

NEW ZEALAND MISSION TO THE UNITED NATIONS, NEW YORK

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Date: 1 July 1994

TO: WELLINGTON
 WGTN UNSC
 GENEVA
 DEFENCE

No. 2898
 No. }
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PRECEDENCE: PRIORITY
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 DEFENCE HQNZDF (DSIA, OPS, DDI)
 DEFENCE MOD (GENTLES)

Page 1 of: 38

SECURITY COUNCIL: RWANDA: COMMISSION OF EXPERTS

Our accompanying message refers.

2 Following are:

- (a) Resolution 935 (1994) adopted unanimously today, 1 July;
- (b) New Zealand EOV.

3 Also following is the latest RPF press statement reiterating RPF opposition to "Operation Turquoise" and accusing the French of failing to cooperate with the RPF and of intending to bomb RPF positions.

Witberg	✓
Forsyth	
Ward	✓
Rider	✓ O/R
Hughes	
Kemner	
McMaster	
Foster	✓
McCormick	✓
Rush	✓
Tyne	
Dalton	
Watson	
file	

② → Rider

③ → Foster

① → McCormick

④ → Rush

⑤ → file



Security Council

PROVISIONAL

S/1994/775
1 July 1994
ENGLISH

ORIGINAL: ENGLISH AND SPANISH

S/RES 935 (1994)
IS-0-0

Argentina, Czech Republic, France, New Zealand, Spain, the Russian Federation, United Kingdom of Great Britain and Northern Ireland and the United States of America: draft resolution

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda,

Reaffirming, in particular, resolutions 918 (1994) and 925 (1994), which expanded the United Nations Assistance Mission for Rwanda (UNAMIR), and stressing in this connection the need for early deployment of the expanded UNAMIR to enable it to carry out its mandate,

Recalling the statement by the President of the Security Council of 30 April 1994 (S/PRST/1994/21) in which the Security Council, 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 the statement by the President of the Security Council 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 (S/1994/640), in which he noted that massacres and killings have continued in a systematic manner throughout Rwanda and also noted that only a proper investigation can 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, pursuant to resolution S-3/1 of 25 May 1994 adopted by the United Nations Commission on Human Rights, of a Special Rapporteur for Rwanda,

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 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 for Rwanda, 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. 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, 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;

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 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;

4. Also requests the Secretary-General and as appropriate the 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 is maintained between the work of the Commission of Experts 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.

EXPLANATION OF VOTE

**ON THE ESTABLISHMENT OF A
COMMISSION OF EXPERTS
TO INVESTIGATE HUMAN RIGHTS ABUSES
IN RWANDA**

**DELIVERED BY
MR GERARD VAN BOHEMEN
CHARGE D'AFFAIRES, A.I.
NEW ZEALAND PERMANENT MISSION**

FRIDAY, 1 JULY 1994

AS DELIVERED

6

The international community has been horrified at the orgy of killing and brutality that has engulfed Rwanda since the plane crash that took the lives of the Presidents of Rwanda and Burundi on 6 April. Quite properly, the immediate concern has been to try to stop the fighting and the killings and to bring relief to the persons still alive in the country.

Though the international response has been too slow, action is now underway to alleviate the situation of Rwandans who have fled the country and of those who are still in the country and who can be reached. Clearly, we must continue to give top priority to these immediate tasks.

But for Rwanda eventually to achieve a lasting peace and national reconciliation, we must also begin to consider the longer term. The adoption of this resolution today should be seen in that context.

There is one essential purpose to this resolution: to provide a means for establishing the facts of the genocide and the other outrages that were unleashed following the events of 6 April. Once those facts have been established, then appropriate steps can be taken to determine how persons responsible for such acts, particularly the persons responsible for their planning and organisation, can be brought to justice.

Genocide and other grave breaches of humanitarian law are international crimes which are subject to universal jurisdiction. Persons suspected of having committed such crimes during the Second World War were put on trial. Much more recently, this Council took steps to ensure that persons suspected of committing war crimes in the former Yugoslavia can be brought to justice. We can be no less concerned about the commission of such offences in Rwanda.

Right now, the need is to ensure that information of the killings is collected and organised so that there is at least a basis upon which subsequent prosecutions, whether undertaken internationally or through the Rwandan legal system, can proceed. As the Secretary-General notes in his report of 31 May, this must begin soon if the process is to be effective.

The aim of the resolution is not retribution but justice. Moreover, the divisions in Rwanda, be they ethnically or politically based, will only fester and become more poisonous if the events of the past months and the causes from which they sprang are not adequately addressed. The process of investigation may itself help the Rwandan people to come to terms with what has gone on in their midst.

It is not intended that the Commission of Experts should duplicate or cut across the work being carried out by the High Commissioner for Human Rights or the Special Rapporteur appointed pursuant to the resolution adopted by the Commission on Human Rights on 25 May. We see the tasks to be pursued by the High Commissioner and the Special Rapporteur on the one hand and the Commission of Experts on the other as being quite distinct.

The Commission's task will be to collect evidence of specific acts of genocide so that at some point determinations of individual responsibility for past acts can be made. By contrast, the focus of the Special Rapporteur is more forward-looking, to determine how and why such abuses came to be committed, to make recommendations for bringing such abuses to an end and to help prevent future recurrences.

In some cases, the Commission and the Special Rapporteur will need access to the same information. This is why the resolution requests the Secretary-General and the High Commissioner to make available to the Commission information submitted to the Special Rapporteur, and to ensure that there is appropriate cooperation and coordination between the Commission and the Special Rapporteur.

The mechanism we are providing for today is a small step. Some may complain that it is too modest for the task at hand. But it is a beginning and that is important. It demonstrates that the international community accepts its responsibility to uphold the laws proscribing genocide and that it has the will to help the Rwandan people come to terms with what has happened in their country.



FRONT PATRIOTIQUE RWANDAIS **RWANDESE PATRIOTIC FRONT**



New York, July 1 1994

H. E. Jameed K.A. Marker
President of the Security Council
United Nations

Your Excellency

The Rwandese Patriotic Front wishes to reiterate its total opposition to French intervention in Rwanda.

The Rwandese Patriotic Front wishes to point out that since the launching of Operation Turquoise, there are frequent flights over our territory by planes which refuse to respond to our control tower at Kigali airport.

The Rwandese Patriotic Front further wishes to inform the international community that it has reliable information that such planes overflying our territory have intentions to bomb our military installations.

The Rwandese Patriotic Front calls for an immediate end to such flights and warns that all planes that overfly our territory without prior clearance by our control tower will be at risk of being attacked as enemy aircraft.

The Rwandese Patriotic Front wishes to reiterate its strong objections to French intervention in Rwanda and repeats its warning that this intervention will lead to an escalation of the conflict since France's real intentions are to intervene in the conflict on the side of the Rwanda Government forces and force a political solution in favour of the perpetrators of genocide in Rwanda.

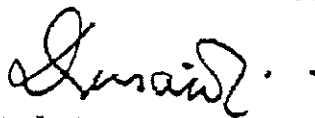
The Rwandese Patriotic Front:

1. Calls upon the international community to use its influence to restrain France from this course of aggression against the victims of genocide.
2. Reiterates the determination of its members and the Rwandese people at large to resist this French aggression by any means possible.
3. Calls for an immediate withdrawal of French troops from Rwanda and calls upon the United Nations Secretary-General, the United Nations Security Council and Member States to expedite the deployment of UNAMIR II established by resolutions 918 and 925 (1994).

In view of the fact that the Rwandese Patriotic Front is opposed to Operation Turquoise, it wishes to inform the Security Council that it will review its position regarding participation in UNAMIR by all countries that intervene in Rwanda alongside the French.

Kindly ensure circulation of this letter to all members of the Security Council as an official note of the Council.

For: The Political Bureau of the Rwandese Patriotic Front



Claude Dusaidi

Rwandese Patriotic Front Representative to the United Nations

c.c. Secretary-General Boutros Boutros-Ghali

All members of the Security Council