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FROM: SHAHARYAR KHAN, UNAMIR, KIGALI

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SUBJECT: THE GERSONI "REPORT" RWANDA

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NAME OF WITNESS: NDAGISIMANA

The Gersoni "report" has been the subject of high level exchanges, including an exchange of letters between President Bizimungu and the Secretary-General, and considerable media speculation. The "report" has led to a highly critical reaction from the Rwandese government towards the UN and its agencies in general and UNHCR in particular. The following are our observations on the background and development of the "report", as seen from Rwanda.

2. On September, 14th immediately after my return from Zaire, I was informed by Mr. Iqbal Riza, Assistant Secretary-General Peacekeeping on the telephone that I should proceed immediately to Nairobi in order to meet Mr. Kofi Annan, Under-Secretary-General for Peacekeeping, who would explain the background to a disturbing report from a UNHCR expert. The High Commissioner for Refugees, Mrs Ogata, had forwarded the report to the Secretary General with an expression of concern that its public surfacing would be damaging.

3. On 15 September I proceeded to Nairobi (in the same aircraft as President Bizimungu) and met Mr. Kofi Annan in the VIP lounge of Nairobi Airport before he left for Somalia. Mr. Annan informed me of the outlines of Gersoni's findings, adding that if they proved to be correct, the Rwandese government as well as the UN would face severe public criticism. It was essential, therefore, that the Government be persuaded to respond positively to the "report". This was the first time I, or any of my colleagues in UNAMIR, had come across Gersoni or his "report". The fact that he had been carrying out an investigation in Rwanda on behalf of UNHCR between August and September was not known to us. Significantly President Bizimungu has stated in his letter to the SG that "this type of working method is putting at stake the credibility of UN in general, and UNAMIR in particular."

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4. On September 19th Mr. Annan arrived in Kigali. Mr. Gersoni and Mr. Morjane of UNHCR accompanied him from Nairobi. Immediately after arrival, Gersoni gave a detailed, verbal briefing from his notes on his findings and his conclusions. The meeting was attended by Mr. Annan, Mr. Morjane, Force Commander Major Gen. Guy Tousignant and myself. The main points of Gersoni's briefing are contained in the summary (attached) that the UNHCR representative in Kigali conveyed to President Bizumungu as an annexe to a letter from Mrs. Ogata. In a two hour briefing, Gersoni put forward evidence of what he described as calculated, preplanned, systematic atrocities and genocide against Hutus by the RPA whose methodology and scale, he concluded, (30,000 massacred) could only have been part of a plan implemented as a policy from the highest echelons of the government. In his view these were not individual cases of revenge and summary trials but a pre-planned, systematic genocide against the Hutus. Gersoni staked his 25 year reputation on his conclusions which he recognized were diametrically opposite to the assumptions made, so far, by UN and the international community. Mrs. Ogata had accordingly advised that UNHCR should not encourage a return of refugees to Rwanda.

5. After the briefing, Mr. Annan accompanied by Mr. Gersoni, Mr. Morjane and myself, called on the Ministers of Interior Mr. Seth Sendashonga, the Minister of Foreign Affairs Mr. Jean Marie Vianney and the Prime Minister Mr. Faustin Twagiramungu. The President and Vice-President were out of the country. Mr. Gersoni gave a full account of his findings to his interlocutors. The Prime Minister and the two Ministers heard out Mr. Gersoni's indictment of mass genocide by the RPA with politeness and equanimity. They expressed shock at Gersoni's findings and conclusions, rejecting them as part of planted evidence, but made no hint of malafides. The immediate points that were made by the Prime Minister and the Minister of Interior were:

- a) While the government itself acknowledges that some individual acts of revenge have taken place, it would not be possible for the government to massacre 30,000 people without the world finding out about the genocide.
- b) It was highly unlikely that the RPA would travel around with hoes, clubs and machetes, as contended by Gersoni - to carry out its massacres.
- c) The President and Cabinet Ministers had themselves been concerned at press (Le N'onde) reports of RPA atrocities along the Tanzanian border. The President had stayed in the area for 3 days to observe conditions but had found that it was mainly Hutu extremists operating from camps in Tanzania that were inciting fear among the population. The President had seen no evidence of bodies floating down the Kagera river with hands tied behind backs.

6. After Gersoni's briefing, we held an internal discussion related to his findings and conclusions. The following are the main points made by various officers who have experience and detailed knowledge of the country.

- a) Brig. Gen. Anyidoho (DFC) and Col Tikoca (Chief of Military Observers) agreed that the incidence of revenge killings was higher in areas where UN and NGO's were sparsely represented (e.g. Kibungo and Tanzanian border). However, they rejected the contention that 30,000 Hutus had been massacred by RPA in a systematic, pre-ordained campaign. They added that several journalists had published such "sensationalist" reports but when

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Observers had examined the evidence in detail. The evidence had invariably been found to be highly exaggerated and incorrect. They were convinced that Gersoni had also been subjected to such planned and dramatized evidence.

b) Charles Petrie, Deputy Director United Nations Rwanda Emergency Office (UNREO) had visited the area recently and was aware of rumours of massacres. He had, therefore, carried out a deliberate investigation with NGOs operating in the region. Mr. Petrie rejected the conclusions of systematic, pre-ordained massacres by RPA. His explanation of the Hutu exodus was that the region had seen a large number of Burundi/Tanzania Tutsis return to Rwanda, especially to the border areas. These long-term refugees had occupied lands, homes etc and were now intent on staying on in Rwanda. These Burundi Tutsis were not like the disciplined, fighting-force Tutsis of Uganda, but a more acquisitive, business oriented group. This group had carried out activities to frighten any Hutu returnees, probably with the connivance of local RPA contingent. The fact that there were hardly any UNAMIR blue-berets or NGOs in the region had enabled this group to carry out its activities unchecked.

c) The following day ie. 20th September Mr. Kofi Annan and I visited several sites in Sector 5 (Gisenyi region). This zone is adjacent to the Zaire border and was a stronghold of the former government. The UN is well represented in the area. Without referring to the Gersoni's findings Mr. Annan asked the UN blue-berets (doctors, engineers etc) about the treatment of returning Hutus to the region. The blue-berets replied that about 80% of Hutus farmers from the region who had left in panic had returned. They were being absorbed and well treated by the new RPA administration both civil and military. Their return was smooth and peaceful. Mr. Kofi Annan then enquired about an alleged massacre in a village which had been pinpointed by Gersoni. The UN Major (an Australian doctor) replied that he too had heard of rumours of a massacre in the village and had gone down to investigate. He found, that in fact a massacre had taken place in late July but it had been commissioned by a rabid Hutu extremist mayor who had been operating in the region even in late July as there were pockets of territory still under the control of the former government. Eventually, when the RPA took over, the Mayor fled to Zaire but several of his henchmen had been apprehended. These alleged criminals were now in custody. They were being correctly treated as prisoners and their names had been given to ICRC.

7. My own assessment of the situation endorses 6(b) above ie. that probably the Kibungo and the Tanzanian border region has seen heightened incidence of revenge killings and atrocities by Burundi Tutsis aimed at preventing the return of Hutu refugees. It is possible that these atrocities have been carried out with the connivance of RPA elements operating at a more senior level than the normal revenge killings which take place at a lower personal level. Nevertheless, I do not accept Gersoni's conclusion that the killings are part of a "pre-ordained, systematic massacre ordered from the top". If that were so, the Ministerial visits to the French Protection Zone, during which Cabinet Ministers implored the mainly Hutu audiences in Kibuye, Ginkogoro and Cyangugu to return and reconcile, would have to be regarded as a cleverly mounted facade behind which the government was ordering a massacre! Only a few days before Gersoni's visit, the Minister of Interior had asked me to

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procure large quantities of seeds and farm implements so that when President Bizimungu visits Cyangugu, his pleas for Hutus to return from Goma camps could be encouraged by promising them seeds and farming tools to re-start their lives as farmers. Such requests, made privately, negate the concept of a pre-ordained campaign of genocide. Thirdly, are we to conclude that the public campaign by the government in which the President, Vice-President, Prime Minister and the entire cabinet address the populace in stadiums full of several (10-15) thousand local towns-folk and answer their questions frankly, is to be regarded a show and a camouflage behind which the government is deliberately carrying out systematic genocide? I do not find Gersoni's conclusions convincing or acceptable.

8. On the morning of 21st September, I met Mr. Seth Sendashonga, the Minister of Interior and The Minister of Youth Mr. Mazimbaka. I impressed upon them that however outrageous and incorrect Gersoni's accusation may appear to them, the Government's Achilles heel was that, in fact, there was an exodus of Rwandese Hutus to Tanzania and also that UN access to this region had not been readily forthcoming. After consultation with the Prime Minister, the Ministers agreed to a joint investigation of the area where Gersoni had gathered his evidence.

9. Accordingly, at noon 21st September, The Minister of Interior arrived at Kigali airport and met Mr. Kofi Annan before his departure for Nairobi. It was agreed that a joint investigating team consisting of four Rwandese Ministers and representatives of UNHCR (The Minister stated that Gersoni would be welcome to join the team but Gersoni declined) UNAMIR and Human Rights Commission should visit the region. Mr. Gersoni, who had still not given any documents in writing, was asked to identify the villages where he gathered his information. He sat down in the VIP lounge and wrote out some names of villages which the joint team visited the following day and found no evidence except a mass grave dating back to April/May.

10. Before he left Kigali and in the aircraft, Mr. Gersoni expressed his complete satisfaction at the manner in which his report had been received. He said that UNAMIR had treated it with due seriousness and the Rwandese government had reacted positively by appointing a joint-investigating team. He could not have expected more. Mr. Kofi Annan's conclusion was that the report, 'if there was in fact a written report' should now be referred to as information which would be investigated and that, meanwhile it should stay in the folder as public airing would be sensationalising findings and conclusions that had not been checked and/or verified.

11. Regrettably, two days later, the international press was referring to the "Gersoni report" and the UNHCR spokesman was also commenting on its conclusions and the High Commissioner's directives to the UNHCR staff. Subsequently, the High Commissioner addressed a formal letter to President Bizimungu in which she attached an unsigned document which, in fact, is a resumé of Gersoni's allegations. This, instead of keeping the lid on, fuelled more speculation, with predictably damaging results.

12. As expected, the President was furious with the accusations that were now public knowledge and addressed a press conference indicting UNHCR in particular and UN in general. He addressed a letter to the Secretary-General and all senior members of the Cabinet have felt deeply anguished and let down at the public airing of the Gersoni report. They argue that despite the "false accusations by Gersoni", the government had demonstrated its good faith by appointing a joint investigating team. Notwithstanding, the report had been

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made public without even the courtesy of a written document being conveyed to them. They feel especially aggrieved that there was no attempt to check or verify Mr. Gersoni's findings and an uncorroborated, verbal report was given credence, against the tide of general opinion by people on the ground. The UNHCR has acted like prosecutor, jury, judge and executioner rolled into one. Although most of the Rwandese government's wrath is aimed at UNHCR, some of the anger, especially at the middle and lower levels of the Governments is spread out to all UN Agencies. Most of the Agency representatives have reported to me that their work and standing have been undermined by the airing of the Gersoni report.

13. From the outset, we had given Gersoni the respect that he deserves as a professional. His findings were regarded as honest. We disagreed with his conclusions but accepted the integrity of his assessment based on the evidence that he had collected. In the end, when he had pronounced himself satisfied with UN and Government's reaction to his report, there was a clearly expressed understanding that the matter would await verification and should not proceed further. We shared these conclusions with a visiting US delegation. Subsequently, the public airing of the Gersoni information (to date there is no written report) is, therefore, extremely regrettable and damaging to the UN cause in Rwanda.

14. The net result of the "report" can be summarised as follows:

i) The Rwandese government has as expected taken profound umbrage to the report not so much for its content but at the manner of its public airing without allowing a verification of Gersoni's conclusions or even the courtesy of the report being conveyed to the Government.

ii) It has queered the pitch for all UN Agencies operating in Rwanda.

iii) The public airing of the "report" and the High Commissioner's subsequent formal actions have contravened the understanding that the report would not be acted upon until it passes through a counter-checking filter. UNHCR did not consult any of the concerned agencies - including UNAMIR - before, during or after the finalization of the report and it chose to act on its conclusions without regard to opinions held to the contrary by other UN agencies operating in Rwanda.

iv) The "report" is now acting as a self-fulfilling prophecy in that the return flow of refugees has virtually stopped because radio reports have instilled a sense of fear in returning refugees.

15. We are now engaged in a damage limitation exercise. Hopefully time and our bona fides will act as a healer.

16. Best wishes