of Rwanda, the United Republic of Tanzania and UNHCR held its third meeting in Kigali on 7 and 8 December 1995. The "go and see" visits of refugees to Rwanda continued during the months of December and January. In all, 474 refugees participated in over 30 such visits from three countries of asylum since the programme was initiated in mid-1995: 342 from Burundi, 122 from the United Republic of Tanzania and 10 from Zaire.

27. Reported clashes between armed groups and soldiers in Burundi provoked a surge in returns to Rwanda. Some 7,000 refugees did so during December. Another 2,000 who were trying to cross into the United Republic of Tanzania from Burundi on 21 December were forced back by Tanzanian authorities.

28. Fighting during the night of 17/18 January in Mugano, Miyunga Province, in northern Burundi, triggered an exodus of some 15,000 Rwandan refugees who fled to the border of the United Republic of Tanzania, which had been officially closed. According to UNHCR, Tanzanian officials allowed entry of the refugees on humanitarian grounds. On 20 January, more than 14,000 Rwandan refugees fearing the spread of ethnic fighting abandoned nearby Ntamba camp and headed towards the Tanzanian border. As of 25 January, an estimated 3,000 Rwandan refugees from Ntamba had crossed into the United Republic of Tanzania, more than 11,000 had returned to the Ntamba site, while a group of 140 chose to return voluntarily to Rwanda.

29. On 15 December, UNDP and the Rwandan Ministry of Planning signed a project for the urgent urban resettlement of refugees. The one-year project will be executed by the United Nations Centre for Human Settlements (Habitat), in cooperation with the Ministry of Rehabilitation and Social Integration. The budget of \$1.5 million is financed by the United Kingdom of Great Britain and Northern Ireland. The objective of the project is to facilitate the resettlement of returnees in urban and semi-urban areas by preparing and developing sites.

30. On 9 December 1995, UNDP also signed a preparatory assistance project to support the same Ministry in the implementation of the Government's accelerated plan of action for the reinstallation and reinsertion of refugees and formerly displaced persons. The one-year project will be executed by the United Nations Office of Project Services and implemented by the Ministry. The budget is \$1,159,000, of which \$186,336 comes from co-financing by the Netherlands. This preparatory assistance will reinforce Government and local administration capacity to plan, implement, monitor and evaluate rein-

stallation activities at both the national and the local levels.

31. Owing to the departure of a number of NGOs, four of which were its implementing partners, UNICEF has taken emergency steps to avoid the breakdown of services in several unaccompanied children's centres run by these NGOs. Replacement agencies have been found for two of the centres. The three other centres remain without NGO financial and technical assistance, although national staff are still present. The activities of UNHCR, WFP and other United Nations agencies were also affected by the Government of Rwanda's decision to expel a number of NGOs.

32. UNICEF is collaborating with a number of NGOs for its 1996 activities on behalf of vulnerable women and children. In order to support a study on street children and to provide technical expertise in the Miyove centre for women prisoners and their children, UNICEF will sign two separate agreements with Save the Children's Fund-USA. UNICEF will support the NGO "Food For The Hungry" in providing assistance to vulnerable households within the country and for the reintegration and resettlement of returnee foster families.

VI. Rehabilitation, reconstruction and development

33. Funds pledged to date by donors have reached \$1,264 million, as against \$587 million registered initially at the Geneva round-table conference of January 1995. The increase came mainly from (a) a continuation of projects previously in the pipeline that the Government of Rwanda had not considered to be on their new priority list and (b) additional pledges made by donors at the July 1995 round-table mid-term review. Additional pledges from the European Union and Japan were made at the thematic consultation on refugees held in November 1995. Commitments to date by donors are estimated at \$878.5 million. The largest commitments have come from the World Bank (\$224 million), the European Union (\$125 million), the United States of America (\$122 million) and Germany (\$103 million).

34. Disbursements to date by donors are estimated at \$403.9 million, equivalent to 69 per cent of the total pledged in Geneva, a remarkable improvement over May (9 per cent), July (15 per cent) and September (43 per cent) disbursements. At the Government's request, a few donors have expedited their bilateral disbursement procedures and/or contributed through the Secretary-General's Trust Fund or the UNDP Trust Fund. The Secretary-General's Trust Fund was established in the immediate aftermath of the Rwandan crisis, in order to

facilitate the rapid disbursement of funds. In early 1995, the UNDP Trust Fund was constituted to channel resources from donors for rehabilitation projects. To date, contributions pledged via the Trust Fund and cost-sharing arrangements managed by UNDP total \$43.5 million.

35. Reactivating the judicial system remains a priority of United Nations agencies operating in Rwanda. Although progress is slow on account of the Government's lack of capacity and the enormous complexity of trying those suspected of genocide, steps were taken in December to remedy that situation. The Ministry for the Rehabilitation and Functioning of the Judiciary identified four priority areas and implementation of programmes designed to rehabilitate the judicial system is under way.

36. In accordance with a recommendation made during a conference on genocide held in Kigali, the Ministry of Justice announced its desire to establish 11 "special courts" for the treatment of genocide cases. These courts could be supported by six international experts who could be recruited through UNDP's "Support to the rehabilitation of the judiciary" phase II project. Four more specialists could be recruited to support the Public Prosecutor of the Supreme Court. Incentives are being examined in order to increase the productivity of judiciary public servants and to recruit qualified and experienced candidates for key positions.

37. The work of the triage committees is scheduled to resume in mid-January and the necessary administrative decisions are being prepared by the Ministry of Justice to be presented to the Government for official approval. The assessment of material needs for the proper functioning of the Supreme Court has been completed.

VII. Financial aspects

38. In its resolution 50/211 of 23 December 1995, the General Assembly appropriated an amount of \$32,324,500 gross for the financing of the Assistance Mission for the final period, from 1 January to 8 March 1996.

39. Pursuant to the Security Council's request to initiate planning for the complete withdrawal of UNAMIR within a period of six weeks after the expiry of its mandate, I shall seek the additional resources required for the withdrawal from the General Assembly at its resumed fiftieth session.

40. As of 15 January 1996, the total outstanding contributions to the UNAMIR special account since the inception of the Mission to 8 December 1995 amounted

to \$58.5 million. This amount does not reflect the most recent appropriation by the General Assembly for the period from 1 January to 8 March 1996. Total outstanding assessed contributions for all peace-keeping operations stood at \$1,702.8 million as of 15 January 1996.

VIII. Concluding observations

41. More than six weeks have now elapsed since the Security Council adopted resolution 1029 (1995), which focused the mandate of UNAMIR on the assistance it should provide in terms of good offices and logistics to facilitate the repatriation of Rwandan refugees. I note with concern that, to date, despite the combined efforts of UNAMIR and other United Nations agencies and programmes working in Rwanda, particularly UNHCR, the repatriation process continues to be very slow. Moreover, there has been no evidence so far that the process will acquire the desired momentum before the end of the final mandate period of UNAMIR.

42. As stated in my previous reports, I remain convinced that long-term peace in Rwanda will remain elusive as long as large concentrations of Rwandan nationals remain encamped in neighbouring countries. I therefore welcome the initiatives being taken at the regional level to help to resolve the problem.

43. Genuine peace and reconciliation in Rwanda will also depend on the progress that will be made in the efforts of the Government and the international community to put an end to the prevailing environment of impunity, by bringing to justice those accused of genocide and massacres. I note with satisfaction that the International Criminal Tribunal for Rwanda issued its first indictments on 12 December 1995, that the Tribunal was able to hold its first plenary session in Arusha on 8 January 1996 and that the proceedings will begin in March. The measures being taken by the Supreme Court of Rwanda to reactivate the country's judicial system are also welcome.

44. Progress is also being made in the fields of rehabilitation, reconstruction and development. The funds pledged by donor countries for the development of Rwanda have increased significantly since the donors' round-table conference of January 1995. Actual disbursement has also increased, making it possible to launch a number of rehabilitation and reconstruction projects. In this context, it is my hope that the ongoing efforts aimed at improving conditions of detention in Rwanda's prisons will continue.

45. The mandate of UNAMIR will expire on 8 March 1996 and the operation will be phased out

within six weeks, as prescribed by Security Council resolution 1029 (1995). I stated in my last report to the Security Council (S/1995/1002) that the United Nations still had a useful role to play in Rwanda. That assessment remains valid, especially in light of the Government's indication that the country's overwhelming needs require the continued attention and assistance of the international community.

46. Despite the real progress that has been made towards the restoration of normal conditions in Rwanda after the trauma and destruction inflicted by the genocide of 1994, it is evident that much more remains to be done. There is no doubt that the international community should continue to lend its support to the efforts of the Rwandan Government to achieve genuine peace and reconciliation, which are the necessary conditions for sustainable rehabilitation and reconstruction.

47. My Special Representative is currently examining with the Government, as well as with the relevant United Nations agencies, the possible nature and mandate of a continued United Nations presence in Rwanda after the expiration of UNAMIR's final mandate period on 8 March 1996. In the light of those discussions, I shall present appropriate recommendations in this regard in my next report to the Security Council.

Annex

Composition of the UNAMIR military component as of 22 January 1996

| Country | Military personnel | | | Total |
|--------------------|--------------------|-----------------|------------|--------------|
| | Troops | Military police | Observers | |
| Austria | | | 1 | 1 |
| Bangladesh | | | 1 | 1 |
| Canada a/ | 97 | 4 | 9 | 110 |
| Congo | | | 7 | 7 |
| Ghana b/ | 296 | 17 | 25 | 338 |
| Guinea | | | 15 | 15 |
| Guinea-Bissau | | | 1 | 1 |
| India c/ | 841 | 12 | 22 | 875 |
| Malawi | 85 | | 8 | 93 |
| Nigeria | 133 | 14 | 12 | 159 |
| Russian Federation | | | 15 | 15 |
| Senegal | | 1 | 2 | 3 |
| Uruguay | | | 17 | 17 |
| Zambia | | 15 | 8 | 23 |
| Zimbabwe | | | 13 | 13 |
| Total | 1 452 | 63 | 156 | 1 671 |

a/ All Canadian personnel (110) leaving the Mission on 2 February 1996.

b/ One hundred and fifty three troops leaving the Mission by 31 January 1996.

c/ Five staff officers leaving the Mission by 31 January 1996.

Document 169

Report of the Security Council Committee established pursuant to resolution 918 (1994)—imposing an arms embargo on Rwanda—containing an account of its activities from its establishment to 31 December 1995

S/1996/82, 2 February 1996

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda, containing an account of the Committee's activities since its establishment until 31 December 1995. The present report, which was adopted by the Committee under the no-objection procedure on 26 January 1996, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(Signed) Nugroho WISNUMURTI
Chairman

Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda

Annex

Report of the Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda

I. Introduction

1. By its resolution 918 (1994) of 17 May 1994, the Security Council, acting under Chapter VII of the Charter of the United Nations, imposed mandatory sanctions against Rwanda, relating to the sale or supply to Rwanda of arms and related *matériel* of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts.

2. By paragraph 14 of the same resolution, the Security Council established a Committee consisting of all members of the Council to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To seek from all States information regarding the action taken by them concerning the effective implementation of the embargo imposed by paragraph 13 of resolution 918 (1994);

(b) To consider any information brought to its attention by States concerning violations of the embargo, and in that context to make recommendations to the Council on ways of increasing the effectiveness of the embargo;

(c) To recommend appropriate measures in response to violations of the embargo imposed by paragraph 13 of resolution 918 (1994) and provide information on a regular basis to the Secretary-General for general distribution to Member States.

3. The Committee's bureau, as elected at its first meeting of each year, consists of a Chairman and two Vice-Chairmen. The Chairman is elected in his/her personal capacity for the calendar year. In 1995, the bureau consisted of Mr. Nugroho Wisnumurti (Indonesia) as Chairman, with the delegations of Botswana and Italy providing the two Vice-Chairmen.

4. The Committee adopted the present report, under the no-objection procedure, on 26 January 1996. The purpose of the report is to present a factual summary of the Committee's activities since its establishment in 1994 until 31 December 1995, during which time the Committee has held four meetings.

II. *Subsequent action by the Security Council*

5. In operative paragraph 4 of its resolution 997 (1995) of 9 June 1995, the Security Council affirmed that the restrictions imposed by resolution 918 (1994) applied to the sale or supply of arms and *matériel* specified therein to persons in the States neighbouring Rwanda, if that sale or supply is for the purpose of the use of such arms or *matériel* within Rwanda. In operative paragraph 5 of the same resolution, the Council called upon neighbouring States to take steps, with the aim of putting an end to factors contributing to the destabilization of Rwanda, to ensure that such arms and *matériel* are not transferred to Rwandan camps within their territories. In operative paragraph 6, the Council requested the Secretary-General to consult the Governments of neighbouring countries on the possibility of the deployment of United Nations military observers, and to consult, as a matter of priority, the Government of Zaire on the deployment of observers, including in the airfields located in eastern Zaire, in order to monitor the sale or supply of arms and *matériel*.

6. By its resolution 1005 (1995) of 17 July 1995, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided that, notwithstanding the restrictions imposed in paragraph 13 of resolution 918 (1994), appropriate amounts of explosives intended exclusively for use in established humanitarian demining programmes may be supplied to Rwanda upon application to and authorization by the Committee.

7. On 16 August 1995, the Security Council adopted resolution 1011 (1995). In section B of that resolution, the Security Council, acting under Chapter VII of the Charter of the United Nations, decided that:

(a) With immediate effect and until 1 September 1996, the restrictions imposed by paragraph 13 of resolution 918 (1994) shall not apply with regard to the sale or supply of arms and related *matériel* to the Government of Rwanda (para. 7);

(b) On 1 September 1996, the restrictions imposed by paragraph 13 of resolution 918 (1994) on the sale or supply of arms and related *matériel* to the Government of Rwanda shall terminate, unless the Council decides otherwise after its consideration of the second report of the Secretary-General referred to in paragraph 12 of resolution 1011 (1995) (para. 8);

(c) With a view to prohibiting the sale and supply of arms and related *matériel* to non-governmental forces for use in Rwanda, all States shall continue to prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related *matériel* of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts, to Rwanda, or to persons in the States neighbouring Rwanda if such sale or supply is for the purpose of the use of such arms or *matériel* within Rwanda, other than to the Government of Rwanda as specified in paragraphs 7 and 8 of the resolution (para. 9);

(d) No arms or related *matériel* sold or supplied to the Government of Rwanda may be resold to, transferred to or made available for use by any State neighbouring Rwanda or person not in the service of the Government of Rwanda, either directly or indirectly (para. 10);

(e) States shall notify the Committee established by resolution 918 (1994) of all exports from their territories of arms or related *matériel* to Rwanda, the Government of Rwanda shall mark and register and notify the Committee of all imports made by it of arms and related *matériel* and the Committee shall report regularly to the Council on notifications so received (para. 11).

The Council also requested the Secretary-General to report to it within 6 months of the date of adoption of the resolution, and again within 12 months, regarding, in particular, the export of arms and related *matériel* referred to in paragraph 7 of the resolution, on the basis of

the reports submitted by the Committee established by resolution 918 (1994) (para. 12).

8. On 7 September 1995, the Security Council adopted resolution 1013 (1995), by which it established an International Commission of Inquiry. Operative paragraph 3 of the resolution requires the Committee established by resolution 918 (1994) to make available to the International Commission of Inquiry information relating to the sale or supply of arms and related *matériel* to former Rwandan government forces in the Great Lakes region in violation of Council resolutions 918 (1994), 997 (1995) and 1011 (1995).

III. *Summary of the activities of the Committee during the reporting period*

9. At its 3rd meeting, on 19 July 1995, the Committee adopted the guidelines for the conduct of its work, taking into account the provisions of resolutions 918 (1994), 997 (1995) and 1005 (1995), which were transmitted to all States and international organizations on 21 July 1995. Furthermore, by means of a press release issued on 27 July 1995, the Committee made an appeal to Governments, intergovernmental and non-governmental organizations, as well as individuals, to provide any information they may have on violations or suspected violations of the embargo imposed against Rwanda (United Nations press release SC/6074).

10. At the same meeting, the Committee also considered and approved a request received pursuant to resolution 1005 (1995) from the United States of America for the supply of a quantity of explosives and related materials for use in a bilateral humanitarian demining assistance programme (United Nations press release S/6071).

11. Following the adoption of Security Council resolution 1011 (1995), the Committee, at its 4th meeting, held on 10 October 1995, adopted the new consolidated guidelines, which incorporate the relevant

provisions of section B of resolution 1011 (1995). The new consolidated guidelines were transmitted to all States and international organizations on 11 October 1995, drawing their attention in particular to operative paragraph 11 of the aforementioned resolution, which requires States to notify the Committee of all exports from their territories of arms or related *matériel* to Rwanda. In addition, a letter was sent on 11 October 1995 to the Government of Rwanda requesting that notifications of all imports made by it of arms and related *matériel* be made to the Committee in compliance with operative paragraph 11 of resolution 1011 (1995). Furthermore, by means of a press release issued on 13 October 1995, the Committee made an appeal to Governments, intergovernmental and non-governmental organizations, as well as individuals, to provide any information they may have on violations or suspected violations of the embargo imposed against Rwanda (United Nations press release SC/6113).

12. In accordance with a decision taken at its 4th meeting, a report entitled "Rearming with impunity: international support for the perpetrators of the Rwandan genocide", received by the Committee from Rwanda, was transmitted to the Governments of China, France, South Africa and Zaire for comment. In this regard, replies received from the Governments of France and China denied the allegations of suspected violations contained in the report.

13. In response to a letter dated 12 November 1995 from the International Commission of Inquiry requesting information the Committee may have relating to the sale or supply of arms and related *matériel* to the former Rwandan government forces, and in accordance with operative paragraph 3 of resolution 1013 (1995), the aforementioned report, together with the replies received from the Governments of France and China, was transmitted to the International Commission of Inquiry.

Document 170

Letter dated 2 February 1996 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, concerning the interim report of the International Commission of Inquiry

S/1996/84, 6 February 1996

I have the honour to convey to you the reactions of the Government of Rwanda to the interim report of the International Commission of Inquiry to investigate reports of the sale or supply of arms to former Rwandan

government forces in violation of the embargo proclaimed under Security Council resolution 1013 (1995) (S/1996/67, annex).

Having taken cognizance of the contents of that report, the Government of Rwanda sympathizes with the Commission regarding the difficulties and obstacles its members encountered in performing their task.

On the other hand, the Government of Rwanda is dismayed by the reaction of the Secretary-General, in his letter addressed to you on 29 January 1996, regarding the information and observations contained in the Commission's report. The Secretary-General intends to request the Commission to submit its final report by the end of February 1996, unless it makes progress in the coming weeks in resolving the difficulties it is encountering. And yet the Secretary-General is well aware that the Commission is not in a position to resolve these difficulties, and consequently he is facing the Commission with yet another obstacle in addition to those it has already encountered.

One of the objectives of the Commission was, and I quote, "To recommend measures to end the illegal flow of arms in the subregion in violation of the Council resolutions".

A further reason justifying the Commission's need for support and its existence is the explosive situation in the region of the Great Lakes countries, which has been exacerbated by the uncontrolled circulation of arms and by the criminal infiltrations within the western frontiers of Rwanda and Burundi.

The Government of Rwanda is convinced that the interruption of the Commission's work will be tantamount to encouraging violation of the embargo proclaimed under resolution 1013 (1995) and constitutes an encouragement to the criminals, and the country harbouring them, to continue the active infiltration across the frontiers of Rwanda and Burundi by destabilizing elements, part of which took part in the acts of genocide in Rwanda. For this reason, contrary to the recommendations of the Secretary-General, the Government of Rwanda requests the Security Council to strengthen the authority of the Commission and give it the means necessary in order for it to be able to discharge its mandate in the context of the efforts to ensure peace and security in the region.

It is in this context that these acts, which are continuing to disturb peace and security in the region, have on many occasions been denounced by the Government of Rwanda through its Permanent Representative to the United Nations, notably in the letters of 16 March 1995 and 5 July 1995 addressed to the President of the Security Council.

In its report, the Commission clearly identified indicators which confirm the possibilities that Rwandan elements located in the Goma region are being armed. The indicators identified are the following:

- Confirmation by four organizations enjoying international credibility, such as African Rights, Human Rights Watch, Amnesty International and the BBC, that former Rwandan government forces are being armed;
- The Rwandan Government has provided clear evidence that former forces of the Rwandan Army are being armed on Iwawa island, which was visited by the Commission, and has also been the target of infiltrations which are recognized in all the Secretary-General's reports on Rwanda;
- The visit to Iwawa island and the interview with members of the former Rwandan armed forces who had been taken prisoner;
- The confusion that prevailed at Goma airport between June and August 1994 at the time when refugees were arriving and Operation Turquoise was being conducted;
- The information gathered in Goma from a variety of sources that gave rise to suspicion that clandestine activities were being carried out, such as:
 - The mysterious night flights to an airport in Goma which is not equipped to receive flights after dark;
 - The exclusion by the authorities of access to the airport at those times;
 - The unloading of cargo from the aircraft in secret;
 - The exclusion from certain areas by the former Rwandan government forces;
 - "Information made available [to the Commission] from published sources was extremely detailed and circumstantial";
 - The involvement of Air Zaire and senior government figures;
 - The Commission recognizes that it had before it "detailed and voluminous information suggesting that arms deliveries had been made to Goma airport in Zaire for the use of the former Rwandan government forces".

Despite all of this evidence, the Commission did not reach satisfactory conclusions for the following reasons:

- "The Commission has neither the legal powers ... of a police force or an established investigative agency". Clearly, a weak commission cannot investigate a situation falling under Chapter VII of the Charter of the United Nations;
- The long delay between the establishment of the Commission of Inquiry and the time when the events to be investigated took place;

- More serious, one member of the Security Council who contributed to the drafting of resolution 1013 (1995) was designated to represent his country in the Commission. He is thus both judge and party;
- Still more serious, the Government which requested the establishment of the Commission and accepted its mandate was the first to place obstacles in the way of the Commission in discharging the mandate assigned to it by the Security Council.

In the light of all the foregoing circumstances, and of the importance of the inquiries and the recommendation of measures to end the illegal flow of arms in the Great Lakes region, as well as to put an end to the violation of the Security Council resolutions, the Government of Rwanda recommends that:

- The Commission should continue its activities in accordance with its mandate;
- A resolution should be adopted to strengthen the capacity and resources of the Commission in order for it to be able to discharge its mandate;

- Appropriate measures should be taken against the countries that refuse to cooperate with the Commission;
- The plan to station foreign forces in the countries that are not contributing to peace and security in the region should be completely abandoned.

The Government of Rwanda is aware of the important role of the Commission and of its impact on stability and peace in the Great Lakes region. For that reason it requests the Secretary-General, and in particular the Security Council, to exercise their authority in order to ensure that the Commission operates effectively with a view to preventing further acts of genocide. For its part, the Government of Rwanda will spare no effort to render the Commission all necessary support, in transparency and with no impediment.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Manzi BAKURAMUTSA
Ambassador
Permanent Representative of Rwanda
to the United Nations

Document 171

Letter from the President of the Security Council to the Secretary-General requesting that he undertake consultations on the future role of the United Nations in Rwanda after the expiration of UNAMIR's mandate on 8 March 1996

S/1996/103, 13 February 1996

The members of the Security Council have considered your progress report dated 30 January 1996 (A/50/868-S/1996/61) on the United Nations Assistance Mission for Rwanda.

The members of the Security Council concur with your observation that the United Nations still has a useful role to play in Rwanda. They encourage you to undertake consultations with the Government of Rwanda, as well as with relevant United Nations agencies, on the appropriate nature of the role of the United Nations in Rwanda after the expiration of UNAMIR's final mandate period on 8 March 1996. Such a presence should assist the process of establishing and consolidating a climate of relative normality and stability. They look forward to

receiving your next report in advance of 8 March 1996 containing your recommendations on the nature and mandate of a continued United Nations presence in Rwanda.

The members of the Security Council urge you, in light of the unique circumstances and recent history of Rwanda, to employ flexibility, while staying within the bounds of the regulations established by the General Assembly, in resolving the question of the disposition of UNAMIR's equipment.

(Signed) Madeleine Korbelt ALBRIGHT
President of the Security Council

Document 172

Letter from the President of the Security Council to the Secretary-General underlining the importance the Council attaches to the work of the International Commission of Inquiry

S/1996/104, 13 February 1996

The members of the Security Council have asked me to thank you for your letter dated 26 January 1996 (S/1996/67) and for the interim report transmitted with it about the work of the International Commission of Inquiry to investigate reports of the sale or supply of arms to former Rwandan government forces in violation of the Security Council arms embargo and allegations that those forces are receiving training to destabilize Rwanda.

The members of the Security Council underline the importance they attach to the work of the Commission, and to the investigations it is undertaking. They emphasize the need for those Governments which have not yet

done so to respond to the Commission's inquiries. They note the particular importance of the cooperation of the Government of Zaire for the successful completion of the Commission's work and stress their expectation that such cooperation will be provided in accordance with Security Council resolution 1013 (1995).

The members of the Security Council look forward to receiving in due course the final report of the Commission requested in resolution 1013 (1995).

(Signed) Madeleine Korbel ALBRIGHT
President of the Security Council

Document 173

Report on the coordination meeting, held in Geneva, on 18 and 19 January 1996, of Special Rapporteurs on the situation of human rights for three countries of the Great Lakes region

E/CN.4/1996/69, 15 February 1996

Note by the High Commissioner for Human Rights

1. On 18 and 19 January 1996, a coordination and consultation meeting of the three Special Rapporteurs on Burundi, Rwanda and Zaire, was held in Geneva. The meeting was convened by the High Commissioner for Human Rights, in accordance with the recommendations made by the three Special Rapporteurs and the Special Rapporteur on extrajudicial, summary or arbitrary executions to establish increased coordination of their activities in the light of the deterioration in the human rights situation in the Great Lakes region.

2. The High Commissioner for Human Rights has the honour to transmit the report of that meeting to the members of the Commission on Human Rights.

Annex

Report of the first meeting of the Special Rapporteurs of the Commission on Human Rights on the human rights situation in Burundi, Rwanda and Zaire

Geneva, 18-19 January 1996
Chairman/Rapporteur: R. Degni-Ségui

Introduction

1. The situation in the Great Lakes region is characterized by the absence of democracy, by regional and ethnic divisions, and by political-military conflicts with strong ethnic overtones that are causing mass exoduses, which in turn arouse xenophobic feelings in the countries receiving the refugees.

2. At this meeting, which was chaired by Mr. René Degni-Ségui (Chairman/Rapporteur), the following

points were considered: the human rights situation in the three countries; the measures recommended at the national level by the three Rapporteurs; the incitement to racial hatred engaged in by the media; and the actions undertaken within the international community.

3. After having discussed these topics, the three Rapporteurs analysed the human rights situation in the three countries and the common features of the situation in the Great Lakes region, and made a number of recommendations.

I. *The human rights situation in the three countries*

A. *Burundi*

4. In Burundi, the cohabitation of the two main political parties, the Burundi Democratic Front (FRODEBU) and the Union for National Progress (UPRONA), as established by the Government Convention of 10 September 1994, has been rendered impracticable by the Tutsi minority's effective retention of the exercise and control of the chief functions of the State (armed forces, justice and the Executive) and the marginalization of Parliament.

5. Since the attempted *coup d'état* of October 1993, Burundi has sunk into civil war and a climate of widespread violence and insecurity. On the one hand, the army, supported by extremist Tutsi militias, is engaging in country-wide ethnic cleansing, systematically driving the Hutus out of the towns; and on the other hand, Hutu "armed gangs" are attacking the armed forces and the Tutsi population. As a result, there have been huge population displacements, both within Burundi and to the neighbouring countries.

6. The Special Rapporteur sees in this situation a succession of deliberate genocidal acts. He emphasizes the absolute necessity of inducing the two main political forces in the country to assume their responsibilities, as defined in the Government Convention.

B. *Rwanda*

7. Before the genocide of 1994, the political situation was shaped by a continuing conflict between the Hutu and Tutsi ethnic groups. The conflict was characterized by the domination of the Hutu leaders and their refusal to share power with the Tutsis. Since 1990, this situation has been aggravated by the war between the Rwandan Patriotic Front (FPR) and the governmental armed forces. The resultant political tensions led to the genocide and massacres.

8. Since the genocide, the situation has been characterized by the following three features:

(a) No proceedings have been brought against the presumed perpetrators of the genocide, owing to the deficiencies of the judicial system;

(b) A renewed outbreak of human rights violations, such as illegal occupations of property, infringements of the right to life (notably reprisals), infringements of freedom of expression, and infringements of the right to security of person (arbitrary arrests and detentions, overcrowding of prisons); and

(c) The non-return of refugees.

9. The Special Rapporteur recommends that punishment should be imposed by the national courts and the International Tribunal for Rwanda for the acts of genocide and serious violations of international humanitarian law and human rights, this being a prerequisite for national reconciliation. He also recommends the cessation and punishment of the current violations of human rights. Lastly, he recommends that States should cooperate with the International Tribunal.

C. *Zaire*

10. The disappearance of State activities has led to the deterioration of the economic and social infrastructure (roads, school system, health, currency, etc.) and the emergence of political conflicts with ethnic and regional overtones. The machinery for repression, which is in the hands of the President of the Republic, is the only State force which exists in Zaire. Its members are primarily responsible for the numerous violations of human rights, in particular the right to security of person (arbitrary arrests and detentions), the right to life and physical integrity (rape of women), and the right to own property (looting).

11. In addition, the massive influx of refugees from Burundi and Rwanda has kindled the xenophobia which already existed among the population of the North and South-Kivu regions against the foreign peoples who have settled in Zaire following several waves of migration, originating primarily from Rwanda (particularly the Banyamulenge and the Banyarwanda).

12. The Special Rapporteur on Zaire has recommended, in particular, that the armed forces should no longer be subordinate to the Office of the President and that the relevant decisions of the Sovereign National Conference on democratic transition should be implemented.

II. *Common aspects of the human rights situation in the Great Lakes region*

13. The mass population movements, the illegal arms sales and the incitement to racial hatred by the media constitute the main characteristics common to the three countries of the Great Lakes region.

14. As has already been mentioned, the three countries are the scene of huge population displacements either within each country or, in the case of Rwanda and

Burundi, to neighbouring countries (Tanzania and Zaire, in particular). The presence of these populations massed on the borders of the three countries is creating tension, heightened by military operations, which are themselves facilitated by illegal arms trafficking.

15. In this context of political-military conflict with strong ethnic overtones, the media are publishing or broadcasting a growing number of calls for inter-ethnic violence and attacks on representatives of the international community and the humanitarian organizations. This situation is continuing, while the authorities are failing to take the appropriate measures within their power to put an end to it. The Rapporteurs considered the question of personal security, and more particularly the security of the human rights observers operating in the field.

III. *General conclusions and recommendations concerning the Great Lakes region*

16. The most important types of violation are the serious and massive infringements of the right to life, physical integrity and personal security and the right to own property. These violations are the direct consequence of conflicts related to the struggle for political and economic power. This struggle exploits pre-existing ethnic and regional divisions and is based on the mono-ethnic character of the armies of the three countries.

17. The Special Rapporteurs:

(a) Recommend, in order to overcome the situation described above:

- (i) the establishment of the rule of law;
- (ii) greater representation of the various components of the nation within the armed forces and effective supervision of the armed forces by the democratic institutions;
- (iii) a national plan in each country for the reorganization of the administration and public services, supported by financial assistance from international institutions such as the World Bank;

(b) Recommend that the national judicial system of the three countries should function effectively and impartially in order to restore confidence among the population and, in particular, to promote the return of refugees and displaced persons to their homes;

(c) Emphatically stress the obligation on all the parties concerned scrupulously to observe the fundamental principles of non-refoulement and voluntary return;

(d) Recommend that within the refugee camps in Zaire the authorities should remove the bullies who are preventing the voluntary return of refugees;

(e) Energetically condemn the incitement to racial or ethnic hatred disseminated by the media in particular, and

support the appeal, made by the Heads of State and delegations of the countries of the Great Lakes region in the Cairo Declaration of 29 November 1995, "forcefully condemning the ideology of ethnic and political genocide used in the rivalry for the conquest and monopoly of power";

(f) Recommend, as urged by the Commission on Human Rights, that the operations of the High Commissioner for Human Rights should be extended to the three countries of the region, and that the field observers participating in these operations should also be deployed in the three countries. They further recommend that these operations should receive appropriate financing from the United Nations. They consider that human rights must form an integral part of a global United Nations strategy and must not be used as a sop for the conscience of the international community;

(g) Express their desire to be kept informed of the activities of the United Nations International Commission of Inquiry into arms sales in the Great Lakes region;

(h) While welcoming the establishment of the International Commission of Inquiry on Burundi appointed by the Secretary-General, emphasize with concern, given the nature and extent of the task to be accomplished, the inadequacy of the human and material resources that have been granted to the Commission and draw attention to the lack of security surrounding its activities;

(i) Concerned about the human rights situation in the Great Lakes region, decide to increase their cooperation and to unite their efforts with a view to achieving an integrated approach to the common problems which exist in Burundi, Rwanda and Zaire;

(j) Express the wish that a coordination unit should be established within the Centre for Human Rights linking more closely the professional officers assigned to them under their mandates and promoting the exchange of information. They accordingly request the High Commissioner for Human Rights to instruct these officers to assist them full time and to appoint a coordinator;

(k) Express the desire to meet at least twice a year for consultations, an exchange of views and coordination of their activities, thereby putting to good use their consultations in Geneva;

(l) Also express their desire to participate in conferences, seminars, symposia and other activities relating to the Great Lakes region and relevant to their respective mandates.

18. Given the common, trans-frontier aspects of the human rights situation in the Great Lakes region, the Special Rapporteurs recommend to the Commission on Human Rights that it should adopt a global resolution on the region.

Document 174

Letter dated 23 February 1996 from the Chargé d'affaires a.i. of the Permanent Mission of Zaire to the United Nations addressed to the President of the Security Council, concerning the interim report of the International Commission of Inquiry

S/1996/132, 26 February 1996

On instructions from my Government, I have the honour to transmit to you herewith, for the attention of the members of the Security Council, Zaire's position on the interim report of the International Commission of Inquiry to investigate reports of the sale or supply of arms to former Rwandan government forces (S/1996/67, annex).

I am also authorized to tell you that, since the International Commission of Inquiry left Zaire of its own accord, it is for it to decide, and to inform the Zairian authorities accordingly, what it considers to be an appropriate moment for it to return to Zaire to complete its work there. It will receive the same cooperation and the same facilities from the Government of Zaire as it did on its first visit to the country.

I should be grateful if you would bring the content of this letter and its annex to the attention of the members of the Security Council and arrange for them to be issued as a document of the Security Council.

(Signed) Lukabu KHABOUJI N'ZAJI
Deputy Permanent Representative
Chargé d'affaires a.i.

Annex

Zaire's position on the interim report of the International Commission of Inquiry, as set forth by the Deputy Prime Minister, Minister for Foreign Affairs, of Zaire on 22 February 1996

1. By his letter No. PM/01/MNT/0-03/95 of 23 June 1995, the Prime Minister and Head of Government requested the establishment of an International Commission of Inquiry into the unproved allegations of the supply by Zaire of arms or training to former Rwandan government forces. As a result, he can hardly oppose or obstruct the Commission's work, even if the Commission's establishment has been vitiated by many irregularities. Resolution 1013 (1995) of 17 September 1995 was adopted by the Security Council three months after the formal request by the Zairian Government and two weeks after the adoption, on 16 August 1995, by the same Security Council, of resolution 1011 (1995) lifting the embargo on the supply of arms to Rwanda and making

it possible for Rwanda to arm itself against the alleged threats coming from Zaire.

2. Zaire welcomed the International Commission of Inquiry to its territory and is the only country in the region to have answered the Commission's entire list of questions.

3. Nothing in the interim report proves that Zaire is training former Rwandan government forces in order to destabilize Rwanda and is supplying them with arms for that purpose. In fact, if Zaire had wanted to do this, it would have been permissible for it to return to those forces all the arms seized from them. Moreover, the inquiry conducted among officials of the British Overseas Development Administration and information obtained from members of the International Commission clear Zaire of all suspicion.

4. Zaire categorically denies that it is involved in any attempt to destabilize Rwanda through former Rwandan government forces.

5. Zaire regrets that, having found no evidence with which to incriminate it, the International Commission of Inquiry, in its interim report, uses turns of phrase and circumlocutions designed to leave an element of doubt, giving reason to believe that the Commission came to Zaire with preconceived ideas.

6. What is more, the Commission showed no respect or consideration for the Zairian authorities in North and South Kivu. It did not even deign to accord to them, during its mission, the same treatment as that accorded to Rwanda's leaders. In Rwanda, the Commission was assisted in its inquiries by several officers of the Rwandan Patriotic Army (APR) who accompanied it everywhere, including during the inquiry on Iwawa island where they even served as interpreters. In Zaire, on the other hand, the Commission would not allow the delegation, headed by the Auditor General of the Zairian Armed Forces, which was escorting it to attend meetings where it questioned witnesses. Why?

7. Zaire did not terminate the Commission's mandate, nor did it ask it to leave its territory. Rather, the Commission did so of its own accord as soon as the Zairian Government raised the issue of unequal treatment and pointed out that the conduct of some Commission members was incompatible with the objectivity and

impartiality required for the performance of such a mission.

8. Zaire therefore rejects the accusation of lack of cooperation levelled at it by the Commission and is outraged that the Commission's members have said that it obstructed their inquiry. What Zaire wants is to see a return to stability in the Great Lakes region, a stability that has been threatened by those who are the cause of the refugee exodus.

9. Zaire is the victim, but not the cause, of the refugee exodus and the United Nations should therefore look into the causes of that exodus, which has been taking place since 1959, and concentrate on what is happening inside Rwanda instead of diverting the international community's attention to Zaire.

10. Zaire strongly reiterates that it is not harbouring "criminals" from Rwanda. It is Rwandans fleeing the horrors of the civil war in their country that are coming to live in Zaire. Zaire asks only one thing: that they leave.

11. Zaire completely rejects the content of the letter dated 2 February 1996 from the Ambassador of Rwanda addressed to the President of the Security Council (S/1996/84). That letter is a tissue of lies and nonsense, if one bears in mind that the Ambassador, in order to get where he is today, benefited, like the other refugees who fled Rwanda, from asylum and protection in Zaire.

12. One is entitled to wonder how much credence can be given to statements by the Ambassador of a country which, after demanding and obtaining the establishment of an International Tribunal to try persons accused of genocide, itself establishes popular courts to try the same persons, at the very moment when the Tribunal is in session. What confidence can one have in the sentences passed by a judicial system that is monopolized by a single ethnic group, totally unreliable and forces over 60,000 people to languish in inhuman conditions in makeshift prisons? What can one say of a judicial system that has been turned over to a single ethnic group, the Tutsis, to try Hutu "criminals"?

13. If the Commission had wanted to be objective, it could have indicated in its interim report that several Rwandan citizens of Tutsi origin have been arrested by Zaire's security forces for having planted bombs and organized arms caches in North and South Kivu.

14. Zaire is entitled to think that all of this forms part of an international political conspiracy that was intended to steer the International Commission of Inquiry towards arms caches created for the needs of the cause by persons infiltrated by the Rwandan Patriotic Front (FPR) in North and South Kivu, so as to justify the false allegations levelled at Zaire and to cover up Rwanda's clandestine activities to destabilize the Great Lakes region. Unfortunately for those who thought up this plan, the network of people engaged in laying mines and planting bombs was dismantled and the arms caches discovered before the arrival of the International Commission of Inquiry, when an attempt was made on the life of the FAZ Chief of Staff at Goma.

15. Lastly, Zaire did not ask the Commission to leave and did not terminate its mandate. Instead, in keeping with the above-mentioned letter from its Prime Minister and Head of Government, Zaire is asking that the terms of reference of the International Commission of Inquiry be made very clear and be negotiated with the Government of Zaire and that the Commission accord non-discriminatory treatment to Zaire. The least that Zaire is entitled to expect from the members of a United Nations commission is that they show respect and above all consideration, at every level, for the authorities of the country they visit. The Government of Zaire considers it an outrage on the part of the International Commission of Inquiry that it invited to Goma Rwandan elements who had been expelled from Zaire, or had fled after judicial proceedings were instituted against them, in order to provide them with information on Zaire.

(Signed) Gérard KAMANDAWA KAMANDA
Deputy Prime Minister
Minister for Foreign Affairs

Document 175

Report of the Secretary-General outlining possible options for a United Nations role in Rwanda after the completion of UNAMIR's withdrawal

S/1996/149, 29 February 1996

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1029 (1995) of 12 December

1995, in which the Council decided to adjust the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) and to extend it for a final period until 8 March 1996. The report covers the main developments

in Rwanda since my report of 30 January 1996 (A/50/868-S/1996/61) and outlines possible options regarding the United Nations role after 8 March 1996.

II. Political developments

2. Since my last report, relative calm and stability have continued to prevail throughout Rwanda, with the exception of areas bordering Zaire. In those areas the situation is tense as a result of an increase in the level of insurgent activities by elements of the former Rwandese Government Forces (RGF). The important progress achieved by Rwanda since the end of the civil war and genocide in July 1994 is apparent from the following statistics: agricultural production has reached 82 per cent of pre-war output; child immunization, sanitation, urban water supply and healthcare, 80 per cent; industrial production, 75 per cent; while public transport, primary schools and university education are above 60 per cent.

3. However, there remain a number of outstanding issues that need to be addressed with the support of the international community. These include the return and resettlement of 1.7 million refugees, progress towards national reconciliation, the revival of the national judicial process, improvement of prison conditions, effective measures to curb destabilization activities by the former RGF and the equitable disbursement of aid. The prospect of the UNAMIR withdrawal after 8 March 1996 has also caused representatives of some international organizations in Rwanda to express concern about their safety, in particular after the expulsion of 38 non-governmental organizations and an incident, albeit isolated and immediately acted upon by the Government, in which three members of the International Tribunal were assaulted by a Rwanda Patriotic Army (RPA) guard unit.

4. During the past two months, there has been a marked increase in insurgent actions carried out by former RGF elements, in particular in the north-western prefecture of Gisenyi. The most important was the sabotage on the night of 2 February 1996 of the electricity power line and water intake to the local brewery in Gisenyi. According to the Government of Rwanda, a large number of infiltrators have been sent into Rwanda to coordinate insurgent activities, as a result of which patrolling by the RPA has increased in the belt adjacent to the border with Zaire.

5. During the period under review, the former Heads of State of Mali and the United Republic of Tanzania, General Amadou Toumani Touré and Mr. Julius Nyerere, facilitators of the Cairo summit of Heads of State of the Great Lakes region in November 1995 (see S/1995/1001), visited Rwanda and other countries in the region to monitor steps being taken in pursuance of the recommendations adopted at that meeting.

These visits have contributed to an improvement in Rwanda's relations with Zaire and the United Republic of Tanzania. According to the Vice-President of Rwanda, Major-General Paul Kagame, the recent exchanges of visits between Zaire and Rwanda have promoted the normalization of relations. The handover by Zaire on 13 February of military equipment belonging to Rwanda and removed by the former RGF is seen as a step forward in the improvement of bilateral relations, as recommended at the Cairo summit.

6. One of the factors that discourage refugees from returning to Rwanda continues to be the non-functioning of the justice system. Although some constitutional changes have been introduced to allow for the adoption of special procedures to deal with the cases of those suspected of crimes related to the genocide, no trials have yet taken place. The Minister of Justice has recently declared that the first trials will start in April. Meanwhile, the number of detainees has continued to rise, reaching the figure of 65,515 at the end of January. Despite serious overcrowding, conditions in prisons have slightly improved through the construction of new detention centres (see sects. III and VI).

7. On 19 February 1996, the International Criminal Tribunal for Rwanda announced the indictment of two persons, currently in the custody of the Zambian authorities, on charges of genocide and crimes against humanity. Warrants of arrest were sent to the Zambian authorities with a request to hold the accused until such time as detention facilities were available in Arusha. Temporary arrangements are now being made for the detention of persons awaiting trial pending the construction of permanent detention facilities. Following the termination of the UNAMIR mandate, security arrangements for the Office of the Prosecutor will need to be agreed between the Tribunal and the Government of Rwanda.

8. As regards relations between the Government of Rwanda and UNAMIR, several issues remain to be resolved. In paragraph 7 of its resolution 1029 (1995), the Security Council requested me to examine, in the context of existing United Nations regulations, the feasibility of transferring UNAMIR non-lethal equipment, as elements of UNAMIR withdrew, for use in Rwanda. In a letter dated 13 February 1996, the President of the Council also asked me to exert flexibility in the disposition of UNAMIR equipment (S/1996/103). Accordingly, I will shortly submit recommendations to the General Assembly regarding UNAMIR equipment that, in the context of the liquidation process, can be released for use in Rwanda. I trust that, in the meantime, there will be no obstacles to the transfer of equipment needed in other peace-keeping operations.

9. As mentioned in my last progress report, I dispatched a team of experts to Kigali to discuss with government officials other issues of common concern to the United Nations and the Government of Rwanda, such as liability for corporate taxes by United Nations contractors operating in support of UNAMIR. The United Nations insisted that United Nations contractors and their expatriate personnel should be exempt from host country taxation on the grounds that they have been engaged solely to provide logistic support services, distribution of rations to the various components of the Mission and air and land transportation in support of UNAMIR activities. In the course of the discussions, the United Nations delegation received assurances that the Government would not insist on imposing taxes with respect to UNAMIR contractors. For its part, the United Nations agreed that social security taxes for locally recruited employees of contractors were payable to the Government of Rwanda, in accordance with national legislation. The United Nations also indicated its willingness to pay, as appropriate, charges for communication services used by UNAMIR and other United Nations agencies in Rwanda, since these were charges for public utility services, in accordance with the provisions of the Convention on the Privileges and Immunities of the United Nations.

III. Human rights

10. The Human Rights Field Operation in Rwanda (HRFOR) has established a presence in all but one of Rwanda's 11 prefectures and developed relationships with the authorities, including the security forces. The human rights officers contribute to the prevention of human rights violations and to appropriate investigation and action. The Field Operation systematically presents information regarding reported human rights violations to the competent ministries. The Ministry of Defence, which is responsible for the National Gendarmerie as well as for the RPA, has established formal liaison channels with HRFOR at the national and local levels. The information resulting from the Operation's own investigations, together with the Government of Rwanda's response, is reported to the United Nations High Commissioner for Human Rights and made available to the Special Rapporteur on Rwanda.

11. Conditions of detention are one of the most serious aspects of the current human rights situation. They form an important subject of the overall monitoring, dialogue with the authorities and reporting by HRFOR. In seeking to redress violations of the human rights of detainees and to improve conditions of detention in accordance with international human rights standards, HRFOR coordinates its work with that of the International Committee of the Red Cross (ICRC). HRFOR

plans to give high priority, as the judicial system becomes operational, to promoting a reduction in the numbers of those detained without charge or trial.

12. HRFOR assesses the state of readiness of home communes to receive returnees and assists those communes in the resettlement process. The Office of the United Nations High Commissioner for Refugees (UNHCR) has expressed its concern that the presence of human rights field officers in the receiving prefectures and communes should be maintained and strengthened so that HRFOR can continue to provide information on the state of readiness in communes that may receive returnees and assist in their resettlement and reintegration.

13. Following the appointment of a new Chief of HRFOR in October 1995, the High Commissioner for Human Rights has reviewed the priorities of the operation for 1996. The conclusions have been shared with the Government of Rwanda and with those Governments which have provided voluntary contributions to the Trust Fund for HRFOR. The Government of Rwanda has made clear its wish to have the presence of HRFOR maintained after the mandate of UNAMIR expires. I believe that HRFOR must continue to constitute an important element of the United Nations presence in Rwanda beyond 8 March 1996.

14. However, the High Commissioner has faced great difficulties in securing sufficient voluntary contributions to fund HRFOR. In mid-November 1995, he drew these difficulties, and their adverse implications for the management of the operation, to the attention of the General Assembly. In its resolution 50/58 L of 22 December 1995, the General Assembly recognized the valuable contribution that the human rights officers have made and requested me to take appropriate steps to ensure adequate financial and human resources and logistical support for HRFOR.

15. The request for regular budget funding for HRFOR was not approved by the General Assembly at its last session. The High Commissioner was therefore obliged to donors in January 1996 for additional voluntary contributions. He has so far received pledges of some \$2.5 million, available to fund HRFOR beyond its current financial allotment covering the period to 31 March 1996. However, the High Commissioner is committed to reimbursing a \$3 million loan that he received from the Central Emergency Revolving Fund in order to start operations in September 1994 and financial requirements for the period from 1 April to 31 December 1996 are estimated at approximately \$7 million, based on a staffing of 120, of whom 80 would be United Nations Volunteers. Additional funding to enable HRFOR to meet its administrative, logistical, communications and secu-

ity needs will also be required following the withdrawal of UNAMIR.

16. The High Commissioner has asked me to draw the attention of the Security Council and the General Assembly to the fact that, unless sufficient voluntary funds can be secured in the very near future, he will not be able to maintain a field operation with human rights officers deployed throughout the prefectures of Rwanda and will have to close down HRFOR. I share his view that it would be most regrettable if this closure has to occur before a major return of refugees has taken place, the Rwandan justice system is functioning adequately and national institutions are better able to promote and protect human rights.

IV. Military and security aspects

17. In accordance with the provisions of the current mandate, the reduction of the UNAMIR force level to 1,200 formed troops and 200 military observers and headquarters staff was achieved by early February. Some adjustment had to be made to the original projections of reduction of personnel as a result of the decision taken by Canada to withdraw its contingent with effect from 2 February 1996. The removal of the force logistics support unit at this late stage has placed some strain on the Mission, with the result that the functions of that unit have had to be contracted out or terminated.

18. As stated in my last progress report, two logistic elements have been deployed at Nyundo, near Gisenyi, and Shagasha, near Cyangugu, in order to allow UNAMIR to assist UNHCR in the refugee repatriation process. All other formed troops are deployed in the Kigali area, although some elements have been made available to ensure security at the communications site on Mount Karongi and for the protection of members of the International Criminal Tribunal working at Kibuye, in western Rwanda. The troops stationed in Kigali contribute to the security of the Tribunal, provide humanitarian assistance, protect United Nations property and assist in rehabilitation and the repair of infrastructure. Military observers are deployed in five sectors, with their regional headquarters at Kibungo, Gitarama, Butare, Cyangugu and Gisenyi respectively (see map). [Editor's note: Map of UNAMIR Sectors of Operation and Deployment as of 23 February 1996 is reproduced on page 107.]

19. UNAMIR has continued to assist the Government of Rwanda in facilitating the safe and voluntary return of refugees to their home communes. When the Burundi authorities closed the camp of Ntamba in the first week of February, UNAMIR troops and military observers, working in support of UNHCR and other agencies, provided assistance to resettle the returnees. Tasks performed by UNAMIR have included the con-

struction and improvement of transit camps, transportation on behalf of United Nations agencies and other partners, and engineering work, including road and bridge repair. UNAMIR assisted the RPA in transporting a number of weapons systems and major pieces of equipment belonging to Rwanda, which were returned by Zaire on 13 February. Military observers have continued to patrol and monitor the situation. However, the reduction in the number of military observers has curtailed the Mission's reporting and investigation capabilities.

20. Pursuant to resolution 1029 (1995), which requires that UNAMIR be withdrawn within six weeks of the end of the mandate, a liquidation plan has been drawn up. It is expected that the last military elements will have withdrawn by mid-April and that staff officers will leave shortly thereafter. An adequate level of security troops will be maintained until mid-April, at which time all installations will be turned over to other United Nations agencies or to the Government of Rwanda.

V. Humanitarian developments

21. The humanitarian situation in Rwanda continues to warrant a centralized coordination structure, given the challenge to be confronted with the return and absorption of refugees and internally displaced persons. The present authority for the coordination of humanitarian assistance rests with the United Nations Humanitarian Coordinator/Resident Coordinator, who is supported by a small Department of Humanitarian Affairs office. Under his authority an overall contingency plan is being prepared, should mass repatriation of refugees from Zaire occur. However, funding for the Office of the Humanitarian Coordinator remains a problem and this may require adjustments to the coordination structure in the future.

22. UNHCR, Rwanda and the countries hosting some 1.7 million Rwandan refugees, namely, Zaire, Burundi and the United Republic of Tanzania, have made a concerted effort to accelerate the voluntary return of refugees. During the period under review, the number of refugees returning to Rwanda rose considerably. From an average of around 5,000 a month through much of 1995, January 1996 saw the number of returnees increase to more than 14,000. In the first three weeks of February alone, refugee returns topped 20,000.

23. The pace of return from the countries of asylum, however, has not been uniform. Following intensive discussions among Zaire, Rwanda and UNHCR to implement decisions taken by the Tripartite Commission at its meeting in December 1995, which included a proposal for targeted voluntary repatriation leading to the closure of camps, an operation launched by Zaire began on

13 February. However, the number of refugees returning from Zaire remains very low.

24. On the other hand, refugee returns from Burundi have increased dramatically in February in the wake of fighting in the northern part of the country, which emptied two Rwandan refugee camps. Following the abandonment of the Ntamba camp in Burundi by some 14,000 refugees fearing the spread of ethnic fighting, on 27 January a delegation led by Rwanda's Minister for Rehabilitation and Social Integration visited Ntamba to urge refugees who had returned to the camp to go back to Rwanda. Members of the Burundi/Rwanda/UNHCR Tripartite Commission and a second delegation from Rwanda also made efforts to persuade those remaining to repatriate rather than follow the bulk of the camp's residents into the United Republic of Tanzania. As a result, more than 4,400 Rwandans decided to repatriate during the first two days of February and the camp was subsequently closed.

25. During the fourth meeting, held at Bujumbura on 29 and 30 January 1996, the Burundi/Rwanda/UNHCR Tripartite Commission decided to have the remaining camps in Burundi progressively closed, starting with those nearest the border with Rwanda. The Commission expressed the hope that all remaining Rwandan refugees in Burundi would have repatriated by July, and all the camps closed. Those refugees who decide not to return will be transferred farther away from the border areas inside Burundi.

26. The number of returnees from the United Republic of Tanzania also showed a significant rise in February. A delegation from Rwanda and the United Republic of Tanzania led by the Rwandan Prime Minister, Mr. Pierre Rwigema, held meetings with Rwandan refugees in the United Republic of Tanzania. An attentive audience of more than 10,000 people in the Benaco camp listened for three hours as he discussed the situation in Rwanda and answered questions on security and property. Over 500 people repatriated during the week of 12 to 16 February, more than during the preceding months combined.

27. An estimated 1.1 million Rwandan refugees remain in Zaire, 511,000 in the United Republic of Tanzania and 97,000 in Burundi—taken together, one of the world's largest refugee populations. UNHCR, responsible for their protection, assistance and repatriation, is facing a serious financial problem in the Great Lakes region. Among programmes likely to be affected by the Office's difficulties in generating the \$288 million it needs in 1996 are rehabilitation and other projects associated with the repatriation and reintegration of refugees. The construction of 30,000 shelters, latrine buildings and a supply of potable water, as well as the

distribution of non-food items to returnees and activities carried out by non-governmental organization partners, may have to be curtailed or abandoned if the current trend continues.

28. In an attempt to launch a series of projects to repair damage to the environment and infrastructure in countries hosting Rwandan refugees, UNHCR and the United Nations Development Programme (UNDP) proposed a \$70.5 million programme on 24 January. The projects, presented at a donors meeting at Geneva, are the result of one of the decisions taken during the Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held in February 1995 at Bujumbura.

29. On 6 December 1995, 38 non-governmental organizations were requested by the Ministry of Rehabilitation and Social Integration to cease operation (19 of them had already left the country), leaving behind 114 non-governmental organizations still operating. In a letter addressed to the non-governmental organization community, the Ministry regretted the misinterpretation of the expulsion as general hostility to all non-governmental organizations and stated that the reasons for this action included the involvement of non-governmental organizations in activities incompatible with their mandate, which affected the security of the country, and unethical behaviour such as selling of relief goods. The Ministry said it fully appreciated the work of the remaining non-governmental organizations and assured them of the Government's commitment to continue its close collaboration with them.

30. The percentage of people receiving food aid through targeted distributions in Rwanda remained low during the reporting period. The emphasis of the World Food Programme (WFP) is now on food-for-work directed towards rehabilitation and development programmes, representing 62 per cent of all food aid distributed. In addition, WFP provided food to over 7,500 children in January.

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

VI. Rehabilitation, reconstruction and development

32. On the first anniversary of the Geneva round-table conference, disbursements by donor countries reached \$404 million, representing nearly 70 per cent of pledges made by donors in January 1995. Donors' disbursements accelerated over the last quarter of 1995,

which contributed to a stabilization of the exchange rate, a lower rate of inflation and a significant increase in foreign exchange reserves, bringing Rwanda's current import coverage to 5.1 months. Preparations are under way for the 1996 round table, due to be held on 2 and 3 May at Geneva. Three working groups have been established to focus on the Government's priority areas: justice and security, capacity-building and the transition from humanitarian assistance to development. Documents outlining their strategies on each of these topics are being prepared by various Ministries, with the support of UNDP, UNICEF and WFP.

33. With regard to the justice system, the Ministry of Justice has communicated its revised plan for the UNDP "Rehabilitation of the justice system" project. The plan proposes the recruitment of 10 legal advisers to assist in the establishment of "special chambers" to handle genocide cases, which must be viewed in the light of the recommendations made by the Conference on Genocide held at Kigali in November 1995. It further contemplates providing enhanced remuneration for over 1,000 judicial personnel in order for the Ministry of Justice to attract qualified staff. The project will also provide equipment for the public prosecutor's office and tribunals in the prefectures.

34. An extension to Cyangugu prison, a site experiencing acute overcrowding, will be financed through a project recently approved by the Government and UNDP. ICRC began installing water/sanitation and kitchen facilities in two warehouses in Byumba and Kibungo that will serve as temporary detention sites. UNDP is building security perimeters at these sites and construction work continued on three others in Kigali and Byumba. Despite these improvements, overcrowding in several prisons and most other places of detention remains a matter of serious concern.

35. Capacity-building activities have continued during the reporting period. Phase II of the Rwandan Communal Police Training Programme signed by the Ministry of the Interior and UNDP on 18 January 1996 will fund training for a third group of 750 cadets at the training facility in Gishari and provide for the construction of living quarters for police in 100 communes. In a joint programme with UNDP, WFP is providing food for communal police trainees and continues to assist the training centre for gendarmes in Ruhengeri.

36. In the health sector, various efforts were undertaken by WHO and UNICEF to provide equipment and supplies to hospitals and to rehabilitate health centres. Work on two hospitals in Gikongoro and Cyangugu and three health centres in Butare is expected to begin in early March. These efforts concentrated on training and education with regard to preventive measures on disease and

nutrition. To improve the quality of teaching in primary schools, UNICEF has been financing the in-service training of 5,600 underqualified teachers. The programme, which also includes instruction in landmine and cholera awareness, is now in its final stages. UNICEF also continues to provide technical assistance and logistical support to the Government of Rwanda in its efforts to assist children in especially difficult circumstances. The Ministry of Justice, in collaboration with UNICEF, has decided to expand the "Children in conflict with the law" project to include legal defence for children claiming property left by their deceased parents. UNICEF and the United Nations Educational, Scientific and Cultural Organization (UNESCO) are collaborating with various government ministries in the elaboration of strategies for reintegrating child detainees into the Rwandan school system.

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

VII. Financial aspects

38. In its resolution 50/211 of 23 December 1995, the General Assembly appropriated an amount of \$32,324,500 gross for the financing of the Assistance Mission for the period from 1 January to 8 March 1996.

39. Pursuant to the Security Council's request to initiate planning for the withdrawal of UNAMIR within a period of six weeks after the expiry of its mandate, I intend to seek the resources required for the withdrawal from the General Assembly at its forthcoming resumed fiftieth session. In addition, should the Council choose any of the options described in the present report for a continuing political or military presence of the United Nations in Rwanda, I shall request the Assembly at its resumed session to provide the resources required for its implementation.

40. As at 15 February 1996, the total outstanding contributions to the UNAMIR special account from the inception of the Mission to 8 March 1996 amounted to \$84.5 million and the total outstanding contributions for all peace-keeping operations stood at \$1,891.6 million.

VIII. Conclusions and observations

41. When Rwanda emerged from civil war and genocide with the establishment of the Government of National Unity on 19 July 1994, conditions in the country were nothing short of disastrous. There was no administration, no functioning economy, no judicial or education system, no water or electricity supply and no transport; the population, moreover, was still in a state of profound shock.

42. Today, conditions in Rwanda are returning to normal, though a significant portion of the population are still refugees or displaced persons. This progress has been achieved essentially through the efforts of the people of Rwanda. But UNAMIR, other United Nations and international agencies and non-governmental organizations have worked with the Government to restore basic infrastructures and to rehabilitate vital sectors of the economy. UNAMIR engineers have participated in the construction of transit camps for returning refugees. Its Civilian Police Unit has assisted in the establishment and training of a new gendarmerie and communal police. Its specialized units have helped clear mines. In cooperation with United Nations agencies and non-governmental organizations, UNAMIR has assisted orphans, moved to reopen schools and contributed to the rehabilitation of health care and sanitation facilities. It has also provided humanitarian assistance and helped to ease the appalling prison situation. UNAMIR by its presence has provided a sense of security and confidence to the representatives of United Nations agencies, intergovernmental institutions and non-governmental organizations who, throughout the country and sometimes under very difficult circumstances, have worked for the recovery of Rwanda.

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

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

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

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

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

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

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

47. In concluding this final report, I wish to record my warm appreciation to my Special Representative,

Mr. Shaharyar Khan, to the last UNAMIR Force Commander, Major-General G. Tousignant, and to the current Acting Force Commander Brigadier-General Shiva Kumar, all of whom have demonstrated the highest qualities of leadership. I am also deeply grateful to all the men

and women, civilian and military, including staff of United Nations agencies and programmes and non-governmental organizations, who have devoted themselves to translating into reality the commitment of the United Nations to the people of Rwanda.

Document 176

Letter dated 1 March 1996 from the Minister for Foreign Affairs and Cooperation of Rwanda to the Secretary-General accepting the Secretary-General's proposal for the United Nations to maintain the office of the Special Representative in Kigali for a period of six months

S/1996/176, 7 March 1996

I have the honour to convey the attached communication dated 1 March 1996 addressed to me by His Excellency Dr. Anastase Gasana, Minister of Foreign Affairs and Cooperation of Rwanda.

I should be grateful if you would bring the letter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Annex

Letter dated 1 March 1996 from the Minister of Foreign Affairs and Cooperation of Rwanda addressed to the Secretary-General

THE GOVERNMENT OF RWANDA'S PROPOSAL FOR CONTINUED UNITED NATIONS ASSISTANCE TO NATIONAL RECOVERY AND REHABILITATION OF THE COUNTRY

In the 1994 genocide, over 1 million people were brutally murdered. Each village in Rwanda was affected with about 4 million people internally displaced and 2.5 million refugees lured into exile by the perpetrators of genocide.

The tragedy has left a big problem of orphans, widows and other helpless people who survived death but have hardly any means of survival. The national wealth, including money in banks, was looted and both the physical and economic infrastructures were completely destroyed.

The Government of Rwanda has stopped genocide and restored relative peace and security, but it is still confronted with the enormous task of rebuilding a nation shattered by genocide. Given the fact that Rwanda lacks adequate resources, the Government appeals to the international community to mobilize both bilaterally and multilaterally, and particularly through the United Na-

tions system, for the recovery and rehabilitation of post-genocide Rwanda.

Office of the Secretary-General's Special Representative

With the end of the peace-keeping mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) on 8 March 1996, there will still be a need to meet specific post-genocide peace-building requirements and for undertaking rehabilitation and reconstruction of the country, for which United Nations agencies should increase their assistance to the Rwandan Government. Furthermore, upon UNAMIR's departure, United Nations agencies will need to strengthen their collaboration in order to benefit from common services on a cost-effective basis, so that the bulk of their assistance can benefit Rwanda directly.

In order to coordinate the United Nations assistance to the national recovery and rehabilitation of the country, the Rwandan Government accepts the proposal of the United Nations Secretary-General to maintain the office of the Special Representative in Kigali for a period of six months. In addition to coordinating all United Nations activities, the Special Representative should monitor political developments and use his good offices to support the promotion of peace and national reconciliation.

Appropriate United Nations agencies, in addition to those already present in Rwanda such as the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR) etc., should concentrate their common initiatives in the following areas of activities:

1. Repatriation of refugees;
2. Resettlement of returnees and internally displaced persons;
3. Support for the survivors of genocide;

4. Justice and human rights;
5. Improvement of detention centres;
6. Institutional capacity building;
7. Infrastructure rehabilitation;
8. National reconciliation.

A trust fund for rehabilitation and reconstruction should be pursued as a mechanism for the donor countries to contribute resources to enable the Government and United Nations agencies to undertake these recovery and rehabilitation activities, but should make the disbursement of required funds easy.

A. *Repatriation of refugees*

Repatriating all Rwandese nationals would promote the process of national reconciliation. The Government is committed to the unconditional return of all Rwandan nationals to the country. Bilateral and multilateral agreements have been reached between the Government of Rwanda and the Governments of neighbouring countries on the repatriation mechanism.

The Government has translated its commitment to the return of refugees through the following actions:

1. Advocacy for national reconciliation;
2. Restoration of security within our borders;
3. Discouraging revenge through enforcement of law and order;
4. Promoting a culture of transparency by, for example, allowing human rights monitors throughout the country;
5. Enforcement of laws governing property rights;
6. Resettlement and reintegration of returnees in both the administration and the army and in other social structures.

These measures have already led to the return of 2,272,000 in only one year. UNHCR has played an instrumental role in the conclusion of repatriation agreements with neighbouring countries and should continue to be the lead agency during the repatriation process. Resources should be made available so that UNHCR could continue to coordinate and cooperate closely on that matter with the International Organization for Migration (IOM) and the World Food Programme (WFP).

B. *Resettlement of returnees and internally displaced persons*

During the Thematic Consultation on Refugees held at Kigali in November 1995, the Government of Rwanda presented to the international community a plan of action for the repatriation, resettlement and social reinsertion of refugees and internally displaced persons.

This plan of action indicates priority actions which are estimated to cost \$131 million over the next three

years to resettle and offer support for the socio-economic reintegration of all refugees coming back to the country and internally displaced persons.

The Ministry of Rehabilitation and Social Integration will continue to require support from UNDP to strengthen its capacities to support, coordinate and monitor the implementation of the plan of action at the national and prefectural level. UNDP, through the various specialized agencies of the United Nations, such as the United Nations Centre for Human Settlements (Habitat) (UNCHS) and the United Nations Office for Project Services, should continue to support resettlement and social reintegration in, respectively, urban areas and rural areas. UNHCR will be expected to facilitate first stage resettlement through the provision of reinstallation kits and shelter material.

C. *Support for the survivors of genocide*

The genocide of 1994 left hundreds of thousands of people, such as handicapped, widows, orphans or unaccompanied children, elderly, etc., in Rwanda in deplorable living conditions. These vulnerable groups could be assisted by UNICEF, the United Nations Development Fund for Women (UNIFEM), UNCHS and the World Food Programme (WFP), who will develop, in close collaboration with the Government as well as international and local non-governmental organizations, targeted assistance projects and programmes to reduce the vulnerability of these groups.

D. *Human rights and justice*

1. *International Tribunal for Rwanda*

The Government of Rwanda recognizes the complementarity of the mandate of the International Tribunal for Rwanda to its own action to bring to justice the Rwandese presumed guilty of acts of genocide and will continue to support its work in the country. The Secretary-General should continue to mobilize both human and financial resources for the tribunal so that it can accomplish its task.

2. *Monitoring of human rights situation*

The Government of Rwanda recognizes the importance of the monitoring of the human rights situation in the country as a factor contributing to the establishment of a climate of confidence. The United Nations Human Rights Operation in Rwanda will thus continue to monitor the human rights situation in the country, carry out investigations on acts of genocide for the International Tribunal for Rwanda and promote post-conflict confidence-building.

3. *Rehabilitation of the judiciary and improvement of detention conditions*

The rehabilitation of the judiciary is one of the main priorities of the Government of Rwanda and it will continue to need the assistance of the international community in order to support its proper functioning over the years to come. UNDP and its executing agency in that sector, the United Nations Department for Development Support and Management Services, will be requested to continue to provide assistance to strengthen national capacity and support the coordination of external assistance in that sector.

Following the tragic events of 1994 during which thousands of criminals participated in the genocide of up to 1 million persons, large numbers of Rwandese are currently in custody. Detention conditions in Rwanda have been largely recognized as being below human standards and should be radically improved. The United Nations Department of Humanitarian Affairs will be requested to continue to bring to the attention of the international community the need for their support to improve the detention conditions. UNDP, in collaboration with the Government, will continue the implementation of the rehabilitation work.

E. *Human security*

1. *Internal security*

The Government of Rwanda has already started to reorganize and strengthen its gendarmerie and communal

police and has expressed its intention to proceed to the demobilization of part of its army. UNDP will continue to provide support to the strengthening of Rwandese gendarmerie and communal police, particularly in the areas of training and non-lethal equipment, and the World Bank will support the preparation and implementation, in collaboration with other agencies such as IOM and UNICEF, of a comprehensive demobilization and social reinsertion programme.

F. *Trust Fund for rehabilitation and reconstruction of Rwanda*

It is suggested that financing of the above-mentioned activities be provided by bilateral and multilateral donors through the expanded Trust Fund for rehabilitation and reconstruction of Rwanda. All funds contributed will be managed by a committee composed of representatives of the Rwandese Government, bilateral and multilateral donors and United Nations agencies. UNDP will assure the secretariat of the committee and will report to donors on the use of the funds.

The Government of Rwanda takes this opportunity to renew its commitment to the principles and ideals of the United Nations, and wishes to express its great appreciation for the sacrifices and contributions UNAMIR personnel have made during their tenure in Rwanda.

(Signed) Anastase GASANA

Minister of Foreign Affairs and Cooperation

Document 177

Security Council resolution encouraging the Secretary-General, in agreement with the Government of Rwanda, to maintain a United Nations office in Rwanda to support the efforts of the Government to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure

S/RES/1050 (1996), 8 March 1996

The Security Council,

Recalling its previous resolutions on the situation in Rwanda,

Having considered the report of the Secretary-General on the United Nations Assistance Mission for Rwanda (UNAMIR) of 29 February 1996 (S/1996/149),

Welcoming the letter of 1 March 1996 from the Minister of Foreign Affairs and Cooperation of Rwanda to the Secretary-General (S/1996/176, annex),

Paying tribute to the work of UNAMIR and to the personnel who have served in it,

Stressing the continued importance of the voluntary and safe repatriation of Rwandan refugees and of genuine national reconciliation,

Emphasizing the importance it attaches to the role and responsibility of the Government of Rwanda in promoting a climate of confidence, security and trust and the safe return of Rwandan refugees,

Emphasizing also the importance it attaches to States acting in accordance with the recommendations adopted by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons held in Bujumbura in February 1995, the Summit of Heads of States of the Great Lakes region held in Cairo on 28-29 November 1995, and the follow-up conference of 29 February 1996 held in Addis Ababa, and the importance it attaches to the continuation of efforts to convene a regional conference for peace, security and development in the Great Lakes region,

Encouraging all States to cooperate fully with the International Commission on Inquiry established by resolution 1013 (1995) of 7 September 1995,

Recognizing the importance of the Human Rights Field Operation in Rwanda in contributing to the establishment of confidence in the country, and concerned that it may not be possible to maintain its presence throughout Rwanda unless sufficient funds for that purpose are secured in the very near future,

Concerned also to ensure the effective operation of the International Tribunal for Rwanda established by resolution 955 (1994) of 8 November 1994,

Commending the continuing efforts of the Government of Rwanda to maintain peace and security as well as to reconstruct and rehabilitate the country,

Stressing its concern that the United Nations should continue to play an active role in assisting the Government of Rwanda in promoting the return of refugees, in consolidating a climate of confidence and stability and in promoting the rehabilitation and reconstruction of Rwanda,

Reiterating the responsibility of the Government of Rwanda for the safety and security of all United Nations personnel and other international staff serving in the country,

1. *Takes note* of the arrangements made by the Secretary-General for the withdrawal, starting on 9 March 1996, of UNAMIR pursuant to its resolution 1029 (1995) of 12 December 1995;

2. *Authorizes* elements of UNAMIR remaining in Rwanda prior to their final withdrawal to contribute, with the agreement of the Government of Rwanda, to the protection of the personnel and premises of the International Tribunal for Rwanda;

3. *Welcomes* the intention of the Secretary-General to submit recommendations to the General Assembly regarding UNAMIR non-lethal equipment that may be released for use in Rwanda in accordance with para-

graph 7 of its resolution 1029 (1995) and calls upon the Government of Rwanda to take all necessary steps to ensure that UNAMIR personnel, and equipment which is not remaining in Rwanda, can be withdrawn without impediment and in an orderly and safe manner;

4. *Encourages* the Secretary-General, in agreement with the Government of Rwanda, to maintain in Rwanda a United Nations office, to be headed by his Special Representative and to include the present United Nations communications system and radio station, for the purpose of supporting the efforts of the Government of Rwanda to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure, and of coordinating the United Nations efforts to that end;

5. *Commends* the efforts of States, including neighbouring States, the United Nations and its agencies, the European Union and non-governmental organizations which have provided humanitarian assistance to refugees and displaced persons, and underlines the importance it attaches to continued efforts by the Government of Rwanda, neighbouring States, the international community and the United Nations High Commissioner for Refugees to facilitate the early, safe, voluntary and organized return of Rwandan refugees to their own country in accordance with the recommendations of the Bujumbura conference;

6. *Calls upon* States and organizations to continue to give assistance for the reconstruction of Rwanda and the rehabilitation of the infrastructure of the country, including the Rwandan justice system, directly or through the United Nations trust funds for Rwanda, and invites the Secretary-General to consider whether there is a need to adjust the scope and purposes of those funds to bring them into line with current requirements;

7. *Calls also upon* States to contribute urgently to the costs of the Human Rights Field Operation in Rwanda, and encourages the Secretary-General to consider what steps might be taken to place the Operation on a more secure financial basis;

8. *Requests* the Secretary-General to report to the Council by 5 April 1996 on what arrangements have been agreed with the Government of Rwanda for the protection of the personnel and premises of the International Tribunal for Rwanda after the withdrawal of UNAMIR and on the arrangements he has made pursuant to paragraph 4 above, and to keep the Council closely informed thereafter of developments in the situation;

9. *Decides* to remain seized of the matter.

Document 178

Letter dated 13 March 1996 from the Secretary-General to the President of the Security Council transmitting the final report of the International Commission of Inquiry

S/1996/195, 14 March 1996

I have the honour to refer to resolution 1013 (1995), by which the Security Council authorized the establishment of the International Commission of Inquiry to investigate, *inter alia*, reports relating to the sale or supply of arms and related *matériel* to former Rwandan government forces in the Great Lakes region in violation of Council resolutions 918 (1994), 997 (1995) and 1011 (1995).

By paragraph 4 of that resolution, the Security Council requested me to submit, within three months of the establishment of the Commission, an interim report on the conclusions of the Commission. That report was submitted to the Council on 26 January 1996 (S/1996/67). By a letter dated 13 February 1996 (S/1996/104), the President of the Security Council indicated that members looked forward to receiving the Commission's final report in due course.

The purpose of the present letter is to transmit to the Council the final report of the International Commission of Inquiry. As requested by the Council, the report contains the Commission's conclusions, as well as its recommendations regarding possible measures to curb the illegal flow of arms in the Great Lakes region.

In the light of these recommendations, the Security Council may wish to decide whether the Commission should continue its investigations or whether other measures should be put in place to promote compliance with the relevant resolutions of the Council.

Should the Council decide that the Commission is to pursue its investigation, it would be my intention to review, in consultation with the Chairman, the composition and *modus operandi* of the Commission, taking into account the need for maximum cost-effectiveness, especially at a time when the Organization is facing an acute financial crisis.

I should like in this connection to emphasize that, in the absence of voluntary contributions to the budget of the Commission as called for in paragraph 8 of resolution 1013 (1995), the Commission would continue to be financed as an expense of the Organization. The necessary additional appropriations would therefore have to be made in the context of the regular budget of the Organization.

(Signed) Boutros BOUTROS-GHALI

Annex Report of the International Commission of Inquiry (Rwanda)

I. Introduction

1. By paragraph 1 of its resolution 1013 (1995) of 7 September 1995, the Security Council authorized the establishment of the International Commission of Inquiry to investigate allegations that former Rwandan government forces were being supplied with arms in violation of the embargo imposed by the Council in resolutions 918 (1994), 997 (1995) and 1011 (1995). The Commission was also charged with investigating allegations that such forces were receiving military training in order to destabilize Rwanda, and with identifying parties aiding and abetting the illegal acquisition of arms by those forces, contrary to the Council's resolutions.

2. By paragraph 4 of resolution 1013 (1995), the Security Council requested the Secretary-General to submit, within three months from its establishment, an interim report on the conclusions of the Commission and, as soon as possible thereafter, to submit a final report containing its recommendations.

3. In a letter dated 16 October 1995 (S/1995/879), the Secretary-General notified the President of the Security Council that he had appointed the following persons as members of the International Commission:

Ambassador Mahmoud Kassem (Egypt), Chairman
Inspector Jean-Michel Hanssens (Canada)
Colonel Jürgen G. H. Almeling (Germany)
Lt. Colonel Jan Meijvogel (Netherlands)
Brigadier Mujahid Alam (Pakistan)
Colonel Lameck Mutanda (Zimbabwe)

4. By a letter dated 20 October 1995 (S/1995/880), the President of the Security Council informed the Secretary-General that the members of the Council welcomed his decision and took note of the information contained in his letter.

5. The Commission completed its interim report three months after the nomination by the Secretary-General of its Chairman and members and submitted it to the Council on 26 January 1996 (S/1996/67, annex). In response to the letter of transmittal of the Secretary-General, the President of the Security Council stated (S/1996/104) that the Council members looked forward

to receiving the final report of the Commission in due course.

6. The Commission herewith submits its final report, which contains additional information it has discovered since the submission of its interim report. In accordance with paragraph 1 (d) of resolution 1013 (1995), by which the Commission was requested to recommend measures to end the illegal flow of arms in the subregion in violation of the Council resolutions referred to above, the Commission also submits recommendations for the Council's consideration.

II. *Activities of the International Commission of Inquiry since the submission of its interim report*

A. *Activities in France*

7. On 25 January 1996, in response to the nomination by the Government of France of a senior official to assist it in its inquiries, the Commission requested the Government to locate certain individuals it wished to interview in connection with events said to have taken place in and around Goma airport and in Rwanda, especially during the period of Opération Turquoise, the multinational operation set up for humanitarian purposes in Rwanda pursuant to Security Council resolution 929 (1994).

8. By a note verbale dated 13 February 1996, the Government of France invited the Commission to meet with General Lafourcade, the Commander of Opération Turquoise, and Colonel Zurlinden, who had been in charge of French forces at Goma airport during that period (June to August 1994). The Government also proposed a meeting with officials of the Ministry of Foreign Affairs.

9. The French note went on to say that with respect to the other persons identified by the Commission, the French authorities would seek to inform them of the Commission's wish to interview them. The French authorities nevertheless wished to draw the attention of the Chairman to the fact that, as they were private individuals, it was not possible to indicate what the response of those persons to those requests for interviews might be.

10. The French authorities also wished to remind the Chairman of the Commission that he could if he so requested meet the Secretary-General for National Defence, whose responsibility it was to control exports of all sensitive French military *matériel*.

11. Accordingly, members of the Commission visited France from 26 to 29 February 1996 and met with officials of the Ministry of Foreign Affairs, General Lafourcade and Colonel Zurlinden and representatives of the Secretary-General for National Defence whose

responsibility it was to control exports of all sensitive French military *matériel*. The French officials informed the Commission that their Government had suspended the sale and supply of arms to Rwanda more than a month before the imposition of the embargo by the Security Council. They explained the legal and procedural mechanisms involved in the consideration of the sale or supply of French arms and *matériel* to any potential recipient and stated that these mechanisms had been fully complied with. At the request of the Commission, the French authorities also arranged meetings with French manufacturers of arms and *matériel*.

12. General Lafourcade told the Commission that French forces had brought with them no arms except those they required for their own use. No weapons were left behind, and all had been fully accounted for on their departure. The General also informed the Commission that French forces had confiscated approximately a thousand weapons from the retreating Rwandan government forces (RGF—also known as Forces armées rwandaïses (FAR)). At the conclusion of Opération Turquoise, they said they had inventoried those weapons and handed them over to the United Nations Assistance Mission for Rwanda (UNAMIR). The Commission had already heard of this matter and had written to UNAMIR asking about the disposition of the arms. No reply has been received.

13. Colonel Zurlinden told the Commission he had been at Goma from 22 June to 30 September 1994. During that period he had seen no arms being flown in for the use of the Rwandan government forces, and was not aware that any such arms had been imported. Though the French forces exerted considerable control over the airport and its environs, however, they did not handle the unloading of Zairian aircraft.

14. The representatives of the Secretary-General for National Defence informed the Commission in some detail concerning the legislation and procedures governing the control of the manufacture, sale, shipping and transit of arms in and from France. It was stressed that these had been strictly complied with in the case of Rwanda even before the imposition of the embargo by the Security Council, since the authorities had taken the initiative of officially suspending the export, sale or supply of arms and *matériel* to that country as early as 8 April 1994 (copies of the declassified documents concerned have been made available to the Commission on the basis of strict confidentiality). Consequently, no French arms had been sold or supplied to Rwanda in violation of the embargo.

15. It did not prove possible for interviews to be arranged with the private persons the Commission had wished to interview. One of those individuals was Mr. Jean-Claude Urbano, described in the Human Rights

Watch report as the French consul at Goma in mid-1994. The Human Rights Watch report attributed to Mr. Urbano certain statements concerning alleged arms deliveries. The Commission understands that Mr. Urbano has instituted legal proceedings for slander against Human Rights Watch in respect of the statements attributed to him.

16. Two members of the Commission met on 29 February 1996 with officials of two major French arms dealers whose headquarters are located in or near Paris. Both confirmed that they had supplied *matériel* or ammunition to the Rwandan government forces in the past, but had not done so since 1992. They affirmed that they had strictly applied the provisions of the United Nations embargo imposed by resolution 918 (1994).

B. Activities in Burundi

17. From 26 to 29 January 1996, on the invitation of the Government of Burundi conveyed through the Burundian Embassy to Kenya at Nairobi, members of the Commission visited Bujumbura and met with the President of the Republic, Mr. Sylvestre Ntibantunganya. The Commission also interviewed a number of Burundian officials, including the Chiefs of Staff of the army and *gendarmérie*, as well as members of the diplomatic community. None of those interviewed had any information on alleged violations of the Security Council's resolutions, and thus were not in a position to throw any direct light on the object of the Commission's inquiries. The Commission also met with the Chairman and members of the Commission of Inquiry in Burundi and the Special Representative of the Secretary-General.

C. Activities in Kenya

18. On 29 January 1996, immediately on his return from Bujumbura, the Chairman and members of the Commission met with the Minister for Foreign Affairs of Kenya, Mr. Stephen Musyoka, and requested the cooperation and assistance of his Government in inquiries the Commission wished to make on Kenyan territory. The Minister promised to respond to the Commission's request after consulting with his officials. On 29 February 1996, following the departure of the Commission for New York, the Ministry of Foreign Affairs wrote to the Chairman to propose that meetings be arranged "as soon as the Chairman and the members of his Commission return from New York". This communication was received in New York on 11 March 1996.

D. Activities in Rwanda

19. The Commission has continued its contacts with Rwandan Government officials and others within

Rwanda. Shortly before the Commission returned to New York it obtained information from some of these sources that strongly suggested that aircraft were continuing to land at Goma and Bukavu with arms for the former Rwandan government forces. Owing to the short time remaining to it and in view of the difficulties it had already encountered in Goma, the Commission has not yet been able to investigate these allegations more thoroughly.

20. The Commission also received strong indications from its sources that senior figures among the former Rwandan government forces were still actively raising money among sympathizers abroad, apparently for the purpose of funding an armed struggle.

III. Case study: arms purchase in Seychelles

21. As noted in its interim report (S/1995/67, annex, paras. 50-54), the Commission decided to devote particular attention to detailed allegations concerning the apparent involvement of Seychelles officials in two deliveries of arms to Goma airport, Zaire, in mid-June 1994. These allegations appeared in the report produced by the Washington, D.C.-based non-governmental organization Human Rights Watch Arms Project, entitled "Rearming with impunity: international support for the perpetrators of the Rwandan genocide", and were supplemented in numerous local and international media accounts, as well as personal interviews conducted by the Commission.

22. According to these reports, an Air Zaire aircraft transported two consignments of small arms and ammunition from Seychelles to Goma following negotiations over the sale of the arms said to have been conducted between senior Seychelles Government officials and a high-ranking officer of the former Rwandan government forces, Colonel Théoneste Bagosora. A South African national, Mr. Willem Ehlers, was said to have accompanied Colonel Bagosora from Johannesburg to Seychelles on 4 June 1994 and to have participated in the negotiations. The aircraft concerned was a DC-8 cargo aeroplane with the call-sign 9QCLV, which was said to have transported the arms in two separate flights between Seychelles and Goma on 16-17 and on 18-19 June 1994, one month after the imposition of the embargo. According to the Human Rights Watch report, the Government of Zaire had issued an end-user certificate in respect of the arms which, however, on arrival in Goma were reportedly handed over for the use of the Rwandan government forces, at that time still in Gisenyi, Rwanda.

23. As noted in its interim report (paras. 28-32), the Commission had while in Kinshasa met with the Zairian Vice Prime Minister and Minister for Foreign Affairs, Mr. Gérard Kamanda wa Kamanda, on 9 December 1995 and put to him a number of written questions

concerning allegations of Zairian Government complicity in the rearming of the former Rwandan government forces. In particular the Commission, at that time under the impression that two separate aircraft were involved, asked two questions relating to the Seychelles allegations. The first was:

“What are the circumstances surrounding allegations that two Air Zaïre aircraft were used to transport arms, including anti-tank and fragmentation grenades, to Goma?”

24. In its written reply, delivered at a subsequent meeting between the Commission and the Foreign Minister on 15 December 1995, the Government of Zaïre responded to this question as follows:

“The Government wonders how it was possible to ascertain the contents of these aircraft, unless access to them was obtained, in which case it is no longer possible to speak of allegations, and those who had access to the contents of the aircraft and who are thus witnesses should be identified and should make official statements.

“The Government would like to be informed of who was behind this transport of arms and the circumstances of the traffic, so that it can conduct an inquiry.

“The Commission may wish to note that since 1994 Air Zaïre has had only a single Boeing 737 and one DC-8 cargo aircraft, and that they are no longer flying regularly.”

25. The Commission’s second question was:

“Is it true that the Government of Zaïre issued end-user certificates for the arms transported from Seychelles? What was the final destination of that delivery?”

To which the response was:

“The Government has no knowledge of this matter.”

26. On 11 December 1995, the Commission met with Admiral Mavua Mudima, the Vice Prime Minister and Minister of Defence of Zaïre, and, among other things, asked him if he knew Colonel Théoneste Bagosora. The Minister, after consulting with his colleagues, denied all knowledge of the Colonel.

27. As further noted in its interim report (para. 26 and appendix), while in Kinshasa the Commission met with the Zairian Minister of Transport and then, with his authorization, the President/Director-General of the Régie des voies aériennes, the body responsible for Zaïre’s airports and air transport. Upon the request of the Com-

mission, the President/Director-General produced the flight plans of Air Zaïre aircraft operating during the month of June 1994 and the Fiche journalière de mouvements aériens. Among these were documents that indicated that an Air Zaïre DC-8 aircraft, call-sign 9QCLV, had left Kinshasa on 16 June 1994 in the direction of Mombasa and had returned on 20 June from Goma to Kinshasa.

28. On 7 December 1995, the Commission wrote to the Seychelles Defence Minister, Mr. James Michel, requesting information about these allegations, but received no reply. However, on 31 January 1996, at the invitation of the Government of Seychelles issued in response to a further letter from the Commission, two members of the Commission visited Seychelles to discuss the allegations with Mr. Michel and a number of other senior figures of the Government. A very different picture of events then emerged from that painted by the Government of Zaïre.

29. The Government of Seychelles and Mr. Michel cooperated fully with the Commission and provided it with information that amply corroborated the statements made in the Human Rights Watch report. The Defence Minister stated that the arms in question had been seized by his Government because they were being transported to Somalia in violation of the United Nations arms embargo imposed on that country in a ship called *Malo*. In doing so, he stated, Seychelles had done the international community a service, especially in that the assumption of custody of the arms had involved his Government in considerable expense and given rise to security risks. His Government had tried to dispose of the arms, and was approached by a Mr. Willem Ehlers, a South African national who said the Government of Zaïre was interested in buying them. Mr. Ehlers, who subsequently described himself as director of a company called Delta Aero, arrived in Seychelles on 4 June 1994 accompanied by a person now known to be Colonel Théoneste Bagosora, whom the Seychelles authorities believed to be Zairian. The buyers inspected the shipment, agreed to purchase it in its entirety and produced an end-user certificate apparently issued by the Zairian Ministry of Defence. They undertook to provide an aircraft to transport the munitions. This turned out to be an Air Zaïre DC-8 cargo aeroplane with the registration 9QCLV.

30. To resolve an objection from the Director-General of Seychelles Civil Aviation concerning the transportation of military *matériel* in a civilian aircraft, the “Zairian” army colonel produced a document certifying that the aircraft had been chartered for military purposes and purporting to place it under the “full military responsibility of the Ministry of Defence of the Government of Zaïre”. The document bore the seal of the Republic of

Zaire and the letterhead of the Ministry of National Defence and Veteran's Affairs, was dated 16 June 1994, and was signed by Colonel T. Bagosora (see appendix II).

31. However, the Seychelles authorities told the Commission, their suspicions were aroused by subsequent developments. Following the departure of the second consignment of arms—accompanied by Colonel Bagosora—on 19 June, local press reports appeared revealing that the armaments were being transported to Goma and not, as the Seychelles authorities had believed, to Kinshasa. They also discovered that Colonel Bagosora was not Zairian, but an officer of the Rwandan government forces. At that point, the Seychelles authorities cancelled a third consignment planned for 23 June 1994, apparently without any reaction from Mr. Ehlers or Colonel Bagosora.

32. The Seychelles authorities supported their account of these events with substantial documentation, copies of which they submitted to the Commission. This included copies of flight plans showing that the Air Zaire DC-8 aircraft 9QCLV landed in Seychelles from Mombasa on 16 June 1994; departed from Seychelles for Goma on 17 June; returned to Seychelles on 18 June; and returned once more to Goma on 19 June. In corroboration of this flight schedule, the Commission has since independently confirmed with the assistance of the International Civil Aviation Organization that the aircraft landed at Mombasa on 16 June 1994 from Kinshasa at 0830 hours and left for Seychelles the same day at 1014 hours with eight persons on board. Records available to the Commission indicate that the pilots for the two flights were Mr. L. Aembe-Monga and Mr. Wa Makilanda, and that they were of Zairian nationality. The Commission has not yet been able to identify the other passengers and crew members.

33. The Government of Seychelles also provided the Commission with a copy of a document purporting to be an end-user certificate signed by General Baoko Yoka, Vice-Minister for National Defence of Zaire, at Kinshasa on 13 June 1994 (see appendix III). The document refers to the Delta Company but does not, however, contain details of the consignment it purported to authorize except for a brief reference to TNT, which was not among the arms sold by Seychelles. The Seychelles Government provided to the Commission lists of the rifles, grenades and ammunition contained in each of the two consignments airlifted to Goma. These two lists, dated 16 and 18 June 1994, respectively, were each countersigned by Lt. Colonel Leopold Payet of the Seychelles People's Defence Forces and by Colonel Bagosora, who signed on behalf of the Zairian Armed Forces (FAZ) (see appendices IV and V). Each consignment weighed approximately 40-42 tons. The Commission has not yet

been able to complete its investigations into the identity of the Delta Company and the reference to TNT.

34. The Government of Seychelles has since informed the Commission that it has not been requested to grant permission for a re-export of the arms in question, nor has it granted such permission.

35. Stating that the arms had been paid for by two payments into the account of the Central Bank of Seychelles in the Federal Reserve Bank of New York, the Seychelles Government then authorized the Federal Reserve Bank to divulge to the Commission information concerning those payments. On 5 February 1996, the Commission wrote to the Federal Reserve Bank requesting information as to the source of those two payments, both made on 17 June 1994, of \$179,965 and \$149,982.50.

36. The Federal Reserve Bank of New York replied on 27 February 1996: "On June 17, 1994 Chase Manhattan Bank, New York, transferred the following funds to the account of the Central Bank of Seychelles on our books". The originator of the transaction in respect of the first sum—\$179,965—was listed as "Union bancaire privée, Genève", and the originator of the transaction for the second—\$149,982.50—was listed as "one of our clients". The Bank's letter concluded: "We have no further information concerning the source of the two payments".

37. Though Colonel Théoneste Bagosora acted or purported to act for the Zairian Armed Forces in this matter, he is in fact a Rwandan national, and declared himself as such when entering Seychelles on 4 June 1994 to negotiate for the arms. The immigration card he filled in upon arriving at Seychelles airport, a copy of which was also made available to the Commission, indicates this clearly, giving the number of his Rwandan passport, issued in Kigali on 1 December 1992, as 000855. Under "Purpose of visit", Colonel Bagosora wrote: "Salesman" (see appendix VI).

38. In the Human Rights Watch report Colonel Bagosora is described as "Counselor to the Minister of Defense of the ousted government of Rwanda and its chief arms procurer" (p. 2). He was interviewed by the Human Rights Watch researcher in person at Goma on 30 November 1994 and again at Kinshasa on 15 February 1995. The Commission has since obtained a physical description of the Colonel that corresponds to that provided by the Seychelles authorities, as well as confirmation of the fact that he did indeed tell the Human Rights Watch researcher that the arms were destined for and subsequently delivered to the Rwandan government forces. The Commission was further informed that Colonel Bagosora spoke openly to the Human Rights Watch researcher, apparently because he felt that the transaction

was legitimate, despite the United Nations arms embargo, because the war in Rwanda was still going on. Furthermore, the Commission has interviewed a high-ranking officer of the former Rwandan government forces who currently resides in Goma and who claimed to know Colonel Bagosora well. He identified him as having been *chef de cabinet* of the former Minister of Defence and stated that as at August 1995 Colonel Bagosora had still been living in Goma, but had since left.

39. In December 1995, a member of the Rwandan community in Nairobi informed the Commission that Colonel Bagosora had been resident in Goma, and said he would be prepared to meet with the Commission and deny the statements attributed to him in the Human Rights Watch report. The Commission had intended to locate and interview the Colonel during its visit to Goma in January 1996 but, as described in its interim report, was not able to complete its investigation there because of the position adopted by the Zairian authorities. The source who told the Commission of Colonel Bagosora's whereabouts and likely protestation of innocence has since apparently left Nairobi and can no longer be traced. According to the latest information available to the Commission, Colonel Bagosora himself is now in Cameroon.

IV. Approaches to governments

A. China

40. On 30 January 1996, the Government of China replied to the letter of the Chairman requesting its reaction to the allegations made in the Human Rights Watch report. The relevant portion of the letter reads:

"The Chinese Mission has just received the letter that you referred to in your interim report to the Secretary-General dated 26 January 1996. The Chinese Government has all along strictly observed the relevant Security Council resolution concerning arms embargo against Rwanda and has never provided arms to any party in Rwanda. The accusations in the relevant report against China are sheer fabrications out of ulterior motives in a deliberate attempt to sow discord in the friendly relations between China and Rwanda."

B. Republic of South Africa

41. As noted in the interim report, the Chairman of the Commission had also written on two occasions to the Government of South Africa, on 27 and 29 November 1995, but had received no reply. The Commission has also requested a copy of the report of the Cameron Commission, which it believes may have a bearing on its investigations, but has not yet received it. Pursuant to the information obtained by the Commission in Seychelles regarding the participation of a South African national,

Mr. Willem Ehlers, in negotiations for the purchase of arms subsequently sent to Goma, Zaire (see paras. 22, 29 and 31 above), the Commission met with the South African Deputy High Commissioner in Nairobi on 7 February 1996.

42. At that meeting, the Chairman conveyed to the Deputy High Commissioner a third letter, dated 7 February 1996, to the Government of South Africa, recalling the previous two and referring to the involvement of Mr. Ehlers in an arms transaction that was under investigation by the Commission as a possible violation of the Security Council embargo. The letter again requested information as to whether the South African Government had conducted, was conducting or contemplated conducting an investigation into the possible participation of any South African nationals or companies in the sale or supply of arms and *matériel* to the former Rwandan government forces in violation of the United Nations embargo. The Commission also repeated its request for information as to the origin of the weapons it had inspected on Iwawa island, Rwanda (also known as Île Wahu), one of which appeared to be of South African manufacture.

43. In response, the Deputy High Commissioner requested the Commission to supply his Government with any information it had that might relate to the possible involvement of a South African national or company in the case under investigation. This the Commission agreed to do.

44. On 20 February 1996, the Minister for Foreign Affairs of South Africa, Mr. Alfred Nzo, wrote to the Chairman of the Commission referring to the two letters dated 27 and 29 November and the requests made therein and replying as follows:

"Following investigation by our authorities I am now able to furnish the following information which has come to hand.

"In respect to the involvement of South African nationals in connection with the sale or supply of arms and *matériel* to the former Rwandan Government and, in particular, Mr. Willem Petrus Jacobus Ehlers, the information available indicates that Mr. Ehlers, in his private capacity, could have brokered the arms transaction in question in June 1994."

45. The Foreign Minister also stated that the rifle inspected by the Commission on Iwawa island, Rwanda, on 10 November 1995 had been manufactured in 1987 and sold in May 1991 to the Government of Rwanda.

C. *Bulgaria*

46. Another Government contacted by the Commission which had not replied was that of Bulgaria. Accordingly, the Commission wrote again to the Government of Bulgaria on 6 February 1996, again requesting a response to the allegations contained in a British television documentary, "Merchants of death", broadcast by Carlton UK Television on 13 June 1995. The documentary had featured a Bulgarian company, Kintex, whose executives, who were named in the programme, were portrayed as being prepared to deliver arms to Rwanda in violation of the United Nations embargo.

47. On 14 February 1996 the Permanent Mission of Bulgaria to the United Nations, referring to the Commission's two letters dated 1 December 1995 and 6 February 1996 and to the approach made by the President of the Security Council, replied as follows on behalf of the Bulgarian Government:

"A thorough investigation of the allegations contained in a British television programme called 'Merchants of death', broadcast in June 1995, conducted by the Interdepartmental Council on the Military Industrial Complex and Mobilization Readiness, has found that the Republic of Bulgaria is abiding strictly by the arms embargo imposed by the Security Council on Rwanda on 17 May 1994, and has proved that the aforementioned allegations are unfounded.

"The Republic of Bulgaria is fulfilling in good faith all obligations arising out of decisions of the Security Council, and the International Commission of Inquiry may further rely on the cooperation of the Bulgarian Government and its Permanent Mission to the United Nations in the execution of its important mandate."

D. *Other States in the Great Lakes region*

48. In accordance with its mandate, the Commission wished to visit all the countries of the Great Lakes region in order to collect information and investigate reports, if any, concerning the possible rearming and training of those forces wherever they might be in that region. As noted in its interim report, for reasons beyond the control of the Commission, it did not prove possible to arrange visits to Burundi, Uganda and the United Republic of Tanzania before the submission of that report. The Commission visited Burundi from 26 to 29 January (see para. 17 above).

49. The Commission also continued its efforts to arrange high-level meetings between the Commission and the leaders of Uganda and the United Republic of Tanzania. The Chairman met with the High Commissioner of

the United Republic of Tanzania to Kenya on 5 December 1995 and wrote to him the same day expressing the desire of the Commission to visit the Rwandan refugee camps in that country and meet with its senior Government officials. The Chairman wrote on 19 December 1995 and 23 January 1996 to the Minister for Foreign Affairs repeating his request, and noting that he had been obliged to report to the Security Council that his original request had met with no response. No reply has been received from the Government of the United Republic of Tanzania to those letters.

50. The Chairman also met with the High Commissioner of Uganda to Kenya on 23 November 1995 to request meetings with senior government officials, and wrote to the Minister for Foreign Affairs of Uganda on 19 December 1995 to follow up that request. He then wrote to the High Commissioner again on 15 February 1996 to the same effect, and made numerous telephone calls to pursue the matter.

51. On 8 March 1996, the day of the submission of the present report to the Secretary-General, the Commission received from the office of the United Nations Development Programme at Kampala a note to the effect that the Ugandan Minister for Foreign Affairs would be prepared to meet its members on 15 March 1996.

V. *Information sources available to the International Commission of Inquiry concerning the alleged sale or supply of arms and matériel to the former Rwandan government forces in violation of Security Council resolutions*

52. The mandate of the International Commission of Inquiry involved the investigation of reports relating to alleged violations of the Security Council arms embargo imposed on the former Rwandan government forces. In its interim report, the Commission noted that it had been obliged in the first instance to use non-United Nations sources of information until it was able to investigate the allegations at first hand (S/1996/67, annex, para. 9).

53. The reports immediately available to the Commission included the Human Rights Watch Arms Project report referred to above (see para. 21), a subsequent report by Amnesty International confirming the Human Rights Watch study and a number of British and French media accounts, including at least three television documentaries: "The gun runners" of 17 November 1994, "Merchants of death" of 13 June 1995, both broadcast by Carlton UK Television, and a BBC "Newsnight" production of March 1995 on training.

54. Though it used these and other reports as provisional sources of information in the early stages of

its investigation, the Commission, as it made clear in its interim report, was careful to substantiate all facts reported to it as far as possible. This was done by interviewing eyewitnesses and inspecting documents, as well as by verifying allegations with the Governments concerned.

55. By paragraph 14 of its resolution 918 (1994), the Security Council decided to establish a Committee to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

“(a) To seek from all States information regarding the action taken by them concerning the effective implementation of the embargo imposed by paragraph 13 [of the resolution];

“(b) To consider any information brought to its attention by States concerning violations of the embargo, and in that context to make recommendations to the Council on ways of increasing the effectiveness of the embargo;

“(c) To recommend appropriate measures in response to violations of the embargo ... and provide information on a regular basis to the Secretary-General for general distribution to Member States”.

56. As noted in its interim report (para. 41), the Commission requested the Committee established pursuant to resolution 918 (1994) to supply it with any information it had that might pertain to the Commission's mandate. The Commission was informed that the Government of Rwanda had submitted to the Committee the Human Rights Watch report, and that in response to questions arising therefrom the Governments of China and France had issued denials of any involvement in the alleged activities.

57. Shortly after the submission of its interim report, the Commission again wrote to the Committee requesting information on any measures the latter might have recommended in response to violations of the embargo, as called for in paragraph 14 (c) of resolution 918 (1994). The Chairman of the Committee replied that the Committee had no additional information and invited the Commission to share with the Committee any relevant information it might have.

58. The International Commission of Inquiry has received some assistance from United Nations agencies and programmes, including the United Nations Assistance Mission for Rwanda (UNAMIR). The Commission also obtained useful background information from some of the diplomats accredited to the States of the Great Lakes region, as well as from numerous individual

sources. The report produced by Human Rights Watch Arms Project, subsequently endorsed by Amnesty International, was a primary source of detailed information, much of which the Commission was subsequently able to confirm for itself. Individual journalists and documentary film makers also produced detailed accounts of arms flows and training in eastern Zaire which were very carefully reviewed by the Commission. The French newspaper *Libération* pursued the matter doggedly, and press reports in the Seychelles newspaper *Regar* and the Paris-based *Indian Ocean Newsletter* contained information of great value, which the Commission was able substantially to verify. There can be no doubt that these various reports not only provided the Commission with strong leads to follow, but also kept the matter in the public eye and, in the view of the Commission, contributed substantially towards deterring violations of the United Nations embargo.

59. By contrast, however, the Commission could not fail to note the absence of an effective, proactive mechanism to monitor or implement the arms embargo the Security Council had imposed on Rwanda. Had such a mechanism been functioning properly, the task of gathering information and investigating reports concerning alleged violations of the embargo that was subsequently entrusted to the Commission would undoubtedly have been facilitated. Indeed, the alleged violations might not have occurred if such a proactive mechanism had been functioning and been seen to be doing so. The Special Commission established pursuant to paragraph 9 (b) (i) of resolution 687 (1991), concerning the disarmament of Iraq, might serve as a useful model in this context.

60. The Commission is well aware of the practical, political and budgetary obstacles confronting the United Nations in its efforts to deal with sudden crises such as that which engulfed Rwanda in 1994. But such difficulties need not prevent the Security Council from establishing the machinery required for the full implementation of its resolutions, and the Commission proposes in paragraphs 77 to 81 below what form this machinery might take. It should be made clear that if the Security Council were to adopt these recommendations, ways would have to be found of providing the necessary additional resources for these activities, so as to reinforce the Organization's preventive diplomacy efforts, particularly in the fields of fact-finding and the development of early-warning systems. As noted in the report of the Secretary-General entitled “An Agenda for Peace” (S/24111), the specialized agencies and regional arrangements and organizations have an important role to play in this activity.

VI. *Recruitment and training of Rwandans in Zaire in order to destabilize Rwanda*

61. In its interim report, the Commission found that Rwandan men were receiving military training to conduct destabilizing raids into Rwanda. In examining the larger question of the sources of destabilization, the Commission agreed with the view often expressed that the presence of hundreds of thousands of refugees outside the borders of their own country was in itself a destabilizing factor.

VII. *Curbing the flow of illicit arms in the subregion: need for confidence-building measures*

62. The Commission proposes below a number of specific measures designed to deter possible attempts to sell or supply arms to the former Rwandan government forces in the future, and to encourage further investigation of violations it believes to have taken place in the past. In addition, the Commission would like briefly to address the broader issue of illicit arms flows in the Great Lakes region in violation of Security Council resolutions already adopted, and in the light of the Council's recent adoption of resolution 1040 (1996), taking into account the fact that embargo-related measures will probably not be effective unless they are applied throughout the subregion.

63. To supplement its recommendations, therefore, the Commission also suggests the adoption of confidence-building measures by the international community and some of the Governments of the subregion which the Security Council may wish to consider endorsing (paras. 82-83).

VIII. *Conclusions*

64. On the basis of the evidence it has discovered in Zaire and Seychelles, the Commission is satisfied that the Government of Seychelles, acting on the basis of an end-user certificate apparently issued by the Government of Zaire, authorized a sale of weapons in its possession in mid-June 1994. The arms, which included AK-47 rifles, 82-mm and 60-mm mortar shells and 37-mm and 14.5-mm ammunition, were transported from Seychelles to Goma on 17 and 19 June 1994 by an Air Zaire DC-8 cargo aircraft, registration number 9QCLV, in two consignments of about 40 tons each. The transaction was negotiated by Colonel Théoneste Bagosora, then a high-ranking officer of the Rwandan government forces, with the participation of Mr. Willem Ehlers, a South African national, who described himself as director of a company called Delta Aero.

65. The Commission accepts that the Government of Seychelles immediately cancelled the planned remain-

ing consignment in the light of new information which led it to believe that there was a possibility that the final destination of the arms could be the Rwandan government forces and that this would therefore have constituted a violation of the United Nations arms embargo against Rwanda.

66. The Commission has considered in great depth the significance of its findings. The first conclusion it has reached is that the response by the Government of Zaire to the questions posed by the Commission to the Zairian Minister for Foreign Affairs in Kinshasa was, at best, highly misleading and inadequate. The Commission is satisfied that the Government of Zaire knew, or should have known, that one of the very few functioning aircraft in its national airline had engaged in the transportation of arms from Seychelles to Goma, apparently in violation of the Convention of the International Civil Aviation Organization. If the Government was not aware of this, the publication of the allegations in the Human Rights Watch report and the questions posed by the Commission concerning those allegations should have induced the Government to investigate the matter rather than to prevaricate. Similarly, the Commission believes that the Zairian Government knew, or should have known, that a high-ranking Rwandan army officer, Colonel Théoneste Bagosora, was acting or purporting to act on its behalf in arms negotiations in Seychelles on the basis of an end-user certificate apparently issued by the Zairian Ministry of Defence in Kinshasa. In spite of this, the Zairian Government informed the Commission that it had no knowledge of this affair, or of Colonel Bagosora.

67. The Commission was conscious that one possible explanation of the delivery of arms to Goma in mid and late 1994 and 1995 could have been that the Zairian authorities had themselves been supplying their own troops there or, subsequently, the troops of the UNHCR Zairian Camp Security Contingent. However, as shown above, the Zairian Government made no such claim when asked to explain the Seychelles shipments.

68. The question remains whether or not there was a violation of the Security Council embargo, that is, whether or not the arms flown to Goma from Seychelles were subsequently handed over to the former Rwandan government forces. The Commission, for reasons made clear in its interim report, was effectively prevented while in Goma from seeking first-hand evidence of such a hand-over.

69. However, given the unsatisfactory response of the Government in Kinshasa to the Commission's questions, particularly its specific question about the issuance of an end-user certificate in respect of the Seychelles arms; the participation of Colonel Théoneste Bagosora, a senior officer of the former Rwandan government forces, then

under a United Nations arms embargo, in the negotiations for the arms in Seychelles; the fact that Colonel Bagosora himself accompanied the arms to Goma; the fact that he informed a person interviewed by the Commission that the arms were destined for and delivered to the Rwandan government forces; the denial by the Zairian Minister of Defence of any knowledge of Colonel Bagosora, despite the latter's claim to have officially placed an Air Zaire aircraft under military control and taken delivery of the Seychelles arms consignments on behalf of the Zairian Armed Forces; and the obstructive and uncooperative attitude of the Zairian Government officials assigned to assist the Commission in Goma, which made it impossible for the Commission to conduct its investigation there, the Commission concludes that it is highly probable that a violation of the United Nations embargo took place involving the supply of more than 80 tons of rifles, grenades and ammunition in two consignments flown to Goma airport on 17 and 19 June 1994 and subsequently transferred to the Rwandan government forces then in Gisenyi, Rwanda. If that is indeed the case, the Commission believes that the Government of Zaire or elements within it, in at least this one case, did aid and abet this violation.

70. The Commission accepts that the South African-made weapon found on Iwawa island in the wake of the battle there in November 1995 was supplied to the then Rwandan Government some years before the embargo was imposed. However, the Commission does consider that further investigation is required into whether or not Mr. Willem Ehlers, a national of South Africa, also aided and abetted the sale or supply of arms to the Rwandan government forces in violation of the embargo, and whether the Delta or Delta Aero Company of which he identified himself as a director was also involved.

71. Finally, the Commission cannot fail to express regret at the difficulties it has experienced in obtaining information from some of the Governments of Member States of the United Nations. By paragraph 3 of resolution 1013 (1995), which contains the Commission's mandate, the Security Council called upon States, relevant United Nations bodies, including the Committee established by resolution 918 (1994), and, as appropriate, international humanitarian organizations and non-governmental organizations, to collate information in their possession relating to the mandate of the Commission, and requested them to make this information available as soon as possible.

72. By paragraph 5 of that resolution, the Council called upon the Governments of the States concerned in which the Commission will carry out its mandate to cooperate fully with the Commission in the fulfilment of

its mandate, including responding positively to requests from the Commission for security, assistance, and access in pursuing investigations, and listed a series of measures intended to assist the Commission in its work.

73. During the four months of its existence, the Commission addressed more than 40 letters to the Governments of Member States, and to international humanitarian organizations, non-governmental organizations and others, bringing these provisions, where appropriate, to their attention and requesting specific assistance (see appendix VII). As has already been observed in the interim report, the response was sometimes tardy and occasionally non-existent. In its numerous informal contacts, too, though it received extremely valuable cooperation from many sources, the Commission felt that some of its interlocutors might have been more helpful and informative. If they had been, the Commission might have been better able to address some of the questions that still remain unanswered. The Commission notes that its concerns in this matter were reflected in the letter dated 13 February 1996 from the President of the Security Council to the Secretary-General (S/1996/104).

74. The Commission proposes (para. 91 below) measures to strengthen the sanctions regime currently existing in respect of the sale or supply of arms and *matériel* to persons in the States neighbouring Rwanda, if that sale or supply is for the purpose of the use of such arms or *matériel* within Rwanda.

IX. Recommendations

75. The recommendations of the International Commission of Inquiry are designed to be practical at low cost to the United Nations and to Member States. It has, however, been made very clear to the Commission that even these modest measures cannot be taken without the provision of the necessary additional resources. The Commission must therefore state plainly its view that if the Security Council's resolutions are to be properly implemented, sufficient additional resources must be made available to put in place the measures proposed by the Commission, should the Council wish to adopt them.

76. Those measures take into account the efforts already made by the United Nations to resolve the situation in the Great Lakes region, and to deal with the economic, military and ethnic aspects of that situation. Concerns relating to national sovereignty were also taken into consideration. Against the background of the formidable constraints which confront the Organization, the Commission considers these measures to be the optimum practicable steps that can be taken towards achieving the aims embodied in the relevant resolutions of the Security Council.

A. *Mechanisms to monitor, implement and enforce Security Council resolutions, to gather information and preserve evidence*

77. The Commission recommends that the Security Council, when imposing an arms embargo on a State or part thereof under Chapter VII of the Charter, consider simultaneously urging neighbouring States to establish within their respective Governments an office with the necessary legal, political, military, police, customs and border-guard personnel. The tasks of this office would be to incorporate the United Nations embargo into national law, to monitor, implement and enforce the operation of the embargo on its own territory and to make regular reports to the Security Council or such other organ as the Council may designate for this purpose.

78. A further responsibility of these offices would be to gather information, collect and preserve evidence and assist such investigating bodies as might subsequently be dispatched by the Security Council to inquire into any allegations of violations, or itself to undertake investigations if so requested by the Council.

79. Where the States concerned cannot staff and equip such offices wholly from within their existing resources, consideration could be given to establishing an appropriate trust fund within the context of Article 50 of the Charter, and to seconding personnel to assist the requesting Government.

80. Given the need for promptitude in any investigation of allegations of violations of an embargo, the Commission recommends that the Security Council, when establishing an embargo, should consider simultaneously creating an organ analogous to its Committee established pursuant to resolution 918 (1994), but with expanded functions. These would include the maintenance of liaison with the offices proposed above, the receipt, analysis and circulation to Member States of any reports submitted by those offices and the coordination with them of any investigation into alleged violations. The Commission further proposes that additional resources be found to provide adequate staff support for such a body.

81. This still leaves open the question of monitoring, implementing and enforcing the present embargo against the former Rwandan government forces following the completion of the work of the Commission. As proposed in paragraph 91 below, the Commission believes steps can and should be taken immediately to establish a monitoring unit in the subregion. Such a unit need not be large but should be mobile, and should be established and prepared to assume its duties at very short notice.

B. *Measures designed to foster stability in the subregion*

82. The Commission recommends that the Governments of the Great Lakes region, particularly that of Zaire, intensify their efforts:

(a) To ensure that their territory is not used for the recruitment or training of refugees and that it is not used as a base for armed groups to launch incursions or attacks against any other country;

(b) To prevent military training and the sale or supply of weapons to militia groups or other groups among the refugees.

83. The Commission is in complete agreement with the following conclusion of the summit meeting held at Cairo in November 1995, and recommends that the Security Council endorse it, that the Heads of State and delegation who participated in the meeting be invited to implement it without delay, and that the international community stand ready to provide technical assistance if so requested:

“The Heads of State and delegations viewed with deep concern the use of radio broadcasts to spread hate and fear in the region. The participants pledged to take all possible action to terminate the illegal and inflammatory radio broadcasts from one country into another. They called upon the international community to assist by providing technology to identify the location of mobile transmitters.”

C. *Confidence-building measures designed to reduce the flow of arms in the subregion*

84. Many of the conflicts the Security Council seeks to address through the imposition of arms embargoes, including the situation in and around Rwanda and Burundi, are fuelled and exacerbated by small arms and land-mines. The Commission therefore recommends that, when an arms embargo is imposed, neighbouring States be encouraged to participate on a voluntary basis in maintaining a register or data bank of movements and acquisitions of small arms, ammunition and *matériel*. As a preliminary step, the Security Council may wish to encourage the States of the Great Lakes region to consider creating such a register.

85. Those States, if they have not already done so, should also be encouraged to adhere to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its Protocols, particularly those relating to the use of anti-personnel land-mines, as well as to the Moratorium on the Export of Anti-Personnel Land-Mines. In addition, supplier countries might be requested to ensure that they

do not transfer such arms, including mines, to non-State entities or private businessmen.

D. Recommendations for the further investigation of violations which have or may have taken place

86. The Commission recommends that the Security Council consider inviting the Government of South Africa to investigate the participation of Mr. Willem Ehlers in the negotiations in Seychelles in June 1994 which led to the delivery of arms and ammunition to Goma, Zaire. This investigation should also extend to the activities of the Delta Company and related individuals and companies, if any, and its findings should be reported to the Security Council Committee established pursuant to resolution 918 (1994) for general distribution to Member States.

87. The Commission recommends that the Security Council consider calling on the Government of Bulgaria to make available to the Committee established pursuant to resolution 918 (1994) for general distribution to Member States the findings of the investigation conducted by the Interdepartmental Council on the Military Industrial Complex and Mobilization Readiness of the Government of Bulgaria into allegations that officials of the Kintex Company, Sofia, were apparently willing to sell arms in violation of Security Council resolutions.

88. The Commission recommends that the Security Council call on the Government of Zaire to investigate the apparent complicity of its own personnel and officials in the purchase of arms from Seychelles in June 1994. The Government should also be required to conduct a thorough and transparent inquiry into alleged Zairian complicity in other suspected violations of Security Council resolutions and to report its findings to the Committee established pursuant to resolution 918 (1994), in accordance with a timetable set by the Security Council, for general distribution to Member States.

89. This investigation should resolve the serious discrepancies between the Government's responses to the Commission's written questions and the facts as subsequently established by the Commission. In particular, the investigation should explain why a high-ranking Rwandan officer of a force placed under a United Nations arms embargo, Colonel Théoneste Bagosora, was apparently authorized to act for the Zairian Ministry of Defence in the purchase of arms from Seychelles in June 1994 and to take delivery of arms on behalf of the Zairian Armed Forces; how Colonel Bagosora came by the end-user certificate apparently issued by the Zairian Ministry of Defence; who authorized him to charter an Air Zaire aircraft to transport the arms; and what became of those arms.

90. If the recommendations in section D above are adopted and the Member States concerned comply with the Council's requests, the Committee established pursuant to resolution 918 (1994) may then wish, in accordance with paragraph 14 (b) of resolution 918 (1994), to consider this information and to make recommendations to the Council on ways of increasing the effectiveness of the embargo.

E. Measures to deter further violations of the embargo

91. Finally, with specific reference to the situation concerning the former Rwandan government forces, the Commission recommends that:

(a) The Government of Zaire should again be invited to consider the stationing of United Nations observers on its territory to monitor the implementation of the embargo and deter the shipment of arms to the former Rwandan government forces in violation of the embargo;

(b) The Security Council may wish to consider extending the concept embodied in the UNHCR Zairian Camp Security Contingent, by which national troops are recruited, led and paid by the international community, and applying it to the monitoring of the embargo in Zaire, perhaps in cooperation with the Organization of African Unity under Chapter VIII of the Charter;

(c) As an interim measure, in order to maintain an element of deterrence and oversight until such longer-term solution can be found, the Security Council may wish to consider retaining the International Commission of Inquiry or creating a similar body with a very small number of members to maintain contacts with the Governments of the Great Lakes region, to follow up the investigations of the Commission, to respond to any further allegations of violations and to make periodic reports to the Secretary-General on the evolution of the situation with regard to compliance with the relevant Security Council resolutions.

Appendix I

1. The International Commission of Inquiry would like to express its gratitude to the staff of the United Nations High Commissioner for Refugees and the United Nations Development Programme in Kenya, Rwanda, Burundi, the United Republic of Tanzania, Uganda and Zaire and to the United Nations Assistance Mission for Rwanda and its Liaison Office in Zaire for their invaluable assistance in helping the Commission meet its logistical, transportation and communications requirements.

2. The Commission wishes to express its deep appreciation to the government officials, diplomats, United Nations agencies, non-governmental organizations, individual relief workers, journalists and others who have

assisted in its activities since the submission of its interim report. These include:

A. *In Burundi*

Government officials

President of the Republic, Mr. Sylvestre Ntibantunganya
Chief of Staff of the Armed Forces
Chief of Staff of the Gendarmerie
Administrator-General of State Security
Chef de Cabinet of the President

Representatives of States

Belgium
Germany
France

United Nations bodies

Chairman and members of the Commission of Inquiry in Burundi
Special Representative of the Secretary-General and his deputy

B. *In France*

Ministry of Foreign Affairs officials
Former Commander of Opération Turquoise
Former Commander of French forces at Goma airport during Opération Turquoise
Officials of the Secrétariat général de la Défense nationale
Representatives of manufacturers of arms and matériel

C. *In Kenya*

The Minister for Foreign Affairs of Kenya
Deputy High Commissioner of South Africa

D. *In Seychelles*

The Minister of Defence
Director-General, Ministry of Foreign Affairs
Chief of Staff of the People's Defence Forces

Appendix II

RÉPUBLIQUE DU ZAIRE
(seal)

TO WHOM IT MAY CONCERN
I, Colonel T. BAGOSORA, hereby certify that the Military Command of the Republic of Zaire has char-

tered aircraft QC9LV for military purposes. The said aircraft will be transporting arms and ammunitions from Seychelles to Zaire directly, and during the course of this flight, will be under full military responsibility of the Ministry of Defence of the Government of Zaire.

(Signed) Col. T. BAGOSORA
Dated: 16th June, 1994

Appendix III

RÉPUBLIQUE DU ZAÏRE
CABINET DU VICE-PREMIER MINISTRE
CHARGÉ DE LA DÉFENSE NATIONALE
ET DES ANCIENS COMBATTANTS
KINSHASA

(seal) Le Vice-Ministre

CERTIFICAT DE DESTINATION FINALE

Je soussigné BAKO YOKA, général de brigade, vice-ministre de la défense nationale et des anciens combattants, certifie que les munitions et les TNT commandées auprès de la société Delta ont comme destination finale la République du Zaïre.

La réexportation de ces munitions vers les tiers n'est pas permise sans le consentement du Gouvernement de la République des Seychelles.

Fait à Kinshasa, le 13-06-1994

(Signed) with seal: RÉPUBLIQUE DU ZAÏRE,
LE VICE-MINISTRE

Appendix IV

SEYCHELLES PEOPLE'S DEFENCE FORCES
DEFENCE FORCES HEADQUARTERS
P O Box 363, Victoria — Mahe, Republic of Seychelles
(seal)

Date: 16-6-94

This is to certify that I, Lt. Col. Leopold Payet have today handed over in good order to Colonel Bagosora the following items:

| | |
|--------------------------|-------------|
| 1. AK 47 Rifles | 2,500 units |
| 2. 7.62 mm Ammunition | 500,220 pcs |
| 3. Hand grenades | 2,560 pcs |
| 4. 12.7 mm HE Ammunition | 33,696 pcs |

(Signed) LT. COL. L. PAYET (Signed) COL. BAGOSORA
For: S.P.D.F. For: F.A.Z.
Dated: 16-6-94 16 juin 1994

Appendix V

DFHQ's/.....

SEYCHELLES PEOPLE'S DEFENCE FORCES

Defence Forces Headquarters
 Republic of Seychelles
 P.O. Box 363
 Victoria—Mahe
 18th June 1994

This is to certify that I, Col. Leopold Payet, have today handed over on good order to Colonel Bagosora the following items:

- | | |
|---------------------------------|-----------|
| 1. 60 mm Mortar | 6,000 pcs |
| 2. 82 mm Mortar | 624 pcs |
| 3. 12.7 mm HE Ammunition | 4,800 pcs |
| 4. 37 mm + Fuse | 5,440 pcs |
| 5. 14.5 mm | 7,600 pcs |
| 6. Fragmentation Rifle Grenades | 5,600 pcs |

(Signed) LT. COL. L. PAYET (Signed) COL. BAGOSORA
 For: S.P.D.F. For: F.A.Z.
 Dated: 18-6-94 18 juin 1994

Appendix VI

Information provided by the Government of Seychelles, derived from immigration card reproduced below*

| | |
|----------------------|-----------------------------|
| Name: | Théoneste |
| Surname: | Bagosora |
| Nationality: | Rwandan |
| Date of birth: | 16/08/1941 |
| Passport No. | 000855 |
| Date of issue: | 01/12/1992 |
| Place of issue: | Kigali |
| Occupation: | Businessman |
| Local address: | Beau Vallon Bay Hotel |
| Port of embarkation: | Johannesburg |
| Flight No. | HM060 |
| Arrival date: | 04/06/1994 |
| Departure date: | 19/06/1994 |
| Flight No. | AZR4032 |
| Overseas address: | P O Box 347, Kigali, Rwanda |

*[Editor's note: The card is not reproduced here.]

Appendix VII

Correspondence between the International Commission of Inquiry and Governments and others, November 1995-February 1996

| No. | <u>Outgoing</u> | | | <u>Incoming</u> | |
|-----|-----------------|---|---|-----------------|---|
| | Date | Addressee | Subject | Date | Remarks |
| 1 | 12 Nov. | Committee established pursuant to resolution 918 (1994) | Request for information | 24 Nov. | No information available |
| 2 | 24 Nov. | Zaire | Explanation of Commission's mandate and purpose | | No reply, but Commission visited Kinshasa, 8-16 December |
| 3 | 27 Nov. | International Committee of the Red Cross | Request for information | | No reply, but ICRC representative visited Commission on 1 December to discuss |
| 4 | 27 Nov. | China | Request for information concerning allegations | 30 Jan. | Allegations denied |

| No. | <i>Outgoing</i> | | | <i>Incoming</i> | |
|-----|-----------------|-----------------------------|--|-----------------|--|
| | <i>Date</i> | <i>Addressee</i> | <i>Subject</i> | <i>Date</i> | <i>Remarks</i> |
| 5 | 27 Nov. | South Africa | Request for information concerning allegations | 20 Feb. | Minister for Foreign Affairs replied |
| 6 | 27 Nov. | France | Request for information concerning allegations | 2 Jan. | Allegations denied |
| 7 | 29 Nov. | South Africa | Request for information about weapons | 20 Feb. | Reply contained information requested |
| 8 | 29 Nov. | Belgium | Request for information about weapons | 10 Jan. | Reply contained details requested |
| 9 | 29 Nov. | UNAMIR | Request for review files | | Partial review took place on 1 December |
| 10 | 30 Nov. | United Kingdom Customs | Request for information | | No reply |
| 11 | 1 Dec. | Bulgaria | Request for information concerning allegations | 14 Feb. | Allegations denied |
| 12 | 4 Dec. | UNAMIR | Request for information concerning arms handed over by Opération Turquoise | | No reply, but contacts continued |
| 13 | 5 Dec. | France | Request for name of designated official | 2 Jan. | Government designated official |
| 14 | 5 Dec. | Belgium | Request for name of designated official | 10 Jan. | Reply received, but no official designated |
| 15 | 5 Dec. | United Republic of Tanzania | Request to visit | | No reply |
| 16 | 5 Dec. | Médecins sans frontières | Request for information | 11 Dec. | Promise of assistance |
| 17 | 7 Dec. | Seychelles | Request for information concerning allegations | | No reply |

| No. | <i>Outgoing</i> | | | <i>Incoming</i> | |
|-----|-----------------|---|---|-----------------|---|
| | <i>Date</i> | <i>Addressee</i> | <i>Subject</i> | <i>Date</i> | <i>Remarks</i> |
| 18 | 9 Dec. | Zaire | Request for information concerning allegations | 15 Dec. | Reply provided orally and in writing by Minister for Foreign Affairs |
| 19 | 18 Dec. | United Kingdom Customs | Follow-up to earlier request | | No reply, but meeting took place on 10 January |
| 20 | 18 Dec. | UNHCR | Request for information | 19 Jan. | Information provided |
| 21 | 19 Dec. | United Republic of Tanzania | Request to visit | | No reply |
| 22 | 19 Dec. | Uganda | Request to visit | | No reply |
| 23 | 20 Dec. | Burundi | Request to visit | 24 Jan. | Visit took place, 26-29 January |
| 24 | 20 Dec. | Rwanda | Request for further information | | No reply, but informal contacts have continued |
| 25 | 5 Jan. | ICAO | Request for information | 8 Feb. | Information provided |
| 26 | 18 Jan. | Belgium | Request for information | | No reply as yet |
| 27 | 18 Jan. | Seychelles | Request to visit | 23 Jan. | Visit took place, 31 January-5 February |
| 28 | 22 Jan. | Kenya | Request for meeting | 29 Jan. | Meeting took place on 29 January |
| 29 | 22 Jan. | Burundi | Request to visit | 24 Jan. | Visit took place, 26-29 January |
| 30 | 23 Jan. | United Republic of Tanzania | Renewed request to visit | | No reply |
| 31 | 25 Jan. | France | Request to meet with French officers | 13 Feb. | Reply offered meeting with officers, Ministry of Foreign Affairs and others |
| 32 | 30 Jan. | Kenya | Note verbale requesting contacts with officials | 29 Feb. | Reply proposed meetings on Commission's return |
| 33 | 30 Jan. | Committee established pursuant to resolution 918 (1994) | Request for information | 8 Feb. | No information available |
| 34 | 5 Feb. | Federal Reserve Bank of New York | Request for information | 27 Feb. | Information provided |

| No. | <i>Outgoing</i> | | | <i>Incoming</i> | |
|-----|-----------------|----------------------------------|--------------------------------------|-----------------|---|
| | <i>Date</i> | <i>Addressee</i> | <i>Subject</i> | <i>Date</i> | <i>Remarks</i> |
| 35 | 6 Feb. | Bulgaria | Follow-up letter | 14 Feb. | Allegations denied |
| 36 | 6 Feb. | South Africa | Follow-up letter | 20 Feb. | Reply from Minister for Foreign Affairs |
| 37 | 8 Feb. | Seychelles | Further request for assistance | 10 Feb. | Information provided |
| 38 | 12 Feb. | ICAO | Further request for assistance | | No reply as yet |
| 39 | 14 Feb. | Federal Reserve Bank of New York | Follow-up letter | 27 Feb. | Information provided |
| 40 | 15 Feb. | Uganda | Renewed request to visit | 8 March | Response received |
| 41 | 16 Feb. | Kenya | Renewed request for meetings | 29 Feb. | Reply proposed meetings on Commission's return |
| 42 | 16 Feb. | France | Request to meet with French officers | 23 Feb. | Interview with officers arranged; meetings took place, 26-29 February |

Document 179

Letter dated 14 March 1996 from the Secretary-General to the President of the Security Council reporting, pursuant to resolution 1011 (1995), that the Security Council Committee established to monitor the arms embargo had received no notifications over the previous six months concerning the import by the Government of Rwanda of arms and related matériel

S/1996/202, 15 March 1996

I have the honour to refer to resolution 1011 (1995), adopted by the Security Council on 16 August 1995, regarding the situation in Rwanda. In paragraph 12 of that resolution, I was requested to report to the Council within six months of the date of its adoption, regarding, in particular, the export of arms and related *matériel* to the Government of Rwanda, on the basis of reports submitted by the Committee established pursuant to resolution 918 (1994) concerning Rwanda.

Accordingly, I wish to inform you that during this period, the Committee established pursuant to resolution 918 (1994) concerning Rwanda has received no notifica-

tions concerning the export to, or the import by, the Government of Rwanda of arms and related *matériel*. However, a notification was received on 12 February 1996 from the Government of Singapore informing the Committee that it had exported spare parts for vehicles for use by the Ministry of Defence of Rwanda. Before notifying the Security Council, the Committee has requested from the Government of Singapore additional information concerning this export.

(Signed) Boutros BOUTROS-GHALI

Document 180

Preliminary report of the Secretary-General on the disposition of the assets of UNAMIR

A/50/712/Add.2, 25 March 1996

Financing of the United Nations Assistance Mission for Rwanda

Report of the Secretary-General

Summary

The present document contains the preliminary report on the disposition of the assets of the United Nations Assistance Mission for Rwanda. The estimated inventory value of the Mission's assets as at 19 October 1995 was approximately \$62.5 million. The proposed disposal of the Mission's assets is consistent with the guiding principles endorsed by the General Assembly in its resolution 49/233 A of 23 December 1994, taking into account the unique circumstances and recent history of Rwanda.

The action to be taken by the General Assembly, as set out in paragraph 11, includes taking note of the preliminary report on the disposition of the Mission's assets and approval of the donation of non-lethal equipment to the Government of Rwanda.

I. Introduction

1. The Security Council in its resolution 1029 (1995) of 12 December 1995 adjusted the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) and extended the Mission for a final period until 8 March 1996. By that resolution, the Security Council also requested the Secretary-General to initiate planning for the complete withdrawal of UNAMIR within a period of six weeks after the expiry of its mandate and to examine, in the context of existing United Nations regulations, the feasibility of transferring the Mission's non-lethal equipment, as elements of UNAMIR withdrew, for use in Rwanda.

2. In a letter dated 13 February 1996 from the President of the Security Council (S/1996/103), the members of the Security Council urged the Secretary-General, in the light of the unique circumstances and recent history of Rwanda, to employ flexibility, while staying within the bounds of the regulations established by the General Assembly, in resolving the question of the disposition of UNAMIR equipment.

3. The disposition of the assets of peace-keeping operations is guided by the proposals of the Secretary-General contained in his report of 25 May 1994

(A/48/945 and Corr.1, para. 110) and the recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in its report of 18 November 1994 (A/49/664, para. 116), which were endorsed by the General Assembly in section VII of its resolution 49/233 A of 23 December 1994. The guiding principles are as follows:

(a) Equipment in good condition that conforms to established standardization or is considered compatible with existing equipment will be redeployed to other United Nations operations elsewhere in the world or will be placed in reserve to form the start-up kits for use by future missions;

(b) Equipment not required by other peace-keeping missions but which may be useful for operations of other United Nations agencies, international organizations or non-governmental organizations and which it is not feasible to keep in reserve will be sold to relevant agencies or organizations;

(c) Any equipment or property not required or which it is not feasible to dispose of in the above manner or which is in poor condition will be subject to commercial disposal within the country, following standard United Nations regulations and procedures;

(d) Any surplus mission assets remaining after disposition under the terms of paragraphs (a) to (c) above, and/or any assets which have already been installed in the country and which, if dismantled, would in fact set back the rehabilitation process of the country, will be contributed to the duly recognized Government of the respective country. This refers in particular to airfield installations and equipment, bridges and mine-clearing equipment.

4. The Advisory Committee, after reviewing the proposals of the Secretary-General, recommended in respect of paragraph 3 (d) above that the following be taken into account: (a) all efforts should be made to obtain from the Government its agreement to compensate the United Nations in a mutually acceptable form (contributions, services, tax exemption, etc.) for the residual value of any surplus mission assets installed in the country which could not be otherwise disposed of; and (b) the General Assembly should, as a matter of principle, be requested to approve any such disposition of mission assets which would provide for free-of-charge contribution to the Government.

II. Political mandate

5. In its resolution 1050 (1996) of 8 March 1996, the Security Council, *inter alia*, stressed its concern that the United Nations should continue to play an active role in assisting the Government of Rwanda in promoting the return of refugees, in consolidating a climate of confidence and stability and in promoting the rehabilitation and reconstruction of Rwanda. The Council also encouraged the Secretary-General, in agreement with the Government of Rwanda, to maintain in Rwanda a United Nations office, to be headed by his Special Representative and to include the present United Nations communications system and radio station, for the purpose of supporting the efforts of the Government of Rwanda to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure, and of coordinating the United Nations efforts to that end.

III. Preliminary report on the disposition of the assets of the United Nations Assistance Mission for Rwanda

6. On the basis of the original value of all assets held by UNAMIR, excluding transportation and installation costs, as at 19 October 1995 the total value of assets was estimated at approximately \$62.5 million. These assets have been classified into four groups as indicated in the annex to the present report, according to the principles set out in paragraph 3 above and taking into consideration the cost-effectiveness of their removal from the mission area. In addition, the assets have been placed into nine general categories covering accommodation, air transport, communications, mine clearing, electronic data-processing, office, vehicular and other equipment, and generators. The proposed distribution of the assets is provisional and is subject to change.

7. Group I comprises 65.6 per cent of all assets and has an inventory value of approximately \$41 million. These assets have been earmarked for transfer, at no cost, to other peace-keeping operations (UNAVEM, UNCRO, UNIFIL, UNIKOM, UNMIH, UNOMIL), to United Nations offices (United Nations headquarters,

MINUGUA, International Tribunal for Rwanda, United Nations offices in Burundi and Rwanda, International Commission of Inquiry in Burundi), or to the United Nations logistics base at Brindisi for temporary storage and future use. Included in this group are the communications equipment and radio station referred to in Security Council resolution 1050 (1996), which are to remain in Rwanda in United Nations custody. Assets from this group, valued at \$19.8 million, have already been transferred to other operations.

8. Group II consists of assets with an inventory value of approximately \$6.2 million and represents 10 per cent of the total value of UNAMIR assets. These assets have been earmarked for transfer, at cost, to the extrabudgetary programmes undertaken by the United Nations offices/programmes and agencies operating in Rwanda (UNEP, UNESCO, UNDP, UNHCR, human rights field operations in Rwanda and Burundi, Emergency Response and Humanitarian Assistance Unit). Assets of this group with an inventory value of \$1.8 million have already been transferred.

9. Group III comprises non-lethal assets valued at approximately \$9.2 million (14.7 per cent of UNAMIR total asset value) which are earmarked for donation to the Government of Rwanda.

10. Group IV assets with no remaining useful life, valued at approximately \$6.1 million, will be made available to the Government of Rwanda. This group includes assets that have been written off as a result of accidents and damage caused by natural elements and acts of war, abandonment due to the past security situation in Rwanda and loss owing to theft.

IV. Action to be taken by the General Assembly at its fiftieth session

11. The action to be taken by the General Assembly at its fiftieth session in connection with the financing of UNAMIR is as follows:

(a) To take note of the preliminary report on the disposition of the assets of the United Nations Assistance Mission for Rwanda;

(b) To approve the donation of non-lethal equipment to the Government of Rwanda.

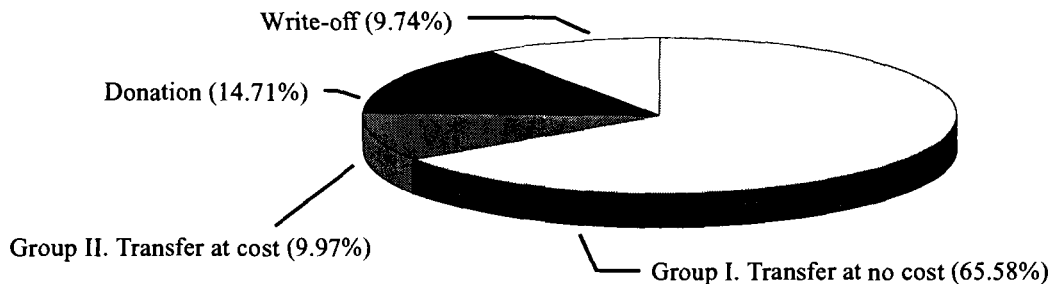
Annex

Disposition of assets: preliminary summary statement (original values)

(Thousands of United States dollars)

| Category of equipment | Group I. Transfer to other peace-keeping operations/United Nations offices at no cost | | | | Group II. Transfer to United Nations offices within Mission area at cost | | | | Group III. Donation to Government of Rwanda | | Group IV. Write-off | | Grand total |
|---|---|-----------------------|-----------------|------------|--|-----------------------|----------------|------------|---|------------|---------------------|------|-----------------|
| | Already distributed | Proposed distribution | Subtotal | % of total | Already distributed | Proposed distribution | Subtotal | % of total | % of total | % of total | | | |
| 1. Accommodation equipment | 5,338.0 | 191.0 | 5,529.0 | 35.0 | 1,184.3 | 2,154.1 | 3,338.3 | 21.1 | 5,355.9 | 33.9 | 1,579.5 | 10.0 | 15,802.7 |
| 2. Air transport equipment | - | - | - | - | 5.4 | 86.1 | 91.6 | 100.0 | - | - | - | - | 91.6 |
| 3. Communications equipment | 1,510.8 | 6,225.1 | 7,735.9 | 91.9 | 259.4 | 31.5 | 290.9 | 3.5 | 173.8 | 2.1 | 220.4 | 2.6 | 8,421.0 |
| 4. Mine-clearing equipment | - | 73.6 | 73.6 | 100.0 | - | - | - | - | - | - | - | - | 73.6 |
| 5. Electronic data-processing equipment | 48.0 | 973.9 | 1,021.9 | 56.3 | 20.4 | 154.9 | 175.3 | 9.7 | 399.3 | 22.0 | 219.7 | 12.1 | 1,816.2 |
| 6. Generators | 51.3 | 882.6 | 934.0 | 33.1 | 313.8 | 145.5 | 459.3 | 16.3 | 1,152.8 | 40.9 | 273.2 | 9.7 | 2,819.3 |
| 7. Office equipment | 3.2 | 321.5 | 324.7 | 42.6 | 12.7 | 138.8 | 151.5 | 19.9 | 195.6 | 25.6 | 90.9 | 11.9 | 762.8 |
| 8. Other equipment | 269.9 | 4,909.5 | 5,179.3 | 97.6 | 1.0 | 15.0 | 16.0 | 0.3 | 54.0 | 1.0 | 59.9 | 1.1 | 5,309.2 |
| 9. Vehicular equipment | <u>12,611.0</u> | <u>7,578.9</u> | <u>20,189.9</u> | 73.7 | <u>34.2</u> | <u>1,673.4</u> | <u>1,707.6</u> | 6.2 | <u>1,861.1</u> | 6.8 | <u>3,645.7</u> | 13.3 | <u>27,404.3</u> |
| Subtotal | 19,832.2 | 21,156.1 | 40,988.3 | 65.6 | 1,831.3 | 4,399.2 | 6,230.4 | 10.0 | 9,192.5 | 14.7 | 6,089.3 | 9.7 | 62,500.6 |

Figure. Distribution of UNAMIR assets



Document 181

Letter from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council, commenting on the final report of the International Commission of Inquiry

S/1996/222, 27 March 1996

I should like to inform you that the Government of Rwanda welcomes the second report (S/1996/195, annex) of the International Commission of Inquiry to investigate, *inter alia*, reports relating to the sale or supply of arms and related *matériel* to former Rwandese government forces in the Great Lakes region in violation of the relevant Security Council resolutions.

That report contains three important aspects which I would like to draw to the attention of the members of the Security Council.

The first important aspect of the recent findings of the Commission of Inquiry was that they confirmed the previous allegations from four organizations enjoying international credibility, e.g., African Rights, Human Rights Watch, Amnesty International, and the BBC, with regard to the rearming of former Rwandese Government forces.

The second important aspect of the findings of the Commission was with respect to Seychelles. The findings constitute irrefutable proof placing two countries prominently under the implication of facilitating the operation of selling arms to the former Rwandese regime. First of all there is one country whose Government allowed the transfer of arms with the necessary official documents to facilitate the operation; secondly, there is another country which had close ties to the former Rwandese military regime and which at that time was controlling and ensuring the security of Goma airport (Zaire), the final destination of the arms.

The third important aspect of the findings of the Commission is the lack of transparency and cooperation from the Governments which have been accused of actively participating in and facilitating the transfer of arms to the perpetrators of the genocide in Rwanda. What is most serious of all, both the Government of Zaire, which requested the establishment of the Commission, and the Government of France, which needs to demonstrate that certain allegations against it were unfounded, were the first to place obstacles in the way of the Commission after having accepted its mandate.

In Iwawa island, the Rwandan Government also has provided clear evidence that former forces of the Rwandese Army are being armed and the country has been the target of infiltrations which have been mentioned in all the reports of the Secretary-General on Rwanda.

As stated in my previous letter to you, the Commission cannot, and will not, reach satisfactory conclusions for the following reasons: "The Commission has neither the legal powers ... of a police force or an established investigative agency". Clearly, a weak commission cannot investigate a situation falling under Chapter VII of the Charter of the United Nations.

The Security Council has given greater weight to the so-called conference on peace, security and stability in the Great Lakes region. Had it instead provided an adequate mandate and strength to the Commission of Inquiry, imposed effective machinery to halt the infiltrations in Rwanda and detained the masterminds of the genocide, the results would have been far more promising. To date the past incorrect United Nations approaches with respect to the problems of the Great Lakes region have been inaccurate, too much emphasis has been placed upon peace-keeping activities and too much energy has been wasted on a United Nations regional conference, thus counter-productively boosting the morale of the former genocidal regime and facilitating its rearmament.

The Government of Rwanda would like to provide some orientation for the Security Council on the vital role that the Commission of Inquiry could play in ensuring peace, security and stability in the Great Lakes region. Concerning allegations that the former Rwandese Government forces are in violation of the United Nations arms embargo, if the Commission of Inquiry were to be provided with the adequate means, mandate and strength, then an eventual conflagration could be avoided in the Great Lakes region.

The Government of Rwanda would like to invite the Security Council to seize this positive momentum engendered by the recent findings of the Commission of Inquiry and, through its moral authority, call upon the international community at large to take appropriate and powerful deterrent measures with a view to preventing further tragedies in the heart of the African continent. In this connection the Government of Rwanda is firmly convinced that, as a result of the Commission of Inquiry's weak mandate and lack of resources, a full picture is yet to be provided with regard to the role that some countries have played and are continuing to play in the rearming of the former Rwandese Armed Forces both during and

following the genocide as well as subsequently from exile in eastern Zaire.

The Government of Rwanda seizes this occasion to make the following strong recommendations to the Security Council with regard to the future of the Commission of Inquiry, concerning allegations on the sale of arms to former Rwandese Government Forces, in violation of the United Nations arms embargo:

(a) The Government of Rwanda endorses all the recommendations made by the Commission except that of paragraph 91 (b) of the report, of recruiting Zairean troops, to be led and paid for by the international community, to monitor the Rwandan arms embargo in Zaire. This is as contrary to logic it would be to nominate someone who is a party to a dispute as a mediator to the same dispute;

(b) The Commission should be provided with a mandate under Chapter VII of the Charter of the United Nations enabling it to carry out a thorough investigation and receive the full cooperation of members of the international community implicated in alleged violations of the embargo, so as to send a strong signal to all arms dealers of the world and their governmental supporters that they cannot supply arms to a genocidal organization benefiting from the abuse of human rights with impunity;

(c) The Security Council should strengthen and further extend the Commission's mandate in the light of the incomplete nature of the Commission's findings, the availability of additional evidence (given additional time and resources) and the significance of this first international effort to control the flow of arms in the Great Lakes region, an area with the potential for further genocide. In this connection there are more than sufficient early warnings of mass slaughter by a former genocidal regime to be pursued not only in Rwanda but also in the Great Lakes region;

(d) The Council shall provide greater thrust to and reconfirm the priority importance of the work of the Commission, work that is much more profitable to the countries of the Great lakes region than the proposed United Nations conference on peace, security and stability in the region. The region needs to be under the rule of law rather than being submerged with international conferences;

(e) The Council should insist that Governments cooperate fully with the Commission of Inquiry and call upon them to make public the details of their findings concerning the allegations made by many highly respect-

able non-governmental organizations. Certain privileged countries should not be exempted from these measures because of their membership in the Security Council; in this case no country should be above the law;

(f) The Security Council should call upon the Government of Zaire to live up to the commitments that it made under the Tunis Declaration by providing the Commission of Inquiry with full and free access to Zaire and allowing the stationing of United Nations military observers at its airfields and border points;

(g) The Council should consider imposing diplomatic and other sanctions against Governments that fail to cooperate with the work of the Commission in violation of the arms embargo provisions contained in the relevant Security Council resolutions 918 (1994), 997 (1995) and 1011 (1995);

(h) The Council should instruct the Commission to look into recent and current allegations of arms shipments to the former Rwandese Government Forces instead of focusing only on past violations of the United Nations arms embargo;

(i) The Council should heed the Commission's recommendation with respect to the creation of an organ fully empowered to monitor, implement and enforce the United Nations arms embargo;

(j) The Government of Rwanda recommends that further investigations be carried out on the number of cargo flights bringing into Goma weapons which were then transferred to the Rwandese Government Forces;

(k) The Government of Rwanda also strongly recommends that the Security Council envisage ways and means to carry out more in-depth investigation into the role of Zaire in providing shelter and protection to the Rwandese Army Forces and rebel militias in eastern Zaire, and permitting those forces to carry out military training activities and military raids in Rwanda and other neighbouring countries.

The Government of Rwanda would like to invite the Security Council to encourage countries such as Cameroon, Seychelles and Zambia in their determination to implement the relevant Security Council resolutions.

I would be grateful if the present letter could be circulated as a document of the Security Council.

(Signed) Manzi BAKURAMUTSA
Ambassador
Permanent Representative of Rwanda
to the United Nations

Document 182

Report of the United Nations High Commissioner for Human Rights on the activities of the Human Rights Field Operation in Rwanda (HRFOR), submitted pursuant to General Assembly resolution 50/200

E/CN.4/1996/111, 2 April 1996

I. Introduction

1. The present report describes the principal elements and role of the Human Rights Field Operation in Rwanda (HRFOR) in responding to the serious crisis in that country, from its inception in August 1994. It is presented in accordance with General Assembly resolution 50/200 of 22 December 1995, in which the Assembly requested the High Commissioner for Human Rights to report on the activities of HRFOR to the Commission on Human Rights at its fifty-second session and to the Assembly at its fifty-first session.

2. The field operation was the key response of the High Commissioner for Human Rights to the catastrophe that occurred in Rwanda. From April to July 1994, Rwanda suffered the slaughter of between 500,000 and 1 million persons. The main victims of this extensive carnage were members of the Tutsi minority and moderate Hutus. The massive human rights violations were perpetrated in a preplanned, organized and systematic manner by extremist Hutu militia throughout the country, and started within hours of the attack on the presidential aircraft on 6 April 1994, which took the lives of Juvénal Habyarimana, President of the Rwandese Republic, and Cyprien Ntaryamira, President of the Republic of Burundi, as well as Ministers and staff of their entourages. The mass killings were condemned by all main organs of the United Nations, first and foremost by the Security Council. The massacres were later qualified by the Commission of Experts on Rwanda 1/ in very clear and unambiguous terms as constituting "genocide" within the meaning of the 1948 Genocide Convention.

3. The ensuing civil war and atrocities perpetrated against the civilian population exacerbated the trauma, which was worsened further by the extensive destruction of the country's infrastructure. The new Government that took power in Rwanda in mid-July 1994 was able to halt the genocide. It was then faced with the immense task of restoring law and order, fostering national reconciliation and reconstructing public and economic institutions.

4. The United Nations, including the High Commissioner for Human Rights, committed to assist in this endeavour, took a multifaceted approach to this complex set of problems. It is the deep conviction of the High Commissioner that a climate of confidence and long-

lasting peace can be built only upon the foundations of full respect for human rights and the rule of law. In order to achieve this, Rwanda must be supported by the sustained efforts of the United Nations. As this process involves the healing of deep wounds inflicted by the genocide that left no part of Rwanda untouched, a long-term engagement is required. Moreover, the system of justice has to be reconstructed from its very foundations so as to ensure that, in future, justice is administered fairly and impartially. The return and resettlement of refugees to, and internally displaced persons within, Rwanda, poses another major problem to be resolved.

II. Response of the High Commissioner to the crisis in Rwanda

5. The High Commissioner for Human Rights, who had assumed office only a day before the outbreak of hostilities in Rwanda, introduced a number of timely initiatives to address the crisis. He acted immediately to spur an urgent response from a wide range of United Nations agencies and mechanisms of the Commission on Human Rights, the Organization of African Unity (OAU) and the non-governmental organizations (NGO) community. On 4 May 1994, he called for the convening of an emergency session of the Commission on Human Rights to address the human rights situation in Rwanda.

6. After having visited Rwanda in May 1994, the High Commissioner for Human Rights urged that a Special Rapporteur on Rwanda be appointed to examine all human rights aspects of the situation, including root causes and responsibilities for the atrocities.^{2/} The High Commissioner also proposed that the Special Rapporteur should be supported by a field operation, staffed with specialists to investigate past human rights abuses and to monitor the ongoing situation, to deter human rights violations and to promote national reconciliation. These proposals were endorsed by the Commission and the Economic and Social Council.

^{1/} The Commission was created on 1 July 1994 by the Security Council to determine individual responsibility for serious breaches of human rights and humanitarian law. Following the completion of its work and the submission of its reports to the Secretary-General, it was dissolved on 30 November 1994.

^{2/} E/CN.4/S-3/3 of 19 May 1994.

7. On 1 July, by its resolution 935 (1995), the Security Council requested the Secretary-General to establish urgently an impartial commission of experts to examine and analyse information concerning responsibility for grave violations of international humanitarian law committed in Rwanda, including genocide. In his report to the Security Council of 26 July 1994, the Secretary-General stated that the Commission of Experts on Rwanda would be based in Geneva and would benefit from the resources of the High Commissioner for Human Rights and, in particular, those already made available to the Special Rapporteur of the Commission on Human Rights in Geneva and in the field. 3/

8. Another major development was the exodus of millions of refugees into neighbouring countries. This generated an immediate need to assist the newly established Government of Rwanda in creating the necessary conditions of law and order within a climate of confidence to encourage the early return of refugees and internally displaced persons. It was generally felt by members of the international community that a human rights field operation, one much larger than that conceived for the purposes of the Special Rapporteur and the Commission of Experts, should be put in place to facilitate repatriation and resettlement. In the absence of regular budget funding for an operation of this scale, the High Commissioner for Human Rights found it necessary to launch an appeal at the beginning of August 1994 for voluntary contributions to support this broad-based field operation. In August, he visited Rwanda again and obtained the agreement of the Government for the operation. Thus, the foundation was laid for HRFOR.

9. In the agreement between the High Commissioner for Human Rights and the Government of Rwanda, the objectives and functions of the operation are defined as follows:

(a) carrying out investigations into violations of human rights and humanitarian law, including possible acts of genocide;

(b) monitoring the ongoing human rights situation and helping to prevent such violations through the presence of human rights field officers;

(c) cooperating with other international agencies to re-establish confidence and facilitate the return of refugees and internally displaced persons and the rebuilding of civil society; and (d) implementing programmes of technical cooperation in the field of human rights, particularly in the area of the administration of justice, to help Rwanda to rebuild its shattered judiciary and to provide human rights education to all levels of Rwandan society.

III. Overview of the functions of the field operation: three principal elements

10. The mandate of HRFOR takes a three-pronged approach to confidence-building with a view to eventual national reconciliation.

First, HRFOR has carried out extensive investigations of genocide and other serious violations of human rights and humanitarian law that took place during the armed conflict in Rwanda from April to July 1994. Second, it has established a comprehensive presence of human rights field officers throughout the country to monitor the ongoing human rights situation. Third, it has initiated a broad-based programme of promotional activities in the field of human rights, ranging from projects for the rebuilding of the Rwandan administration of justice to human rights education.

11. In the first 12 months of the operation, HRFOR managed to establish a comprehensive and visible human rights presence in all parts of the country and a constructive working relationship with the Government of Rwanda at all levels. It was thus possible to work cooperatively with the local authorities in Rwanda to prevent and redress human rights problems.

12. The High Commissioner wishes to express his appreciation for the tireless and determined efforts of the operation's first Chief, Mr. W. Clarence, in carrying out a task, particularly complex and difficult in the light of the emergency setting surrounding the first months of the operation, for which the preparation of elaborate plans had not been possible.

13. At the end of the first year of the operation, HRFOR had reached a stage at which its functioning required fresh evaluation and review. Mr. I. Martin was assigned this new responsibility and, in his role as new Chief of HRFOR, thoroughly revised certain aspects of HRFOR's procedures.

A. *Investigating past violations—the genocide*

14. From the start of the operation, it had been recognized that the genocide investigation would have to be carried out in a professional manner and with the requisite level of expertise. Moreover, utmost care was taken to ensure that the integrity and confidentiality of evidence were continuously maintained. In this regard, the High Commissioner took full account of the experience gained from the work of the International Tribunal for the Former Yugoslavia, which had also been preceded by the creation of a commission of experts.

15. While the desirability and feasibility of creating an international criminal court for Rwanda was in the process of being considered, special care was taken to

3/ S/1994/879.

ensure that valuable evidence would not be lost in the interim. To this end, a special investigations unit was established to gather evidence that might otherwise have been lost or destroyed, to be turned over to the Prosecutor, if and when an international criminal court was brought into existence. This approach proved propitious when the Security Council decided, by its resolution 955 (1994) of 8 November 1994, to create the International Tribunal for Rwanda. It took several more months before the International Tribunal could become operational. HRFOR continued its genocide-related investigations until such point as the Deputy Prosecutor's Office, with its own investigations unit, was established in Kigali. Thereafter, the emphasis of the operation's investigative work shifted to coordinating activities of the field teams with the work of the International Tribunal.

16. While this work did not involve investigations for the direct purpose of prosecutions, it nevertheless required the highest standards of confidentiality and integrity of evidence-gathering, because of its potential probative value before a court of law. A number of Governments responded positively to the High Commissioner's request to provide specialized personnel, such as prosecutors, criminal investigators, police and forensic experts, thereby enabling HRFOR to collect pertinent evidence. Teams of experts provided by the Netherlands, Norway, Spain, Switzerland and the United States of America carried out special investigations into acts of genocide, including a comprehensive survey by forensic experts of massacre and mass grave sites, interviews of surviving victims and witnesses and the collection and preservation of documentary and other tangible evidence. A number of human rights field officers were assigned to provide assistance in this work at many stages of the investigation, working under the guidance of the expert investigators. These investigations have benefited also from outside support, particularly that provided by the United Nations Assistance Mission for Rwanda (UNAMIR).

17. All information gathered was regularly forwarded to the High Commissioner for Human Rights, who then channelled it to the Commission of Experts, the Special Rapporteur and the International Tribunal for Rwanda. The information placed before the Special Rapporteur and the Commission of Experts during 1994 was forwarded to the International Tribunal for Rwanda in January 1995. Information and evidentiary materials that were collected subsequently were again made available to the Special Rapporteur and personally handed over by the High Commissioner to the Deputy Prosecutor of the International Tribunal on 2 April 1995 in Kigali. The value of this material was explicitly recognized by the Tribunal.

18. The leading international role in investigating serious violations of international humanitarian law committed in Rwanda between 1 January and 31 December 1994 for the purposes of prosecution is now that of the International Tribunal. HRFOR is not duplicating the Tribunal's investigations. However, information and evidentiary materials collected by HRFOR and made available to the International Tribunal have contributed to some of the indictments now handed down by the Tribunal. Its teams offer assistance to facilitate the work of the investigators of the International Tribunal in the field, and any new information that comes to the attention of HRFOR will continue to be made available to the Tribunal as well as to the Special Rapporteur.

19. HRFOR gave assistance to the Government of Rwanda in the preparation and organization of its International Conference on Genocide held in Kigali from 30 October to 5 November 1995. HRFOR is also assisting the Government's Interministerial Commission for the Memorial of the Genocide, and will continue to offer assistance to Rwanda's efforts to address the genocide.

20. The Commission of Experts found that crimes against humanity and serious violations of international humanitarian law were committed by individuals of both sides of the conflict in Rwanda, but found no evidence to suggest that acts committed by Tutsi elements were perpetrated with an intent to destroy the Hutu ethnic group as such, within the meaning of the Genocide Convention. Allegations of such violations reported to HRFOR were made available to the Special Rapporteur, who has reported on them in successive reports. His latest report states that: "The Special Rapporteur cannot confirm this information at the present stage of his investigations; however he met some of the persons named, including the former Prime Minister, who promised to make available to him the documents and evidence in their possession. Once that material has been received it will be studied in detail and an inquiry on the spot will be carried out by human rights observers ..." 4/

B. *Monitoring and confidence-building process*

21. Monitoring and reporting on the current human rights situation constitute essential elements of the operation's mandate. It is important for the post-genocide rehabilitation of Rwanda that the ongoing human rights situation be closely observed, patterns of violations identified and immediate action taken. The Government of Rwanda fully recognizes that respect for human rights is a prerequisite for genuine confidence-building and national reconciliation and has supported the operation's efforts.

4/ E/CN.4/1996/68, para. 104.

22. Monitoring and confidence-building involve the establishment of a visible presence of human rights field officers throughout Rwanda. In accordance with the mandate of HRFOR, such activities have been conducted on a continuing basis throughout the country at the prefectural, communal and sectoral levels. HRFOR currently has field offices in 10 of Rwanda's 11 prefectures.

23. In October 1995, the newly appointed Chief of HRFOR thoroughly revised the monitoring and reporting procedures so that situation reports covering each calendar month are communicated first to the Government of Rwanda, thereby providing it with ample opportunity to supplement the reports with further information relevant to human rights violations and to correct factual inaccuracies where they may arise. This allows the Government of Rwanda to respond more fully to allegations of human rights violations and to work more constructively with HRFOR to redress violations at all levels. Subsequently, the situation reports are revised to take account of the response of the Government of Rwanda and then are made available to government delegations and concerned international organizations in Geneva.

Refugees and displaced persons

24. HRFOR is playing an important role in the process of repatriation and resettlement of refugees and internally displaced persons. In this context, the operation closely coordinates its activities with the United Nations High Commissioner for Refugees (UNHCR). A memorandum of understanding between UNHCR and HRFOR has been concluded, building on already existing cooperation, designed to reduce duplication of efforts as each agency seeks to implement its mandate. In deploying human rights field officers throughout the country, HRFOR pays particular attention to the areas receiving the largest numbers of refugees and internally displaced persons. HRFOR attempts to ensure that basic human rights are not violated at any stage of return, resettlement and reintegration, by monitoring: conditions at principal frontier crossing points; processing in transit centres; treatment of refugees while they await transfer to communes; treatment of those placed in interim detention; and all aspects of reintegration into home communes. In this connection, HRFOR evaluates the state of readiness of home communes to determine whether they are in a position to receive returnees and assists these communes in the resettlement process. Once this process has been completed, HRFOR monitors the subsequent treatment and security of resettled returnees.

Conditions of detention

25. Another priority of HRFOR is the serious situation in prisons and local detention centres. As of the end

of February 1996, the total number of detainees exceeded 64,000. In many detention centres, prisoners have had to stand for lack of room. There have been many deaths and serious illnesses due to the severe overcrowding.

26. Most of those currently detained were arrested outside the procedures laid down in Rwandan law, on accusations of involvement in the genocide, and there were initially no case files recording the allegations against them. HRFOR actively seeks to promote respect for legal procedures governing arrest and detention and, as judicial officials have been trained and deployed, there has been gradual progress in this respect. There has also been progress in the establishment of case files, although a very large backlog remains. Criminal trials have not yet commenced, but in February the Government announced its decision to create specialized criminal chambers within the existing courts to try those accused of involvement in the genocide, and enabling legislation is in preparation. Meanwhile, a small number of detainees, mostly accused of offences other than genocide, have been released as their cases were reviewed by the judicial authorities. The Government also established "triage committees" in each prefecture as an extrajudicial procedure whereby cases would be reviewed with the participation of the Rwandan Patriotic Army (RPA), which carried out most of the arrests. In 1995, only very small numbers of detainees were released as a result of this process. In December 1995, the Ministry of Justice issued instructions for such committees to be established in each commune to give priority to the cases of elderly persons, women and minors. HRFOR seeks to promote the processing of cases by these bodies at the same time as assisting the rehabilitation of the judicial system.

27. In accordance with guidelines agreed with the International Committee of the Red Cross (ICRC) for coordination in the field with regard to visits to persons deprived of their freedom in Rwanda, HRFOR carries out tasks complementary to those of ICRC. The main purpose of the agreement is to avoid duplication and to optimize efforts of the respective organizations for the benefit of detainees. In particular, HRFOR monitors respect for judicial guarantees with regard to detainees in prisons and pursues investigations regarding possible human rights violations through fact-finding missions to detention centres, following consultation with, and notification of, the relevant ICRC delegates. Where cases of ill-treatment come to the attention of HRFOR, HRFOR notifies ICRC delegates immediately and keeps them informed of their findings.

28. In terms of their respective priorities, HRFOR field officers accord priority to ensuring respect for judicial guarantees with regard to the detainees, including the circumstances of arrest, the duration of temporary deten-

tion, the establishment of individual legal files, the release of arbitrarily detained persons and the confirmation of release, whereas the ICRC delegates deal primarily with conditions of detention from the point of view of physical and psychological treatment and material conditions. Regular meetings are held at least once a week between representatives of HRFOR and ICRC in prefectures where both are represented so as to enhance mutual coordination.

C. Human rights promotion and efforts to rehabilitate the Rwandan justice system

29. Rwanda was left after the genocide with a substantially destroyed judicial system and few officials still in place. Re-establishment of the administration of justice remains an indispensable requirement for coping with the tragedy of genocide and its aftermath and, more generally, for making possible steps towards national reconciliation and rebuilding the principal organs of State administration.

30. HRFOR has worked to assist in the rehabilitation of the justice system at the national and local levels. The close contacts developed by HRFOR's field teams with local judicial officials have enabled HRFOR to enhance judicial functions despite the limitations of the system. It has thus been able to assist in channelling material assistance made available by the United Nations Development Programme (UNDP) and other donors to meet local needs and to promote the gradual resumption of judicial functions. Three legal experts have worked with the Ministry of Justice, and HRFOR developed, in cooperation with the Ministry of Justice and UNDP, a plan to deploy 50 foreign legal experts to assist the Government in restarting the judiciary. In September, the Government asked to suspend this project for re-examination. The project was therefore revised and it now envisages 10 foreign legal experts providing support to prosecutors and the courts in various prefectures. To date, seven foreign legal experts have been approved by the Government and a decision is pending on the other three.

31. HRFOR has actively promoted respect for Rwandan law and human rights standards through efforts focused on re-establishing or establishing the governmental and non-governmental institutions necessary for the protection of human rights. Seminars on arrest and detention procedures have been organized by field teams in the prefectures in conjunction with UNHCR. HRFOR participates in training at the National Gendarmerie School in Ruhengeri and has prepared training seminars for the gendarmerie and the RPA on the role of the armed forces and law enforcement officials in the protection and promotion of human rights.

32. HRFOR has organized and delivered a large number of human rights seminars throughout the country. Several of these have focused specifically on the rights of women and children; others have concerned the role of government officials and of journalists. A project for the creation of centres to provide legal and other advice to women at the commune level has been developed with local legal associations and competent ministries. HRFOR has worked closely with a number of Rwandan NGOs and has promoted human rights standards and awareness through radio broadcasts, newsletters and a weekly human rights club.

IV. Servicing and coordination of the operation with bodies established by the Security Council and the Commission on Human Rights

A. Servicing the Special Rapporteur

33. From the initial phase of the operation, special efforts were made to provide the Special Rapporteur with the required assistance in the fulfilment of the mandate entrusted to him by the Commission on Human Rights. *S/* Indeed, the High Commissioner had originally proposed that the Special Rapporteur should be assisted by a team of human rights field officers, a proposal approved by the Commission on Human Rights. A first group of five human rights officers was fielded during the period from June to August 1994. As HRFOR became fully operational and as the amount of information gathered by field teams increased, a Coordinator for the Special Rapporteur was selected in conformity with the Special Rapporteur's wishes and appointed, whose functions form an integral part of the Office of the Chief of HRFOR in Kigali. He ensures that, in all activities of the operation, due regard is accorded to the mandate and reporting responsibilities of the Special Rapporteur. In Geneva, the Special Rapporteur is assisted by two Professional officers on a full-time basis.

34. All information collected by HRFOR is fully communicated to the Special Rapporteur and copies of materials, including transmitted to the International Tribunal for Rwanda, are retained in Geneva for the Special Rapporteur's exclusive use. This includes all substantive reports emanating from the field teams and all important abstracts of information produced in Kigali or Geneva.

35. In accordance with the mandate entrusted to him by the Commission on Human Rights, the Special Rapporteur has undertaken several visits to Rwanda and neighbouring States and has presented six reports on the

S/ Commission resolution S-3/1 of 25 May 1994.

situation of human rights in Rwanda. 6/ As is the general practice with other rapporteurs, the Special Rapporteur has received at all times the full assistance of the Centre for Human Rights in Geneva as well as that of HRFOR in the preparation and conduct of, as well as follow-up to, these visits.

B. *Servicing the Commission of Experts established pursuant to Security Council resolution 935 (1994) to examine and analyse the grave violations of international humanitarian law in Rwanda, including possible acts of genocide*

36. In the light of the continuing reports of violations of international law, including genocide, in Rwanda and recalling "that all persons who commit or authorize the commission of serious violations of international humanitarian law are individually responsible for those violations and should be brought to justice", in its resolution 935 (1994) the Security Council requested, as a matter of urgency, the establishment of an impartial Commission of Experts to conduct an investigation into these violations committed in the territory of Rwanda and responsibility therefor.

37. In accordance with the terms of reference as specified by the Security Council, the Commission of Experts' mandate comprised reviewing and updating information available from all sources, carrying out its own investigations in Rwanda, determining individual responsibility and the applicable norms of international law thereon and examining the feasibility of bringing perpetrators to trial, whether before a domestic or an international tribunal.

38. The Commission of Experts was based in Geneva, in order to benefit from the resources of the High Commissioner and those made available to the Special Rapporteur on Rwanda. Accordingly, the Commission was provided with support and assistance by the Office of the High Commissioner for Human Rights, which was entrusted with coordinating the activities of the Commission of Experts with those of the Special Rapporteur on Rwanda. As certain of the Special Rapporteur's responsibilities, as outlined above, overlapped with the mandate of the Commission of Experts, the latter relied on the secretariat of the United Nations Centre for Human Rights for administrative support and legal expertise.

39. As is the practice with the Special Rapporteur, the information needs and field activities of the Commission of Experts were extensively serviced by HRFOR. Indeed, the conclusions of the Commission of Experts and the Special Rapporteur on the character and extent of the killings, and their qualification as "genocide" according to international legal norms, were largely

based on the factual information provided by HRFOR. On 30 November 1994, the Commission's work came to an end, and the material it had collected or received was subsequently transferred to the Tribunal.

C. *Coordination with the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994*

40. In accordance with the recommendation of the Commission of Experts, the Security Council decided, in its resolution 955 (1994) of 8 November 1994, to create an international tribunal for Rwanda which:

"shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994, in accordance with the provisions of the present statute".

41. Established under Chapter VII of the Charter of the United Nations as a subsidiary body of the Security Council, the International Criminal Tribunal for Rwanda has the authority to dispense justice. Member States are legally bound to comply with requests for judicial assistance.

42. Subsequently, Mr. Richard Goldstone (South Africa) was appointed Prosecutor of the International Criminal Tribunal for Rwanda and an office of Deputy Prosecutor was established in Kigali. Mr. Goldstone will be succeeded by Mrs. Louise Arbour (Canada) upon Mr. Goldstone's resignation, to take effect on 1 October 1996 (see Security Council resolution 1047 (1996) of 29 February 1996).

43. Following an agreement between the High Commissioner for Human Rights and the Chief Prosecutor, a large body of evidence gathered since September 1994 by HRFOR was placed at the Tribunal's disposal. In addition, the High Commissioner for Human Rights transmitted all information that had been received by the Special Rapporteur and the Commission of Experts to the Tribunal in January 1995. The High Commissioner per-

6/ E/CN.4/1995/7, of 28 June 1994, and Corr.1; E/CN.4/1995/12, of 12 August 1994; E/CN.4/1995/70, of 11 November 1994; E/CN.4/1995/71, of 17 January 1995; E/CN.4/1996/7, of 28 June 1995, and E/CN.4/1996/68, of 29 January 1996.

sonally handed over evidentiary materials and information collected subsequently to the Deputy Prosecutor of the Tribunal on 2 April 1995 in Kigali.

44. The High Commissioner had several meetings with the Prosecutor of the International Criminal Tribunal for Rwanda, during which he placed the services of HRFOR at the disposal of the Tribunal. HRFOR continues to maintain contact and coordination with the Office of the Deputy Prosecutor with regard to all pertinent activities. At the request of the Prosecutor, HRFOR will use its presence throughout Rwanda to increase local awareness of progress in the Tribunal's proceedings.

V. Contribution of the European Union

45. On 9 March 1995, the High Commissioner concluded an agreement with the Commission of the European Communities, whereby a fully financed and equipped contingent of up to 50 human rights field officers would be made available to HRFOR. The agreement specified that the contribution would last for a period of five months. Subsequently, however, the agreement was extended several times.

46. The agreement with the European Commission provides for the full integration of the contributed officers in HRFOR, under the authority of the High Commissioner and his designated Chief of HRFOR. The European Commission, following consultations with the High Commissioner, has nominated a coordinator of the contingent, who is being consulted by the Chief of HRFOR on all operational activities and functions, including questions of deployment.

47. The High Commissioner is most grateful for the significant contribution of the European Union to HRFOR. Not only have European Union member States borne the major financial burden of HRFOR but, in addition, the European Commission has provided up to 32 human rights field officers to HRFOR. The European Commission has indicated its intention to continue its generous support with up to 50 fully equipped officers being provided under a new arrangement currently being negotiated.

VI. Cooperation with United Nations Volunteers

48. The High Commissioner is also most thankful to the United Nations Volunteer programme (UNV), which has been most supportive of HRFOR, despite sharing the administrative difficulties resulting from the lack of a stable financial basis. UNV has currently fielded 45 volunteers who serve alongside United Nations staff and European Union-contributed officers in all aspects of the operation. The High Commissioner is particularly

grateful to all those members of HRFOR who have maintained, while experiencing the difficulties stemming from financial uncertainty, their commitment to assist Rwanda through HRFOR in complex and sometimes hazardous circumstances.

VII. Considerations for the future

49. HRFOR is the first human rights field operation to be created by and run under the authority of the High Commissioner for Human Rights. Undoubtedly, HRFOR faces an enormous task, which comprises not only investigating past violations, but also fostering a climate of confidence so that refugees can return to their normal daily lives as well as providing assistance to help Rwanda to rebuild its administration of justice. Given the fact that Rwanda has been ravaged by the genocide and armed conflict in which systematic and gross violations of international human rights and humanitarian law were perpetrated, the challenges of the rehabilitation effort remain daunting.

50. HRFOR has made a significant contribution to human rights protection and promotion in Rwanda through its investigation of the 1994 genocide, monitoring of the current human rights situation, including the process of repatriation, resettlement and reintegration of refugees and internally displaced persons to their home communes, as well as efforts to rehabilitate the Rwandan justice system.

51. In his report of 13 November 1995 (A/50/743), the High Commissioner drew to the attention of the General Assembly difficulties arising from a persistent lack of funding and he made a request for regular budget funding for HRFOR. He pointed out that all other human rights field operations comparable in scale to HRFOR (El Salvador, Cambodia, Haiti and Guatemala) have been able to rely on funding from the regular or peace-keeping budget. However, this request for regular budget funding was not approved.

52. On 10 January 1996, the High Commissioner convened an urgent meeting in Geneva to advise Member States of the financial difficulties facing HRFOR, exacerbated by the obligation to repay US\$ 3 million that had been advanced earlier to HRFOR from the Central Emergency Revolving Fund, and appealed to them for assistance. Although several significant contributions were received for HRFOR, the financial situation remains precarious. The credit balance, available at the time of writing the present report, amounts to US\$ 2.5 million, thus enabling the High Commissioner to repay the US\$ 1 million to the Central Emergency Revolving Fund at the end of March 1996. Another US\$ 2 million has to

be repaid to the Fund by the end of June 1996. Given the fact that an estimated amount of US\$ 700,000 for programme support costs, initially held back, in principle can be accessed and that additional pledges in the amount of US\$ 500,000 have been made, spending commitments can be entered into, at this point, only until the end of April 1996.

53. In view of these constraints, it has not been possible to proceed promptly with the recruitment necessary to maintain and strengthen HRFOR. The number of international staff has fallen from 126 at the end of October 1995 to 95 at the end of February 1996. Since these figures include administrative and support staff, the number of human rights monitoring staff had fallen to 78 by the end of February 1996. Overall, 120 human rights field officers constitute the minimum presence necessary for a professionally sound human rights field operation in Rwanda.

54. On 8 March 1996, the Security Council unanimously adopted resolution 1050 (1996), which provides that UNAMIR be withdrawn over a six-week period. Recognizing the importance of HRFOR in contributing to the establishment of confidence in the country, and concerned that it may not be possible to maintain its presence throughout Rwanda unless sufficient funds for that purpose are secured in the very near future, the resolution calls upon States to contribute urgently to the costs of HRFOR, and encourages the Secretary-General to consider what steps might be taken to place the operation on a more secure financial basis.

55. It should also be noted that, on 12 March, the Secretary-General wrote to the President of the General Assembly (A/50/891), expressing deep concern that the Assembly's request for the continuation of the human rights field operations in Haiti and Guatemala hitherto funded out of the regular budget, without requisite financial resources, stood in danger of not being secured. He noted that, on a number of occasions, for example in paragraph 32 of the Supplement to an Agenda for Peace (A/50/60), he had drawn attention to the need to establish agreed procedures for the financing of a class of field missions that are neither peace-keeping operations nor

the kind of recurrent activity normally funded out of the regular budget.

56. In this context, the High Commissioner proposed in his annual report to the Commission on Human Rights (E/CN.4/1996/103) that a human rights fund for field activities be established to ensure that his Office could conduct its work in those countries where such initiatives and cooperation were necessary and welcome, based on a predictable source of funding that allowed for proper planning and management of the operation.

57. The Government of Rwanda has made clear its wish to have the presence of HRFOR maintained. With the withdrawal of UNAMIR, HRFOR will become the main United Nations field presence in Rwanda at a time when a major refugee return remains a stated policy objective of all concerned. In his report of 29 February 1996 to the Security Council (S/1996/149), the Secretary-General stated that he shared the view of the High Commissioner that it would be most regrettable if the closure of HRFOR had to occur before the major return of refugees had taken place, the Rwandan justice system was functioning adequately and national institutions were better able to promote and protect human rights. UNHCR has also expressed its concern that the presence of human rights field officers in the prefectures and communes receiving refugees should be maintained and strengthened.

58. Most important, in the Declaration of Tunis, arising out of the Great Lakes Conference held in Tunisia from 16 to 18 March 1996, the President of Rwanda stated that his Government:

“attached special importance to the United Nations High Commissioner for Human Rights in Rwanda and declared that it would welcome the strengthening of this Office and the deployment of an expanded number of human rights monitors throughout the country. It is prepared to permit the number of such monitors to increase to an authorized level of 300, and called on the international community to provide the resources to finance the critical work of the human rights monitors”.

Document 183

Letter from the Chargé d'affaires a.i. of the Permanent Mission of Zaire to the United Nations addressed to the President of the Security Council, commenting on the final report of the International Commission of Inquiry

S/1996/241, 3 April 1996

I have the honour, on behalf of my Government, to write this letter in order to inform you that the Government of the Republic of Zaire read with astonishment, if not indignation, the contents of the final report of the International Commission of Inquiry established under Security Council resolution 1013 (1995).

The report (S/1996/195) levels serious accusations against my country and its Government without providing the slightest irrefutable proof!

By means of convoluted expressions and pernicious innuendoes, the report seeks to attribute to Zaire responsibility for an arms sale that allegedly took place in Seychelles.

Zaire wishes to remind the Council about the contents of paragraph 50 of the Commission's interim report (S/1996/67 and Corr.1), which reads as follows: "A particularly detailed allegation of involvement in the sale or supply of arms and ammunition to the former Rwandan government forces after the imposition of the embargo concerns Seychelles. Because of the precision with which the dates and other circumstances had been described, the International Commission was able to devote particular attention to this allegation".

In paragraph 51, the Commission further states that "The weapons were said to have been paid for with \$300,000 in cash supplied by a senior Rwandan military officer accompanied by a citizen of South Africa ...".

Paragraph 52 of the same interim report contains a blatant falsehood where the Commission states that "The International Commission of Inquiry subsequently independently established that an Air Zaire DC-8 aircraft had left Kinshasa for Mombasa on 16 June 1994 and returned from Goma to Kinshasa on 20 June". In this paragraph, the Commission deliberately neglected to provide the Council with important information which the Zairian authorities had freely made available to it.

In its final report (paragraph 27), the Commission refers the Council to paragraph 26 of the interim report, knowing full well that paragraph 26 does not mention the meeting, let alone the spontaneous handing over to the Commission of "the flight plans of Air Zaire aircraft operating during the month of June 1994 and the Fiche journalière de mouvements aériens" by the President/Director-General of the Régie des voies aériennes.

Zaire is entitled to wonder for what purpose the Commission failed to disclose this important information in its interim report and then introduced it quite inappropriately in its final report!

The spontaneous provision of that information to the Commission by the Zairian official confirms, in effect, what Zaire has always emphatically maintained: "Zaire has nothing to hide in this matter".

In actual fact, this information from a Zairian source bothered certain persons who had vowed to prove that Zaire had not cooperated with the Commission, and above all the Commission distorted the equation which others had the task of demonstrating at any price: "that Zaire had violated the arms embargo"!

What else does the final report state?

After the initial reading, the Government of Zaire makes the following comments:

The contents of paragraph 50 of the interim report completely disappeared in order to make place for flipperly worded insinuations in an extremely serious matter.

The unequal treatment that Zaire had complained about continued throughout the inquiry.

In reply to a question from the Commission, the Minister for Foreign Affairs of Zaire had said that "The Government would like to be informed of who was behind this transport of arms and the circumstances of the traffic, so that it can conduct an inquiry" (see para. 24 of document S/1996/195).

After obtaining certain information from Seychelles after its meeting with the Zairian authorities, the Commission declined to communicate that information to Zaire, even though Zaire had formally requested such information from it, since there is no mention anywhere in the report of such communication, although countries that chose to ignore the step by the Commission continued to receive communications from the Commission or deal with it through their embassies in Kenya! Zaire's guilt had to be demonstrated at any cost. God alone knows how many of these States, which had a particular responsibility, respected resolution 418 (1977) by the same Council.

The Commission has exaggerated the importance of the Air Zaire DC-8 affair so much that it even forgot to verify important facts in its inquiry.

Did the Commission note and respond to the following observations based on its report:

(1) Colonel Bagosora and Mr. Ehlers arrived in Seychelles on 4 June 1994 (appendix VI).

Colonel Bagosora indicated on his immigration card that he had Rwandese nationality. He gave his passport number and its place of issue, Kigali; place of embarkation, Johannesburg; as well as the flight number, HM060. But which airline carried out the flight? The Commission does not say anything about this! Arrival date, 4 June 1994 and departure date 19 June 1996 on flight number AZR4032; again, of what airline? Does the Commission know that Air Zaire flights are identified by the initials QC and not AZR, as the report would seem to indicate? This information can be verified by the International Civil Aviation Organization.

(2) Did the Commission notice that the note "To whom it may concern" (appendix II) and the "Certificat de destination finale" (appendix III) have different dates and that one of the documents indicates the place where it was drawn up, while the other does not? Furthermore, although they come from the same Ministry, they are printed on paper with different letterheads.

There are, moreover, glaring contradictions in the letterhead of the certificate. The words "Cabinet du Vice-Premier Ministre chargé de ..." appear, and then a different designation, "Le Vice-Ministre", is given under the emblem of the Republic.

The aforementioned document chartering the aircraft is dated as having been signed by Colonel Bagosora on 16 June 1994 when he was already in the Seychelles, having entered the country on 4 June 1994.

(3) The munitions and TNT mentioned in the end-user certificate do not correspond to the items described in appendices IV and V of the report. Despite this fact, the items were handed over to Colonel Bagosora!

(4) Mr. Bagosora, although amply identified by means of his immigration card, claimed to have been acting on behalf of Zaire. The Government of Zaire would be glad for an opportunity to examine the document authorizing Mr. Bagosora to act in this capacity that was produced and handed over to the authorities of the Seychelles. Even in the two false documents (appendices IV and V) there is no mention anywhere either of Bagosora's name or even that of Ehlers!

Despite such obvious irregularities, arms were handed over to two international swindlers who were not challenged at any stage of their venture.

In the view of the Government of Zaire, the Commission's final report should have provided clear answers to the questions we have raised above, which are also those of most of the members of the Security Council. In its present form, the report simply raises questions without offering any answers.

In concluding, Zaire would like to stress another important aspect of the Seychelles affair and one that is downplayed in the final report.

In paragraph 13 of its resolution 918 (1994), the Council "*Decides* that all States shall prevent the sale or supply to Rwanda ...".

The term "sale" presupposes payment. In the case in question, paragraphs 35 and 36 of the Commission's report inform us that two banks located in a country that is a member of the Security Council, namely the Federal Reserve Bank of New York and Chase Manhattan Bank, New York, facilitated the Seychelles transaction by transferring the payments required.

The Commission reports to the Council that the originators of the payment transaction were "Union Bancaire Privée, Genève" in respect of the first sum and "one of our clients" in respect of the second. The Commission does not indicate what type or level of cooperation it received from the country in which the two banking institutions are located.

Zaire reminds the Commission that, in paragraph 1 (c) of its resolution 1013 (1995), the Council imposes on it the obligation "to identify parties aiding and abetting the illegal acquisition of arms by former Rwandan government forces ...".

On the basis of the foregoing, does the Council feel that it is sufficient to identify the originators of the payment transaction in the case in question? We should here like to stress that without the payment indicated in the report it is almost certain that the Seychelles affair would not have taken place.

The Government of the Republic of Zaire conveys its gratitude to the Council for making available to it, in paragraph 32 of the report, information that will enable it to conduct a follow-up inquiry, as indicated to the Commission by its Minister for Foreign Affairs.

Lastly, the Government of the Republic of Zaire:

(1) Once again denies, in the most categorical terms, having been involved in any attempt whatever to destabilize Rwanda through former members of the Rwandan Armed Forces (FAR), which should not be confused with the Zairian Armed Forces (FAZ);

(2) Deplores the fact that the Commission, in a report that it concludes with what is tantamount to an application for employment (see paragraph 91 (c)) and without adducing any tangible proof, should have gone beyond the scope of the mandate entrusted to it by the

Security Council and should have allowed itself to make a biased presentation of the facts conveying the impression that Zaire was involved in supplying arms and related equipment and in providing military training with a view to destabilizing Rwanda;

(3) Confirms its explicit reservations with respect to the conclusions contained in the final report on the grounds that the Commission has failed to comply with the mandate assigned to it and that the procedures followed were of a discriminatory character.

While reserving the right to comment further on the two reports, I request you, Mr. President, to have the present letter circulated as a document of the Security Council.

(Signed) Lukabu KHABOUJI N'ZAJI
Deputy Permanent Representative
Chargé d'affaires a.i.

Document 184

Statement by the Secretary-General on the second anniversary of the genocide in Rwanda

UN Press Release SG/SM/5950, 4 April 1996

I share today the grief of the Government and people of Rwanda as they commemorate the second anniversary of the genocide which shook the very foundations of the nation.

On behalf of the United Nations system, I wish to reiterate my profound compassion and my sincere condolences to all the survivors of that tragic nightmare, which left a deep mark on the conscience of mankind. The world must not allow such a tragedy to be repeated. Those responsible for committing such crimes should never go unpunished.

Since the United Nations was established half a century ago, there has been no world war. Nevertheless, the ceremony on the occasion of this second anniversary affords us a sad reminder that mankind continues to witness violence, injustice and suffering. The time has come to reaffirm our commitment, to rededicate our efforts to the creation of a better world, a world in the image of that envisaged by the Charter of the United Nations, and, to that end, to reaffirm our common faith "in the dignity and worth of the human person".

The deep expression of grief and the demonstration of solidarity towards the people of Rwanda constitute a glimmer of hope for the future. The international community, particularly non-governmental organizations and the specialized agencies of the United Nations, and the Government and people of Rwanda are working side by side in the reconstruction of a society psychologically, morally and physically rent asunder by the tragic events that we recall today.

Reconstruction and reconciliation are a vast and difficult task, but we owe it to ourselves to intensify our efforts to accomplish it. This effort constitutes the most appropriate and the most lasting tribute we can pay to the memory of those who lost their lives in the course of this tragedy. As Secretary-General of the United Nations, I wish to give here an assurance of the continuing support of the Organization for any action undertaken with a view to building a new Rwandan society based on tolerance, harmony and justice.

Document 185

Report of the Secretary-General on the implementation of resolution 1050 (1996) concerning the United Nations role in Rwanda following the withdrawal of UNAMIR

S/1996/286, 15 April 1996

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1050 (1996) of 8 March 1996, in which I was requested to report to the Council by 5 April 1996 on what arrangements had been agreed with the Government of Rwanda for the protection of the personnel and premises of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 after the withdrawal of the United Nations Assistance Mission for Rwanda (UNAMIR) and on the arrangements to maintain a United Nations political office pursuant to paragraph 4 of that resolution.

2. In addition to providing the information requested above, the present report also describes the arrangements made for, and the progress of, the withdrawal of UNAMIR pursuant to Security Council resolutions 1029 (1995) of 12 December 1995 and 1050 (1996).

3. As the Security Council has been informed orally, negotiations on these matters with the Rwandan Government have proved difficult and I was not in a position to report to the Council by the requested date of 5 April 1996.

II. Withdrawal of the United Nations Assistance Mission for Rwanda

4. In its resolution 1029 (1995), the Security Council decided to reduce UNAMIR to 1,200 troops and 200 military observers, headquarters and other military support staff. The Council also requested me to initiate planning for the complete withdrawal of UNAMIR, which was to take place within a period of six weeks after the expiry of the mandate on 8 March 1996.

5. Detailed plans for the withdrawal of the UNAMIR military personnel have been drawn up and are being implemented. As of 12 April 1996, a total of 679 personnel, comprising 11 military observers, 648 troops and 20 headquarters staff remained in Rwanda. It is expected that their withdrawal will be completed between 12 and 19 April (see annex).

6. In the same resolution, the Security Council also requested me to examine, in the context of existing United Nations regulations, the feasibility of transferring UNAMIR non-lethal equipment for use in Rwanda. In a letter dated 13 February 1996, the President of the Security Council urged me, in the light of the unique circumstances and recent history of Rwanda, to employ flexibility, while staying within the bounds of the regulations established by the General Assembly, in resolving the question of the disposition of UNAMIR equipment.

7. On 25 March 1996, I submitted a report to the General Assembly on the disposition of UNAMIR assets (A/50/712/Add.2), in which I indicated that the estimated inventory value of the Mission's assets as of 19 October 1995 amounted to approximately \$62.5 million. I also stated in the report that non-lethal assets valued at approximately \$9.2 million were earmarked for donation to the Government of Rwanda. In addition, assets considered beyond economic repair or removal, valued at approximately \$6.1 million, would be made available to the Government, subject to the concurrence of the General Assembly.

8. The International Tribunal for Rwanda and the Government have reached an agreement on the rental of the Amahoro Hotel, the current UNAMIR headquarters, which is to be taken over by the Tribunal following the departure of UNAMIR. The Tribunal will take over responsibility for the operation and maintenance of the UNAMIR communications system and provide the communications needs of all other United Nations agencies in Rwanda that formerly relied on UNAMIR for this purpose.

III. Establishment of the United Nations Office in Rwanda

9. In its resolution 1050 (1996), the Security Council encouraged me, in agreement with the Government of Rwanda, to maintain in Rwanda a United Nations office, to be headed by my Special Representative and to include the present United Nations communications system and radio station, for the purpose of supporting the efforts of the Government of Rwanda to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infra-

structure, and of coordinating the United Nations efforts to that end.

10. At a meeting with United Nations officials in March 1996, the Permanent Representative of Rwanda to the United Nations said that his Government wanted an early discussion with the Secretariat to "clarify" the mandate of the United Nations office. Although the mandate described in paragraph 4 of resolution 1050 (1996) had already been accepted by the Government, the Secretariat agreed to ask my Special Representative to meet with the Rwandan authorities as soon as possible on the matter. Following consultations held accordingly, my Special Representative informed me that, from the Government's point of view, the formal process of proposing the terms of reference, status and size of the United Nations office needed to be completed. The Government was thus insisting on a formal proposal from the United Nations, to which it would provide an appropriate response. A draft status of mission agreement has since been prepared for discussion between my Special Representative and the Government.

11. Subject to the agreement of the Government of Rwanda and the availability of funds, the new office will be known as the United Nations Office in Rwanda (UNOR). Taking into consideration its reduced needs and functions, as well as the Organization's financial constraints, I have decided that it should be headed by a Special Representative at the Assistant Secretary-General level and that the United Nations Resident Coordinator in Rwanda will serve as his/her deputy. The Office will include four other international Professional staff: a political adviser/special assistant at P-5 level, a legal affairs officer at P-5/P-4 level, a military advisor at P-4 level and an administrative officer at P-3 level. Its support staff will consist of 10 international and locally recruited General Service staff and 2 security officers.

12. The United Nations radio station, which will be part of UNOR, will be headed by an international staff member at the P-4 level who will also be the Office spokesman and media contact. He/she will be assisted by a deputy head/programme coordinator at the P-3 level, three journalists at the P-2 level and a secretary. The radio station will continue to be assisted by 16 locally recruited journalists and staff members. With the termination of the UNAMIR mandate on 8 March 1996, "Radio UNAMIR" temporarily suspended its broadcasts pending government authorization for the station to continue to broadcast under the new name of "Radio United Nations Rwanda". The Government of Rwanda has indicated that while it has no objection to "Radio United Nations Rwanda" replacing "Radio UNAMIR", formal

authorization will be conveyed after finalization of the UNOR mandate.

13. Resource requirements for UNOR will be sought from the General Assembly in due course.

IV. United Nations trust funds

14. With reference to paragraph 6 of resolution 1050 (1996), relating to the United Nations trust funds for Rwanda, there are currently two such funds. The Secretary-General's Trust Fund for Rwanda was established pursuant to Security Council resolution 925 (1994) in response to the urgent needs that arose out of the crisis in Rwanda and in order to finance humanitarian relief and rehabilitation programmes. The utilization of this Trust Fund is guided by the need for rapid disbursement, maximum flexibility and targeted support for the Government of Rwanda. The specific task of the Trust Fund, which is managed by the Department of Humanitarian Affairs, is to focus on non-traditional assistance such as operational costs and administrative support. By 31 March 1996, the Trust Fund had received \$7.3 million, of which some \$5 million has been transferred to the United Nations Development Programme (UNDP) for implementation.

15. The second is the UNDP Trust Fund for Rwanda, which was established in March 1995 following a request by the Government of the Netherlands, with the specific purpose of supporting the follow-up efforts to the Rwanda Round Table Conference held at Geneva in January 1995. The UNDP Trust Fund's objective is to provide the donor community with a financial mechanism to support the rapid implementation of the programme of national reconciliation and socio-economic recovery presented by the Government of Rwanda. Activities financed through the UNDP Trust Fund include rehabilitation, reconstruction, reintegration and resettlement programmes, as well as direct financial support for the Government. The total pledges to the UNDP Trust Fund, as of 31 March 1996, reached \$35.5 million, out of which actual contributions totalling \$20.6 million have been received.

16. As outlined, the Secretary-General's Trust Fund responds to needs for short-term humanitarian support, whereas the UNDP Trust Fund covers mid-term to long-term developmental needs in Rwanda. At the current juncture, I do not see the need to change the scope and purposes of the trust funds. However, I appeal to Member States to continue to make contributions to them in order to meet the ongoing and urgent humanitarian requirements of Rwanda.

V. Security arrangements for the personnel and premises of the International Tribunal for Rwanda

17. In paragraph 2 of resolution 1050 (1996), the Security Council authorized elements of UNAMIR remaining in Rwanda prior to their final withdrawal to contribute, with the agreement of the Government of Rwanda, to the protection of the personnel and premises of the International Tribunal for Rwanda. Accordingly, following consultations, the Malawi infantry company of UNAMIR was retained at Kigali to assist in protecting the Tribunal until 8 April 1996.

18. Long-term measures for the protection of the International Tribunal for Rwanda are also being put in place on the basis that the primary responsibility for the security and protection of the Tribunal, its personnel, premises and investigation teams, rests with the Government of Rwanda.

19. Pursuant to discussions between the Vice-President of Rwanda, Major-General Paul Kagame, and officials of the International Tribunal for Rwanda, an understanding has been reached on the concept of security proposed by the United Nations Security Coordinator in November 1995. Accordingly, United Nations security officers will be responsible for security within the Tribunal's premises and for accompanying investigation teams. The original United Nations proposal was that the security of the premises be augmented by a local company contracted to provide guard service. However, Vice-President Kagame was unable to accept this; instead, he offered to make available Rwandan gendarmes whom the Tribunal would recruit on an individual basis. This proposal is presently under review in the light of the general responsibilities of the Government of Rwanda for the security and protection of the Tribunal and its staff.

20. In accordance with the above understanding, United Nations security officers would be authorized to bring the required arms and ammunition into Rwanda and to import other security equipment such as ballistic vests, binoculars and training ammunition necessary for their work. The Government of Rwanda has also appointed a senior-level liaison officer to discuss the implementation of these security arrangements with the International Tribunal for Rwanda, and consultations with him have already begun. In addition, the Government has agreed to provide a rapid reaction force to assist the Tribunal in the event of an emergency beyond the capacity of the Tribunal's security to resolve and has pledged the assistance of local authorities in providing security for the Tribunal's investigation teams.

21. It is expected that, following further discussions with the Government of Rwanda on the practical modalities of the security arrangements, a written agree-

ment will be reached, probably on the basis of an exchange of letters between the International Tribunal for Rwanda and the Government.

22. In the meantime, the recruitment of a Chief Security Officer and security officers has gone forward, and the Chief Security Officer visited Kigali on 16 March 1996. A proposal calling for the recruitment of a Deputy Chief Security Officer at the Professional level, 18 international United Nations security officers and a locally contracted guard force, as originally recommended to meet the Tribunal's basic security requirements, is now being considered by the appropriate legislative bodies. The recruitment of the international personnel is under way and 12 security officers are now in place.

VI. Human rights

23. In paragraph 7 of its resolution 1050 (1996), the Security Council called upon States to contribute urgently to the costs of the Human Rights Field Operation in Rwanda, and encouraged me to consider what steps might be taken to place the Operation on a more secure financial basis. The United Nations High Commissioner for Human Rights has advised me that, in the absence of sufficient financial resources, it has not been possible to maintain the required number of staff. He considers that 120 human rights field officers constitute the minimum presence necessary for a professionally sound human rights operation in Rwanda. However, by mid-March the number of staff on the ground had been reduced from 120 to 95, of whom only 78 were human rights monitors.

24. As the High Commissioner has reiterated on numerous occasions, the lack of secure and predictable sources of funding continues to create serious impediments to the coherent planning and stable functioning of the Human Rights Field Operation in Rwanda. In particular, the ongoing work of the Operation with the Government of Rwanda at all levels, as well as the Operation's administrative and logistical planning, remain hampered by the fact that voluntary contributions, for which the High Commissioner is very grateful, are decreasing. The estimated operating cost of the Operation from 1 April 1996 to the end of the year amounts to \$8.5 million.

25. The presence of human rights monitors in the field is crucial, especially at a time when the refugees are being encouraged to return and when the Rwandan justice system is not yet functioning adequately. To ensure the smooth running of the Human Rights Field Operation in Rwanda after the withdrawal of UNAMIR, it is essential that the Government of Rwanda continue to cooperate and provide information and adequate security to the field teams.

26. The Government of Rwanda has consistently supported the presence of the Human Rights Field Operation in Rwanda and expressed the wish that the Operation be maintained after the departure of UNAMIR. In the Declaration adopted at the Tunis summit of the heads of State of the Great Lakes region on 18 March 1996, it was reaffirmed that Rwanda would welcome the deployment of an expanded number of human rights monitors throughout the country and was prepared to permit the number to rise to 300. The Declaration also stressed, however, that the necessary resources should be made available.

VII. Observations

27. As I stated in my previous report on UNAMIR on 29 February 1996, I remain convinced that, in spite of the withdrawal of the Mission, a number of outstanding issues still need to be addressed in Rwanda with the support of the international community. It is my belief that the Office proposed in the present report will serve that function effectively.

28. I had hoped to be able to report to the Security Council that agreement had been reached with the Government of Rwanda on the establishment of UNOR and that there could therefore be a smooth transition from UNAMIR to the new Office when the former's funding expires on 19 April 1996. Unfortunately, this is not the case. In spite of intensive efforts by my Special Representative, it has not yet been possible to confirm the Government's acceptance of the mandate described in paragraph 4 of resolution 1050 (1996), on which the Government is still seeking "clarifications". Nor has the Government yet confirmed its agreement that the United Nations should continue to operate a radio station in Rwanda. On the other hand, agreement has now been reached on the new rent to be paid, mainly by the International Tribunal for Rwanda, for the premises previously occupied by UNAMIR which are to be taken over by the Tribunal and UNOR. But it appears unlikely that the other outstanding issues can be resolved by

the time my Special Representative leaves Rwanda on 19 April. I am therefore sending the Under-Secretary-General for Political Affairs on an urgent mission to Kigali to carry the negotiations forward after my Special Representative's departure. I will report to the Security Council on the outcome as soon as possible.

29. The establishment of UNOR will not only require the formal approval of the Government of Rwanda. Like the continuation of the Human Rights Field Operation in Rwanda, it will also be possible only if Member States are prepared to ensure that the necessary financial resources are made available. In this connection, I believe it would be useful if the Security Council formally stated its approval for the establishment of an office along the lines I have proposed.

30. As called for in paragraph 3 of resolution 1050 (1996), I trust that the Government of Rwanda will take the necessary measures to ensure that UNAMIR personnel and equipment can be withdrawn without impediment in an orderly and safe manner.

31. As the departure date of the last UNAMIR elements approaches, I wish to reiterate my warm appreciation to my Special Representative, Mr. Shaharyar Khan, and to all his dedicated staff who have carried out their task so ably under sometimes trying conditions.

Annex

Composition of the military component of the United Nations Assistance Mission for Rwanda as at 12 April 1996

| Country | <i>Military personnel</i> | | | Total |
|---------|---------------------------|-----------|-----------|------------|
| | Troops | Staff | Observers | |
| Austria | - | - | 1 | 1 |
| Ghana | - | 6 | 2 | 8 |
| India | 555 | 6 | 3 | 564 |
| Malawi | 83 | - | - | 83 |
| Nigeria | - | 2 | 3 | 5 |
| Senegal | - | 1 | 1 | 2 |
| Zambia | <u>10</u> | <u>5</u> | <u>1</u> | <u>16</u> |
| Total | <u>648</u> | <u>20</u> | <u>11</u> | <u>679</u> |

Document 186

Security Council resolution requesting the Secretary-General to maintain the International Commission of Inquiry and addressing various aspects of the embargo imposed under resolutions 918 (1994), 997 (1995) and 1011 (1995)

S/RES/1053 (1996), 23 April 1996

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolutions 918 (1994) of 17 May 1994, 997 (1995) of 9 June 1995, 1011 (1995) of 16 August 1995 and 1013 (1995) of 7 September 1995,

Having considered the letter dated 13 March 1996 from the Secretary-General to the President of the Security Council (S/1996/195) and the report of the International Commission of Inquiry established under resolution 1013 (1995) annexed to that letter, as well as the interim report of the Commission of Inquiry dated 17 January 1996 (S/1996/67, annex),

Expressing its support for the Tunis Declaration of Heads of State of the Great Lakes Region of 18 March 1996,

Expressing once again its grave concern at allegations of the sale and supply of arms and related *matériel* to former Rwandan government forces in violation of the embargo imposed under its resolutions 918 (1994), 997 (1995) and 1011 (1995), and underlining the need for Governments to take action to ensure the effective implementation of the embargo,

Commending the members of the Commission of Inquiry for the excellent investigation they have conducted,

Welcoming the assistance given to the Commission of Inquiry by some Governments,

Noting with concern the continuing lack of full cooperation the Commission of Inquiry has received from other Governments,

Gravely concerned by the finding of the Commission of Inquiry that certain Rwandan elements are receiving military training to conduct destabilizing raids into Rwanda,

Deeply disturbed by the strong evidence presented by the Commission of Inquiry leading to the conclusion that it is highly probable that a violation of the arms embargo occurred, in particular by the sale of arms which took place in Seychelles in June 1994 and the subsequent two shipments of arms to Goma, Zaire from Seychelles destined for former Rwandan government forces,

Noting that the Commission of Inquiry received strong indications from its sources that aircraft are con-

tinuing to land at Goma and Bukavu with arms for former Rwandan government forces, and that senior figures among those forces are still actively raising money apparently for the purpose of funding an armed struggle against Rwanda,

Further noting that the Commission of Inquiry has not yet been able to investigate thoroughly these allegations of continuing violations of the arms embargo,

Reaffirming the need for a long-term solution to the refugee and related problems in the Great Lakes States,

Reaffirming also the importance of terminating radio broadcasts which spread hate and fear in the region, and emphasizing the need for States to assist the countries of the region in terminating such broadcasts as stated by the Cairo Declaration of Heads of State of the Great Lakes Region of 29 November 1995 (S/1995/1001),

1. *Reaffirms* the importance it attaches to the work of the Commission of Inquiry, to the investigations it has conducted to date, and to continued effective implementation of the relevant Council resolutions;

2. *Requests* the Secretary-General to maintain the Commission of Inquiry on the basis set out in paragraph 91 (c) of the report of the Commission of Inquiry (S/1996/195, annex) to follow up its earlier investigations and to stand ready to pursue any further allegations of violations, especially of current and expected arms shipments;

3. *Expresses* its determination that the prohibition on the sale or supply of arms and related *matériel* to non-governmental forces for use in Rwanda should be implemented fully in accordance with resolution 1011 (1995);

4. *Calls upon* States in the Great Lakes region to ensure that their territory is not used as a base for armed groups to launch incursions or attacks against any other State in violation of principles of international law and the Charter of the United Nations;

5. *Urges* all States, in particular those in the region, to intensify their efforts to prevent military training and the sale or supply of weapons to militia groups or former Rwandan government forces, and to take the steps necessary to ensure the effective implementation of the arms embargo, including by creation of all necessary national mechanisms for implementation;

6. *Encourages* States of the Great Lakes region to ensure the effective implementation of the Tunis Declaration of Heads of State of the Great Lakes Region of 18 March 1996;

7. *Requests* the Secretary-General to consult with States neighbouring Rwanda, in particular Zaire, on appropriate measures, including the possible deployment of United Nations observers in the airfields and other transportation points in and around border crossing points, for the purpose of better implementation of the arms embargo and deterrence of the shipment of arms to former Rwandan government forces in violation of Council resolutions;

8. *Expresses concern* at the lack of response by certain States to the Commission's inquiries, and calls upon those States that have not yet done so to cooperate fully with the Commission in its inquiries and to investigate fully reports of their officials and nationals suspected of violating the relevant Council resolutions;

9. *Calls upon* States, in particular those whose nationals have been implicated by the report of the Commission of Inquiry, to investigate the apparent complicity of their officials or private citizens in the purchase

of arms from Seychelles in June 1994, and in other suspected violations of the relevant Council resolutions;

10. *Further calls upon* States to make available to the Commission of Inquiry the results of their investigations, and to cooperate fully with the Commission of Inquiry, including by providing to the Commission of Inquiry at any time any access they request to airfields and to witnesses, in private and without the presence of officials or representatives of any Government;

11. *Encourages* States to make voluntary contributions to the Secretary-General's United Nations Trust Fund for Rwanda to support the work of the Commission of Inquiry, and to contribute through the Secretary-General equipment and services to the Commission of Inquiry;

12. *Requests* the Secretary-General to submit a report to the Council on the implementation of this resolution by 1 October 1996;

13. *Reiterates* its concern that the uncontrolled illegal flows of arms and related *matériel* in violation of Council resolutions would pose a threat to peace and stability in the Great Lakes region and *declares* its willingness to consider further measures in this regard;

14. *Decides* to remain seized of the matter.

Document 187

Addendum to the report of the Secretary-General on the implementation of resolution 1050 (1996) concerning the mission of the Under-Secretary-General for Political Affairs to Rwanda (19-24 April 1996)

S/1996/286/Add.1, 3 May 1996

1. The purpose of the present addendum is to report to the Security Council on the results of the mission that the Under-Secretary-General for Political Affairs undertook to Rwanda from 19 to 24 April 1996 in order to bring to a conclusion the negotiations that had been initiated by my Special Representative with regard to the maintenance of a United Nations Office in Rwanda (UNOR) following the withdrawal of the United Nations Assistance Mission for Rwanda (UNAMIR) (see S/1996/286 of 15 April 1996, para. 28).

2. The Under-Secretary-General met, successively, with Prime Minister Rwigyema, Vice-President Kagame and President Bizimungu. At the first two of these meetings, he was accompanied by my Special Representative before the latter finally left Rwanda on 20 April. In his conversations with all three personalities, the Under-Secretary-General recalled that the Security Council had welcomed the Foreign Minister's letter of 1 March 1996

(S/1996/176), which described the functions that the Government of Rwanda wished the United Nations to perform in Rwanda following the withdrawal of UNAMIR and which, *inter alia*, recorded the Government's acceptance of the proposal for the maintenance of a United Nations Office in Rwanda. On this basis, the Security Council had adopted resolution 1050 (1996), operative paragraph 4 of which encouraged me, in agreement with the Government, to maintain in Rwanda such an office, to be headed by my Special Representative and to include the present United Nations communications system and radio station, for the purpose of supporting the efforts of the Government to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure, and of coordinating the United Nations efforts to that end.

3. The Government had subsequently sought clarification of that mandate. My Special Representative's

resulting conversations at Kigali had established that what was sought was not so much clarification of the mandate as clarification of the modalities through which it would be carried out, with special reference to the duration, size and resources of UNOR and to the functions that its head, my Special Representative, would perform.

4. The Under-Secretary-General went on to explain, on the basis of the Council's previous practice in such cases, that it was probable that the Office would initially be established for a period of six months and that this initial mandate would subsequently be extended for further periods of a similar duration if the Government so wished and the Council was satisfied that the Office's achievements justified the expenditure involved. The Office's size would be as described in paragraphs 11 and 12 of my report of 15 April (S/1996/286). It would have no resources other than those required for its own operational expenses. The sources of funding for United Nations activities in Rwanda would continue to be the budgets of the various programmes, funds and agencies working there, in addition to any voluntary contributions made by Member States. It was felt that the two existing Trust Funds (see paras. 14 to 16 of my report of 15 April) provided an adequate mechanism for receiving and disbursing such voluntary contributions; but if the Government was of the view that an additional trust fund was required, this possibility would be sympathetically examined.

5. As regards the functions of the Special Representative and his staff, these would, to a large extent, be determined by the wishes of the Government. On the basis of experience elsewhere, they could include the following: support and advice to the Government, as desired by it, on the political aspects of Rwanda's current problems, especially in the fields of national reconciliation, the return of refugees and relations with its neighbours; provision of a direct channel of communication with the Secretary-General; advocacy for Rwanda *vis-à-vis* the United Nations system and the international community at large; and high-level coordination of all the activities of the United Nations system in Rwanda, not just the developmental and humanitarian activities that fall within the purview of the United Nations Resident Coordinator/Humanitarian Coordinator. The Office would also include the United Nations radio station, which would use personnel and equipment previously employed for Radio UNAMIR.

6. On 23 April, the Under-Secretary-General was informed by President Bizimungu that the Government had decided to confirm its acceptance of a United Nations Office on the basis described by him, but the Government was not willing to approve the proposed United Nations

radio station; it would create the impression that UNAMIR was still in Rwanda under another guise and would involve a higher profile for the United Nations Office than the Government wished. However, the Government was ready to make available to the United Nations three hours of air time each evening on the Government's radio station. The Under-Secretary-General expressed regret at the Government's decision on the United Nations radio station but said that its alternative offer would be carefully examined.

7. The way is thus now clear for the establishment of UNOR in accordance with resolution 1050 (1996). I intend shortly to inform the Council of the person whom, after consultation with the Government, I shall appoint as my Special Representative. Work is continuing on a plan for broadcasting United Nations programmes on the Government radio station and discussions will shortly be resumed with the Government on this matter. Negotiation of the Status of Mission Agreement for the new Office is well advanced and is likely to be concluded in the very near future. It has been decided that the United Nations communications system should remain with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, at the Amahoro Hotel, which will be the seat of the Tribunal in Rwanda. I have recently been informed that a previously agreed arrangement by which UNOR would occupy space in the same building is no longer acceptable to the Tribunal. I am nevertheless confident that the problem of UNOR's location will soon be resolved.

8. I shall shortly present to the General Assembly my proposals for the budget of UNOR, which is likely to amount to some \$1.3 million for the first six months' mandate period. For reasons already communicated to Member States, it will not be possible to finance these requirements from savings within resources already appropriated for the programme budget for the biennium 1996-1997. Additional appropriations will therefore be necessary if UNOR is to be established.

9. In addition to the above-reported discussions about the establishment of UNOR, the representatives of the Government raised with the Under-Secretary-General certain issues left pending following the withdrawal of UNAMIR, although they did not link them in any way to the question of the new Office.

10. Foremost among these was the former UNAMIR equipment which the United Nations had offered to the Government free of charge. The Under-

Secretary-General explained, as had my Special Representative on previous occasions, that my ability to make such equipment available to the host Government was constrained by standing decisions of the General Assembly that gave priority to the requirements of present and future United Nations peace-keeping operations and to those of other United Nations bodies working in the country concerned. Although the equipment offered was not new, all of it was serviceable and indeed had been used by UNAMIR for its own operations right up to the end of the mandate. In addition to the equipment included in the formal offer, other equipment was available which was unserviceable but could, if the Government so wished, be used as a source of spare parts.

11. On 23 April, President Bizimungu indicated to the Under-Secretary-General that the Government had decided not to accept the equipment offered and that it could be distributed to other United Nations bodies working in Rwanda. A few days later, however, after the President and the Vice-President had personally inspected

the equipment, I was informed that the Government had, after all, decided to accept the equipment.

12. Unfortunately, it did not prove possible to resolve the outstanding disagreement between the United Nations and the Government on the latter's claim for taxes against corporations that had come into the country as contractors to UNAMIR. President Bizimungu and the Under-Secretary-General concluded at their meeting on 23 April that the two sides would have to agree to disagree on this matter.

13. It is a matter of satisfaction that agreement has been reached with the Government on the establishment of a United Nations Office in Rwanda. I am convinced that an office of this kind will enhance the ability of the United Nations system as a whole to provide the support Rwanda needs for its efforts to solve the grievous problems that still confront it. I accordingly recommend that the Security Council authorize the establishment of the Office for an initial period of six months.

Document 188

Letter from the President of the Security Council to the Secretary-General supporting the establishment of the United Nations Office in Rwanda (UNOR) for an initial period of six months

S/1996/400, 31 May 1996

I have the honour to inform you that your report (S/1996/286 and Add.1) concerning the establishment of a United Nations Office in Rwanda has been brought to the attention of members of the Council. They support your recommendation, consistent with the Council's resolution 1050 (1996), for the establishment of an Of-

fice on the basis described in the addendum to the report for an initial period of six months.

(Signed) QIN Huasun
President of the Security Council

V Subject index to documents

[This subject index to the documents reproduced in this book should be used in conjunction with the index on pages 731-739. A complete listing of the documents indexed below appears on pages 129-144.]

Abductions.

– Documents 77, 108, 154, 167

Acquired immunodeficiency syndrome (AIDS).

– Documents 20, 95, 100, 113, 124, 152, 158, 167

Addis Ababa.

– Documents 1, 19, 21

Administration of justice.

– Documents 20, 102, 108, 154, 164

African Charter on Human and Peoples' Rights.

– Document 19

Agriculture.

– Documents 77, 82, 93, 95, 100, 113, 124, 149

Aid coordination.

– Documents 20, 24, 55, 61, 66, 81, 104, 145, 161, 176-177

See also: Coordination within UN system.

Humanitarian assistance. Inter-agency cooperation.

Aid programmes.

– Documents 90, 95, 99

See also: Coordination within UN system.

Humanitarian assistance. Inter-agency cooperation.

Technical cooperation.

Air transport.

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