

No. 30482

**UNITED NATIONS
and
RWANDA**

**Agreement on the status of the United Nations Assistance
Mission for Rwanda (UNAMIR). Signed at New York on
5 November 1993**

Authentic text: French.

Registered ex officio on 5 November 1993.

**ORGANISATION DES NATIONS UNIES
et
RWANDA**

**Accord sur le statut de la Mission des Nations Unies pour
l'assistance au Rwanda (MINUAR). Signé à New York le
5 novembre 1993**

Texte authentique : français.

Enregistré d'office le 5 novembre 1993.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE UNITED NATIONS AND THE GOVERNMENT OF THE REPUBLIC OF RWANDA ON THE STATUS OF THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA

I. DEFINITIONS

1. For the purpose of the present Agreement the following definitions shall apply:

(a) "UNAMIR" means the United Nations Assistance Mission for Rwanda established pursuant to Security Council resolution 872 (1993) of 5 October 1993² with the mandate described in the above-mentioned resolution based on the recommendations contained in the Secretary-General's report on Rwanda dated 24 September 1993 (S/26488).³ For the purposes of this Agreement UNAMIR shall consist of:

- (i) the "Special Representative" appointed by the Secretary-General of the United Nations. Any reference to the Special Representative in this Agreement shall, except in paragraph 24, include any member of UNAMIR to whom he delegates a specific function or authority;
 - (ii) a "civilian component" consisting of United Nations officials and of other persons assigned by the Secretary-General to assist the Special Representative or made available by participating States to serve as part of UNAMIR;
 - (iii) a "military component" consisting of military and civilian personnel made available by participating States to serve as part of UNAMIR.
- (b) a "member of UNAMIR" means any member of the civilian or military component but unless specifically stated otherwise does not include locally recruited personnel;
- (c) "participating State" means a state contributing personnel to any of the above-mentioned component of UNAMIR;
- (d) "The Government" means the Government of the Republic of Rwanda;
- (e) "The territory" means the territory of the Republic of Rwanda;

¹ Came into force on 5 November 1993 by signature.

² United Nations, *Official Records of the Security Council, Forty-ninth year, Resolutions and Decisions of the Security Council 1993 (S/INF/49)*, p. 102.

³ *Ibid.*, *The Secretary-General's Report on Rwanda*, 24 September 1993 (S/26448).

(f) "The Convention" means the Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946.¹

II. APPLICATION OF THE PRESENT AGREEMENT

2. Unless specifically provided otherwise, the provisions of the present Agreement and any obligation undertaken by the Government or any privilege, immunity, facility or concession granted to UNAMIR or any member thereof apply throughout the territory.

III. APPLICATION OF THE CONVENTION

3. UNAMIR, its members, property, funds and assets, shall enjoy the privileges and immunities specified in the present Agreement as well as those provided for in the Convention, to which Rwanda is a Party.

4. Article II of the Convention, which applies to UNAMIR, shall also apply to the property, funds and assets of participating States used in connection with UNAMIR.

IV. STATUS OF UNAMIR

5. UNAMIR and its members shall refrain from any action or activity incompatible with the impartial and international nature of their duties or inconsistent with the spirit of the present arrangements. UNAMIR and its members shall respect all local laws and regulations. The Special Representative shall take all appropriate measures to ensure the observance of those obligations.

6. The Government shall respect the exclusively international nature of UNAMIR and ensure that appropriate steps are taken to ensure the security and safety of UNAMIR and personnel engaged in the Mission.

7. Without prejudice to the mandate of UNAMIR and its international status:

(a) The United Nations shall ensure that UNAMIR shall conduct its operations in Rwanda with full respect for the principles and spirit of the general conventions applicable to the conduct of military personnel. These international conventions include the four Geneva Conventions of 12 August 1949² and their Additional Protocols of 8 June 1977³ and the UNESCO Convention of 14 May 1954 on the Protection of Cultural Property in the event of armed conflict;⁴

(b) The Government undertakes to treat at all times the military personnel of UNAMIR with full respect for the principles and spirit of the general international conventions applicable to the treatment of military personnel. These international

¹ United Nations, *Treaty Series*, vol. 1, p. 15, and vol. 90, p. 327 (corrigendum to vol. 1, p. 18).

² *Ibid.*, vol. 75, pp. 31, 85, 135 and 287.

³ *Ibid.*, vol. 1125, pp. 3 and 609.

⁴ *Ibid.*, vol. 249, p. 215.

conventions include the Four Geneva Conventions of 12 April 1949 and their Additional Protocols of 8 June 1977.

UNAMIR and the Government shall therefore ensure that members of their respective military personnel are fully acquainted with the principles and spirit of the above-mentioned international instruments.

United Nations flag and vehicle markings

8. The Government recognizes the right of UNAMIR to display within Rwanda the United Nations flag on its headquarters, camps or other premises, vehicles, vessels and otherwise as decided by the Special Representative. Other flags or pennants may be displayed only in exceptional cases. In these cases, UNAMIR shall give sympathetic consideration to observations or requests of the Government.

9. Vehicles, vessels and aircraft of UNAMIR shall carry a distinctive United Nations identification, which shall be notified to the Government.

Communications

10. UNAMIR shall enjoy the facilities in respect to communications provided in article III of the Convention and shall, in co-ordination with the Government, use such facilities as may be required for the performance of its task. Issues with respect to communications which may arise and which are not specifically provided for in the present Agreement shall be dealt with pursuant to the relevant provisions of the Convention.

11. Subject to the provisions of paragraph 10:

(a) UNAMIR shall have authority to install and operate radio sending and receiving stations as well as satellite systems to connect appropriate points within the territory with each other and with United Nations offices in other countries, and to exchange traffic with the United Nations global telecommunications network. The telecommunication services shall be operated in accordance with the International Telecommunication Convention¹ and Radio Regulations² and the frequencies on which any such station may be operated shall be decided upon in co-operation with the Government and shall be communicated by the United Nations to the International Frequency Registration Board;

(b) UNAMIR shall enjoy, within the territory, the right to unrestricted communication by radio (including satellite, mobile and hand-held radio), telephone, telegraph, facsimile or any other means, and of establishing the necessary facilities for maintaining such communications within and between premises of UNAMIR, including the laying of cables and land lines and the establishment of fixed and mobile radio sending, receiving and repeater stations. The frequencies on which the radio will operate shall be decided upon in co-operation with the

¹ United Nations, *Treaty Series*, vol. 1825, No. I-31251.

² International Telecommunications Union, *Radio Regulations*, Edition of 1982, as amended.

Government. It is understood that connections with the local system of telegraphs, telex and telephones may be made only after consultation and in accordance with arrangements with the Government, it being further understood that the use of the local system of telegraphs, telex and telephones will be charged at the most favourable rate;

(c) UNAMIR may make arrangements through its own facilities for the processing and transport of private mail addressed to or emanating from members of UNAMIR. The Government shall be informed of the nature of such arrangements and shall not interfere with or apply censorship to the mail of UNAMIR or its members. In the event that postal arrangements applying to private mail of members of UNAMIR are extended to transfer of currency or the transport of packages and parcels, the conditions under which such operations are conducted shall be agreed with the Government.

Travel and transport

12. UNAMIR and its members shall enjoy, together with its vehicles, vessels, aircraft and equipment, freedom of movement throughout the territory. That freedom shall, with respect to large movements of personnel, stores or vehicles through airports or on railways or roads used for general traffic within Rwanda, be co-ordinated with the Government. The Government undertakes to supply UNAMIR, where necessary, with maps and other information, including locations of mine fields and other dangers and impediments, which may be useful in facilitating its movements.

13. Vehicles, including all military vehicles, vessels and aircraft of UNAMIR shall not be subject to registration or licensing by the Government provided that all such vehicles shall carry the third party insurance required by relevant legislation.

14. UNAMIR may use roads, bridges, canals and other waters, port facilities and airfields without the payment of dues, tolls or charges, including wharfage charges. However, UNAMIR will not claim exemption from charges which are in fact charges for services rendered.

Privileges and immunities of UNAMIR

15. UNAMIR, as a subsidiary organ of the United Nations, enjoys the status, privileges and immunities of the United Nations in accordance with the Convention. The provision of article II of the Convention which applies to UNAMIR shall also apply to the property, funds and assets of participating States used in Rwanda in connection with the national contingents serving in UNAMIR, as provided for in paragraph 4 of the present Agreement. The Government recognizes the right of UNAMIR in particular:

(a) To import, free of duty or other restrictions, equipment, provisions, supplies and other goods which are for the exclusive and official use of UNAMIR or for resale in the commissaries provided for hereinafter;

(b) To establish, maintain and operate commissaries at its headquarters, camps and posts for the benefit of the members of

UNAMIR, but not of locally recruited personnel. Such commissaries may provide goods of a consumable nature and other articles to be specified in advance. The Special Representative shall take all necessary measures to prevent abuse of such commissaries and the sale or resale of such goods to persons other than members of UNAMIR, and he shall give sympathetic consideration to observations or requests of the Government concerning the operation of the commissaries;

(c) To clear ex customs and excise warehouse, free of duty or other restrictions, equipment, provisions, supplies and other goods which are for the exclusive and official use of UNAMIR or for resale in the commissaries provided for above;

(d) To re-export or otherwise dispose of such equipment, as far as it is still usable, all unconsumed provisions, supplies and other goods so imported or cleared ex customs and excise warehouse which are not transferred, or otherwise disposed of, on terms and conditions to be agreed upon, to the competent local authorities of Rwanda or to an entity nominated by them.

To the end that such importation, clearances, transfer or exportation may be effected with the least possible delay, a mutually satisfactory procedure, including documentation, shall be agreed between UNAMIR and the Government at the earliest possible date.

V. FACILITIES FOR UNAMIR

Premises required for conducting the operational and administrative activities of UNAMIR and for accommodating members of UNAMIR

16. The Government of Rwanda shall, to the extent possible, provide UNAMIR such areas for headquarters, camps or other premises as may be necessary for the conduct of the operational and administrative activities of UNAMIR and for the accommodation of the members of UNAMIR. Without prejudice to the fact that all such premises remain Rwandese territory, they shall be inviolable and subject to the exclusive control and authority of the United Nations. Where United Nations troops are co-located with military personnel of the host country, a permanent, direct and immediate access by UNAMIR to those premises shall be guaranteed.

17. The Government undertakes to assist UNAMIR as far as possible in obtaining water, electricity and other necessary facilities, and, in the case of interruption or threatened interruption of service, to give as far as is within its powers the same priority to the needs of UNAMIR as to essential government services. Payment shall be made by UNAMIR on terms to be agreed with the competent authority. UNAMIR shall be responsible for the maintenance and upkeep of facilities so provided.

18. UNAMIR shall have the right, where necessary, to generate, within its premises, electricity for its use and to transmit and distribute such electricity.

19. The United Nations alone may consent to the entry of any government officials or of any other person not member of UNAMIR to such premises.

Provisions, supplies and services, and sanitary arrangements

20. The Government undertakes to assist UNAMIR as far as possible in obtaining equipment, provisions, supplies and other goods and services from local sources required for its subsistence and operations. In making purchases on the local market, UNAMIR shall, on the basis of observations made and information provided by the Government in that respect, avoid any adverse effect on the local economy. The Government shall exempt UNAMIR from general sales taxes in respect of all official local purchases.

21. UNAMIR and the Government shall co-operate with respect to sanitary services and shall extend to each other the fullest co-operation in matters concerning health, particularly with respect to the control of communicable diseases, in accordance with international conventions.

Recruitment of local personnel

22. UNAMIR may recruit locally such personnel as it requires. Upon the request of the Special Representative, the Government undertakes to facilitate the recruitment of qualified local staff by UNAMIR and to accelerate the process of such recruitment.

Currency

23. The Government undertakes to make available to UNAMIR, against reimbursement in mutually acceptable currency, Rwandese franc currency required for the use of UNAMIR, including the pay of its members, at the rate of exchange most favourable to UNAMIR.

VI. STATUS OF THE MEMBERS OF UNAMIR

Privileges and immunities

24. The Special Representative, the Force Commander of the military component of UNAMIR, the Police Commissioner of the United Nations civilian police, and such high-ranking members of the Special Representative's staff as may be agreed upon with the Government shall have the status specified in sections 19 and 27 of the Convention, provided that the privileges and immunities therein referred to shall be those accorded to diplomatic envoys by international law.

25. Other United Nations officials assigned to the civilian component to serve with UNAMIR remain officials of the United Nations entitled to the privileges and immunities of articles V and VII of the Convention.

26. Military observers, civilian police personnel and civilian personnel other than United Nations officials whose names are for the purpose notified to the Government by the Special Representative shall be considered as experts on mission within the meaning of article VI of the Convention.

27. Military personnel of national contingents assigned to the military component of UNAMIR shall have the privileges and immunities specifically provided for in the present Agreement.

28. Unless otherwise specified in the present Agreement, locally recruited members of UNAMIR shall enjoy the immunities concerning official acts and exemption from taxation and national service obligations provided for in sections 18 (a), (b) and (c) of the Convention.

29. Members of UNAMIR shall be exempt from taxation on the pay and emoluments received from the United Nations or from a participating State and any income received from outside Rwanda. They shall also be exempt from all other direct taxes, except municipal rates for services enjoyed, and from all registration fees and charges.

30. Members of UNAMIR shall have the right to import free of duty their personal effects in connection with their arrival in Rwanda. They shall be subject to the laws and regulations of Rwanda governing customs and foreign exchange with respect to personal property not required by them by reason of their presence in Rwanda with UNAMIR. Special facilities will be granted by the Government for the speedy processing of entry and exit formalities for all members of UNAMIR, including the military component, upon prior written notification. On departure from Rwanda, members of UNAMIR may, notwithstanding the above-mentioned exchange regulations, take with them such funds as the Special Representative certifies were received in pay and emoluments from the United Nations or from a participating State and are a reasonable residue thereof. Special arrangements shall be made for the implementation of the present provisions in the interests of the Government and the members of UNAMIR.

31. The Special Representative shall co-operate with the Government and shall render all assistance within his power in ensuring the observance of the customs and fiscal laws and regulations of Rwanda by the members of UNAMIR, in accordance with the present Agreement.

Entry, residence and departure

32. The Special Representative and members of UNAMIR shall, whenever so required by the Special Representative, have the right to enter into, reside in and depart from Rwanda.

33. The Government undertakes to facilitate the entry into and departure from Rwanda of the Special Representative and members of UNAMIR and shall be kept informed of such movement. For that purpose, the Special Representative and members of UNAMIR shall be exempt from passport and visa regulations and immigration inspection and restrictions on entering into or departing from Rwanda. They shall also be exempt from any regulations governing the residence of aliens in Rwanda, including registration, but shall not be considered as acquiring any right to permanent residence or domicile in Rwanda.

34. For the purpose of such entry or departure, members of UNAMIR shall only be required to have: (a) an individual or

collective movement order issued by or under the authority of the Special Representative or any appropriate authority of a participating State; and (b) a personal identity card issued in accordance with paragraph 35 of the present Agreement, except in the case of first entry, when the personal identity card issued by the appropriate authorities of a participating State shall be accepted in lieu of the said identity card.

Identification

35. The Special Representative shall issue to each member of UNAMIR before or as soon as possible after such member's first entry into Rwanda, as well as to all locally recruited personnel, a numbered identity card, which shall show full name, date of birth, title or rank, service (if appropriate) and photograph. Except as provided for in paragraph 34 of the present Agreement, such identity card shall be the only document required of a member of UNAMIR.

36. Members of UNAMIR as well as locally recruited personnel shall be required to present, but not to surrender, their UNAMIR identity cards upon demand of an appropriate official of the Government.

Uniform and arms

37. Military members and the United Nations civilian police of UNAMIR shall wear, while performing official duties, the national military or police uniform of their respective States with standard United Nations accoutrements. United Nations Security Officers and Field Service Officers may wear the United Nations uniform. The wearing of civilian dress by the above-mentioned members of UNAMIR may be authorized by the Special Representative at other times. Military members and civilian police of UNAMIR and United Nations Security Officers designated by the Special Representative may possess and carry arms while on duty in accordance with their orders.

Permits and licences

38. The Government agrees to accept as valid, without tax or fee, a permit or licence issued by the Special Representative for the operation by any member of UNAMIR, including locally recruited personnel, of any UNAMIR transport or communication equipment and for the practice of any profession or occupation in connection with the functioning of UNAMIR, provided that no licence to drive a vehicle or pilot an aircraft shall be issued to any person who is not already in possession of an appropriate and valid licence.

39. Without prejudice to the provisions of paragraph 37, the Government further agrees to accept as valid, without tax or fee, a permit or licence issued by the Special Representative to a member of UNAMIR for the carrying or use of firearms or ammunition in connection with the functioning of UNAMIR.

Military police, arrest and transfer of custody, and mutual assistance

40. The Special Representative shall take all appropriate measures to ensure the maintenance of discipline and good order among members of UNAMIR, as well as locally recruited personnel. To this end personnel designated by the Special Representative shall police the premises of UNAMIR and such areas where its members are deployed. Elsewhere such personnel shall be employed only subject to arrangements with the Government and in liaison with it in so far as such employment is necessary to maintain discipline and order among members of UNAMIR.

41. The military police of UNAMIR shall have the power of arrest over the military members of UNAMIR. Military personnel placed under arrest outside their own contingent areas shall be transferred to their contingent Commander for appropriate disciplinary action. The personnel mentioned in paragraph 40 above may take into custody any other person on the premises of UNAMIR. Such other person shall be delivered immediately to the nearest appropriate official of the Government for the purpose of dealing with any offence or disturbance on such premises.

42. Subject to the provisions of paragraphs 24 and 26, officials of the Government may take into custody any member of UNAMIR:

(a) When so requested by the Special Representative; or

(b) When such a member of UNAMIR is apprehended in the commission or attempted commission of a criminal offence. Such person shall be delivered immediately, together with any weapons or other item seized, to the nearest appropriate representative of UNAMIR, whereafter the provisions of paragraph 47 shall apply *mutatis mutandis*.

43. When a person is taken into custody under paragraph 41 or paragraph 42 (b), UNAMIR or the Government, as the case may be, may make a preliminary interrogation but may not delay the transfer of custody. Following such transfer, the person concerned shall be made available upon request to the arresting authority for further interrogation.

44. UNAMIR and the Government shall assist each other in carrying out all necessary investigations into offenses in respect of which either or both have an interest, in the production of witnesses and in the collection and production of evidence, including the seizure of and, if appropriate, the handing over of items connected with an offence. The handing over of any such items may be made subject to their return within the terms specified by the authority delivering them. Each shall notify the other of the disposition of any case in the outcome of which the other may have an interest or in which there has been a transfer of custody under the provisions of paragraphs 41-43.

45. The Government shall ensure the prosecution of persons subject to its criminal jurisdiction who are accused of acts in relation to UNAMIR or its members which, if committed in relation to the forces of the Government, would have rendered such acts liable to prosecution.

Jurisdiction

46. All members of UNAMIR including locally recruited personnel shall be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity. Such immunity shall continue even after they cease to be members of or employed by UNAMIR and after the expiration of the other provisions of the present Agreement.

47. Should the Government consider that any member of UNAMIR has committed a criminal offence, it shall promptly inform the Special Representative and present to him any evidence available to it. Subject to the provisions of paragraph 24:

(a) If the accused person is a member of the civilian component or a civilian member of the military component, the Special Representative shall conduct any necessary supplementary inquiry and then agree with the Government whether or not criminal proceedings should be instituted. Failing such agreement, the question shall be resolved as provided in paragraph 52 of the present Agreement.

(b) Military members of the military component of UNAMIR shall be subject to the exclusive jurisdiction of their respective participating States in respect of any criminal offenses which may be committed by them in Rwanda.

48. If any civil proceeding is instituted against a member of UNAMIR before any court of Rwanda, the Special Representative shall be notified immediately, and he shall certify to the court whether or not the proceeding is related to the official duties of such member:

(a) If the Special Representative certifies that the proceeding is related to official duties, such proceeding shall be discontinued and the provisions of paragraph 50 of the present Agreement shall apply.

(b) If the Special Representative certifies that the proceeding is not related to official duties, the proceeding may continue. If the Special Representative certifies that a member of UNAMIR is unable because of official duties or authorized absence to protect his interests in the proceeding, the court shall at the defendant's request suspend the proceeding until the elimination of the disability, but for not more than ninety days. Property of a member of UNAMIR that is certified by the Special Representative to be needed by the defendant for the fulfilment of his official duties shall be free from seizure for the satisfaction of a judgement, decision or order. The personal liberty of a member of UNAMIR shall not be restricted in a civil proceeding, whether to enforce a judgement, decision or order, to compel an oath or for any other reason.

Deceased members

49. The Special Representative shall have the right to take charge of and dispose of the body of a member of UNAMIR who dies in Rwanda, as well as that member's personal property located within Rwanda, in accordance with United Nations procedures.

VII. SETTLEMENT OF DISPUTES

50. Except as provided in paragraph 52, any dispute or claim of a private law character to which UNAMIR or any member thereof is a party and over which the courts of Rwanda do not have jurisdiction because of any provision of the present Agreement, shall be settled by a standing claims commission to be established for that purpose. One member of the commission shall be appointed by the Secretary-General of the United Nations, one member by the Government and a chairman jointly by the Secretary-General and the Government. If no agreement as to the chairman is reached within thirty days of the appointment of the first member of the commission, the President of the International Court of Justice may, at the request of either the Secretary-General of the United Nations or the Government, appoint the chairman. Any vacancy on the commission shall be filled by the same method prescribed for the original appointment, provided that the thirty-day period there prescribed shall start as soon as there is a vacancy in the chairmanship. The commission shall determine its own procedures, provided that any two members shall constitute a quorum for all purposes (except for a period of thirty days after the creation of a vacancy) and all decisions shall require the approval of any two members. The awards of the commission shall be final and binding, unless the Secretary-General of the United Nations and the Government permit an appeal to a tribunal established in accordance with paragraph 52. The awards of the commission shall be notified to the parties and, if against a member of UNAMIR, the Special Representative or the Secretary-General of the United Nations shall use his best endeavours to ensure compliance.

51. Disputes concerning the terms of employment and conditions of service of locally recruited personnel shall be settled by the administrative procedures to be established by the Special Representative.

52. Any other dispute between UNAMIR and the Government, and any appeal that both of them agree to allow from the award of the claims commission established pursuant to paragraph 50 shall, unless otherwise agreed by the parties, be submitted to a tribunal of three arbitrators. The provisions relating to the establishment and procedures of the claims commission shall apply, *mutatis mutandis*, to the establishment and procedures of the tribunal. The decisions of the tribunal shall be final and binding on both parties.

53. All differences between the United Nations and the Government arising out of the interpretation or application of the present arrangements which involve a question of principle concerning the Convention shall be dealt with in accordance with the procedure of section 30 of the Convention.

VIII. SUPPLEMENTAL ARRANGEMENTS

54. The Special Representative and the Government may conclude supplemental arrangements to the present Agreement.

IX. LIAISON

55. The Special Representative and the Government shall take appropriate measures to ensure close and reciprocal liaison at every appropriate level.

X. MISCELLANEOUS PROVISIONS

56. Wherever the present Agreement refers to the privileges, immunities and rights of UNAMIR and to the facilities provided to UNAMIR, the Government shall have the ultimate responsibility for the implementation and fulfilment of such privileges, immunities, rights and facilities by the appropriate local Rwandese authorities.

57. The present Agreement shall remain in force until the departure of the final element of UNAMIR from Rwanda except that:

(a) The provisions of paragraphs 46, 52 and 53 shall remain in force.

(b) The provisions of paragraph 50 shall remain in force until all claims have been settled that arose prior to the termination of the present Agreement and were submitted prior to or within three months of such termination.

DONE at New York on 5 November 1993 in duplicate in the French language.

For the United Nations:

S. IQBAL RIZA
Under-Secretary-General
for Peacekeeping Operations

For the Government
of the Republic of Rwanda:

JEAN DAMASCÈNE BIZIMANA
Ambassador Extraordinary
and Plenipotentiary
Permanent Representative
to the United Nations