

CASE NO: ICR-98-41-1
EXHIBIT NO: N1 260 B
DATE ADMITTED: 17-11-2006
TENDERED BY: DEFENCE
NAME OF WITNESS:

20/9 28851
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Note to Mr. Annan

Gersony Report

Lead: SIR
HA
JMCS

Following your demarche with the Rwanda Government, a joint commission consisting of the Government and UN agencies has been set up to inquire into the veracity of the findings of Mr. Gersony. However, I am not satisfied that this is the best or the most credible method of conducting the investigation. Any such process in which the Government is associated is not likely to inspire much confidence among the prospective interviewees who would always be apprehensive about their fate at a time when the UN would not be on the scene. Complete confidentiality of the interviewees is a sine qua non for obtaining their full and uninhibited testimony. It might be best to entrust the investigation to the Commission of Experts established by the Security Council or to the Special Rapporteur appointed by the Commission on Human Rights.

John Walker

C.R. Gharekhan

C.R. Gharekhan
23 September 1994

~~Handwritten signature~~
28/9/94

- cc: Mr. Corell
- Mr. Goulding
- Mr. Kittani
- Mr. de Soto

UNITED NATIONS HIGH COMMISSIONER
FOR REFUGEES

Liaison Office at United Nations Headquarters



HAUT COMMISSARIAT DES NATIONS UNIES
POUR LES RÉFUGIÉS

Délégation au Siège des Nations Unies

28850

NEW YORK

TELEGRAMS: UNATIONS, HICOMREF New York

See by 30/9

TELEPHONE: (212) 963-0072

40004518

FACSIMILE

To: Mr. Jean-Claude Aimé
Chief of Staff, EOSG

981238

From: Soren Jessen-Petersen
Director, UNHCR office at UN Headquarters

Jessen-Petersen

Date: 30 September 1994

*REVD: 30/10 10:00am
KA/CENT*

Fax No.: 963 2155

OUR REF: NYC/FAX/0300

Number of pages (including this one): 4

Dear Mr. Aimé,

I would very much appreciate if you could bring the attached letter from Mrs. Ogata to the urgent attention of the Secretary-General.

Best regards.

cc. Mr. Coulby
Mr. Amran
Mr. Hansen
Mr. Keltan
Mr. Charalath
Mr. L. Seta

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NATIONS UNIES
LE HAUT COMMISSAIRE
POUR LES REFUGIES



UNITED NATIONS
THE HIGH COMMISSIONER
FOR REFUGEES

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Case No. 2800
OH-1211 Genève 2 Suisse

Seen by Sg
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30 September 1994

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Dear Mr. Secretary-General,

I wish to refer to your letter of 27 September. At the outset I should like to affirm that I share your views on the necessity of coordination within the UN system. As you point out in your letter, proper coordination is all the more important when dealing with situations as complex as the one we collectively face in Rwanda.

In order to clarify some misunderstandings that seemed to have occurred with regard to the developments referred to in your letter, I should like to bring to your attention the following sequence of events.

1. Mr. Geraony headed the UNHCR Emergency Repatriation Unit to prepare programmes "to promote and/or support the rapid voluntary repatriation of Rwandan refugees from neighbouring countries". UNHCR's responsibility for repatriation was recognized by Mr. Peter Hansen and the UN agencies' heads, as we mapped out our responsibilities in Rwanda. On 30 July, in Kigali, I informed Mr. Shaharyar Khan of Mr. Geraony's terms of reference. In no way at that time was there any expectation of the kind of findings that came out subsequently. It has never been UNHCR's intention to conduct any investigation in Rwanda.

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Mr. Boutros Boutros-Ghali
Secretary-General
United Nations Headquarters
New York, NY 10017
USA

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2. When Mr. Gersony, much against all his assumptions, came across findings of a grievous nature, he returned to Geneva and reported to me on Tuesday, 13 September 1994. Due to the serious and sensitive nature of the findings with implications for the entire UN system, I felt it important to bring them immediately to your attention. I should like also to add that we were already faced with many reports from the field that the refugee outflow was increasing from the south-east and southern parts of Rwanda to Tanzania and Burundi, and the testimonies of these refugees seemed to corroborate the findings of Mr. Gersony. We were able to contact Mr. Kofi Annan - Mr. Hanada being away in Russia - who was on his way to Somalia and Rwanda. The Deputy High Commissioner accompanied Mr. Gersony to bring the findings to Mr. Annan's attention in London on Wednesday, 14 September.

3. After the meeting with Mr. Annan, we were invited to meet with the Task Force on Friday, 16 September in New York in order to share the findings with your senior officials. The Task Force made a series of recommendations which included a request to me to present a report to you on the situation in Rwanda. On Monday, 19 September, I sent you a Note summarizing the findings with the proviso that it be used for "whatever purpose you deemed necessary".

4. The Task Force also agreed that Mr. Gersony, accompanied by the Director of the Regional Bureau for Africa, UNHCR, would join Mr. Annan together with Mr. Shaharyar Khan to present the findings to the Government. This took place in Kigali between 19-22 September. It was further agreed that no public statement would be made until the Government had been duly informed.

5. Regardless of the information control, a Washington Post dispatch from Kigali dated 22 September referred to the atrocities in Rwanda which prompted more press enquiries. The same day, a one-page synopsis was prepared to provide background to answer queries from the press. It was my understanding that this paper was brought to your attention and that you asked for the deletion of several paragraphs that alluded to concrete facts involving killings. The necessary changes were made to the paper. On Friday, 23 September in Geneva and in New York, queries were answered in accordance with the background paper. As yet, UNHCR has not released the findings of Mr. Gersony to the public nor does it intend to do so. Subsequent comments to the press from UNAMIR and UNRSO in Kigali, which incidentally continue, have regrettably given the impression of discrepancies within the UN.

I hope that the above information clarifies some of the apprehension that you might have ascertained. I fully support your decision to initiate an independent investigation. We have been in close contact with Mr. Ayalo Lasso and have made ourselves available for any service we may be able to render for the investigation. Needless to say, our decision to promptly bring the recent findings to the attention of yourself and of the Rwandan Government was solely based on our obligation to contain the causes of refugee outflow and ensure safe conditions for voluntary repatriation. This was also the purpose of the letter I addressed to the President of Rwanda on 28 September following consultations with your senior staff.

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The complexity of large-scale refugee emergencies and the mix of political, peace-keeping and humanitarian issues underlying them demand close partnership and coordination among the various components of the UN. To be effective, this requires an adequate appreciation of the specific competence and expertise of each partner. This is particularly necessary in relation to the issues linked to the protection mandate of my Office. I was, therefore, pleased that, as a result of our discussions at the Inter-Agency Standing Committee of 23 September, it was agreed that a more structured division of responsibilities would strengthen the existing coordination mechanism. I trust that Mr. Hansen will provide measures that will meet the needs for effective coordination in complex emergencies.

Lastly, let me assure you that, as in the past, and in recognition of your leadership, I intend to maintain close consultation with you on all important developments.

Yours sincerely,

With very best wishes.



Sadako Ogata