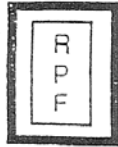


**Annexe 115 : La légitimité reconnue par les Nations unies du Gouvernement intérimaire  
comme “autorité de facto” le 25 mai 1994**

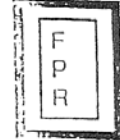
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2. Avis du Conseiller juridique du Secrétariat général des Nations unies du 25 mai  
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1. Communiqué du FPR du 23 mai 1994



CNR 267 P2/4  
**FRONT PATRIOTIQUE RWANDAIS**  
**RWANDESE PATRIOTIC FRONT**



CASE NO. Tel-98-41-T  
EXHIBIT NO. DNT 192  
DATE ADMITTED 22-11-2005  
TENDERED BY DEFENCE  
NAME OF WITNESS Booh Booh

New York, 23 May 1994

PRESS RELEASE

The Rwandese Patriotic Front wishes to restate that it does not recognize the so called interim government in Rwanda and it has nothing to do with a bunch of murderers that have turned our entire country into a graveyard.

The Rwandese Patriotic Front has welcomed and received Iqbal Riza, special envoy of the UN Secretary General at its headquarters in Mulindi, Northern Rwanda. To facilitate his mission, the Rwandese Patriotic Front will restrain from combat operations wherever he will be, as it has been the practice for other dignitaries who have visited our country during this crisis. These measures should not be interpreted to mean a ceasefire.

The Rwandese Patriotic Front requests UNAMIR to take precautions to ensure that the presence of the UN personnel in Rwanda government forces/positions is not used as a cover by the army to fire at our positions. In such a case the Rwandese Patriotic Front will not hesitate to return fire.

The Rwandese Patriotic Front was informed by the United Nations that the purpose of Mr. Iqbal Riza's visit was to discuss military modalities for the deployment of expanded UNAMIR. The Rwandese Patriotic Front is offended by Mr. Riza's intentions to discuss political matters with the so-called interim government in Gitarama. Recalling that the UN Security Council allowed the criminal Minister of Foreign Affairs of Rwanda to participate in voting for the resolution 918 on 16 May 1994, the Rwandese Patriotic Front interprets the continued dealings with the so-called interim government by UN personnel as implicit recognition of that government.

The Rwandese Patriotic Front further requests the Secretary General to totally withdraw his Special Representative, Mr. Jacques Roger Booh Booh from the Rwanda UN Mission before any implementation of Security Council resolution 918/1994.

The Rwandese Patriotic Front is now in control of both the Airport and the Kanombe military base and as it has stated before it will facilitate the use of the airport by the UN for humanitarian purposes.



The Rwandese Patriotic Front will continue with its noble task of saving innocent lives and will continue to pursue its military operations in order to render the so-called interim government and its military machinery incapable of ever committing genocide against the Rwandese people again.



Claude Dusaidi  
Director of External Relations and,  
RPF Representative at the UN



2. Avis du Conseiller juridique du Secrétariat général des Nations unies du 25 mai 1994

CASE NO. 75/2-984-1  
EXHIBIT NO. DIV # 193  
DATE ADMITTED 20.11.2001  
TENDERED BY D. S. S. H. C. E.  
NAME OF WITNESS D. S. S. H. C. E.

THROUGH  
S C B L  
FROM  
DE  
SUBJECT  
OBJET

May 1994

United Nations  Nations Unies  
INTEROFFICE MEMORANDUM MEMORANDUM INTERIEUR

L0001889

DATE 25 May 1994

Mr. Iqbal Riza  
Assistant Secretary-General for  
Peace-Keeping Operations

REFERENCE

Ralph Zacklin, Director, and Deputy  
to the Under-Secretary-General,  
Office of the Legal Counsel



Rwanda

In your cable of 24 May 1994, you requested the legal advice of this Office on the following questions:

- A. Is the "interim Government" in Gitarama a successor Government to the legitimate Government of Rwanda?
- B. Is Security Council resolution 918(1994) valid despite the fact that an interested party participated in the vote contrary to Article 27(3) of the United Nations Charter?

1. Although the Arusha Agreement, by its terms, had come into effect upon signature, and President Habyarimana was subsequently sworn in as President, the Transitional Assembly and the other organs of the Transitional Government were never established. Therefore, the Government of Rwanda, which ceased to exist shortly after the death of the President on 6 April 1994, was not the Transitional Government. Consequently, the Arusha Agreement, including its succession provisions, are not applicable to the succession issue. That question would therefore be governed by the constitutional law of Rwanda. Moreover, the factual situation inside Rwanda has yet to stabilize with de facto authority apparently being exercised by several competitors for power. The "interim Government" seems, nevertheless, to be operating, at least in some parts of Rwanda, as the de facto authority. As such, it can, in our opinion, legally be contacted and dealt with by the United Nations in the same manner as other potential contributors to the peace process in Rwanda.

2. As far as the validity of resolution 918(1994) is concerned, the resolution was validly adopted and

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there is no question as to its legality. The practice under Article 27(3) is far from uniform but the recent practice tends to show that it has been observed more in the breach than in its implementation. Two of the more recent examples of this are the votes in the Falklands case and the hostages case in which the UK and the US, respectively, voted. In any event, the question was not raised in the course of the Security Council's adoption of 918 and no discussion of this point occurred.