

[ENGLISH TEXT — TEXTE ANGLAIS]

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT
OF THE REPUBLIC OF UGANDA AND THE GOVERNMENT OF THE
REPUBLIC OF RWANDA ON THE FORMATION OF A JOINT VERIFI-
CATION AND INVESTIGATION COMMITTEE

Preamble

This Memorandum of Understanding (hereinafter referred to as the Memorandum) is made this sixth day of November 2001 between the Government of the Republic of Uganda and the Government of the Republic of Rwanda (both of whom collectively hereinafter referred to as "the Parties").

Considering the accusations and counter-accusations of plans and intended acts of aggression against the sovereign state of the other; and

Further considering the need for peaceful coexistence and harmony and an immediate end to the prevailing situation; and

Cognizant of the Vienna Convention on Diplomatic Relations (1961) and related international instruments to which the Parties are signatories; and

Taking note of the Declaration of the Assembly of Heads of State and Government at its 29th Ordinary Session held in Cairo, Egypt, establishing within the Organization of African Unity (OAU) a Mechanism for Conflict Prevention, Management and Resolution; and

Desirous of achieving, maintaining and promoting peaceful coexistence and harmony between the Parties; and

Pursuant to dialogue between the two Heads of States in Durban, South Africa, in which it was agreed that a Joint Verification and Investigation (hereinafter referred to as the Committee) be constituted by the Parties with the aim of achieving the preceding objectives;

It is hereby agreed as follows:

Article 1. Composition

1.1.1. The Parties shall immediately constitute or cause to be constituted a Committee whose composition, status and mandate shall be in accordance with Articles of this Memorandum.

1.2.1. The Committee shall comprise six officers from each of the Party's Armed Forces, namely, the Ugandan Peoples' Defence Forces (UPDF) and the Rwanda Patriotic Army (RPA). There shall be equal representation from either Party in the respective countries.

1.2.2. The Committee may, in the execution of its mandate, agree on and/or require the presence and/or services, of any person(s) other than those mentioned in Article 1.2 above.

1.2.3. The Parties may withdraw and replace, at their instance, any member(s) of the Committee.

Article 2. Mandate

2.1. The mandate of the Committee shall include the following:

(a) To verify and investigate all allegations and carry out impromptu inspection(s) of area(s) within the territories of the Parties where alleged acts of aggression or hostilities including, but not limited to, alleged recruitment, training, reorganization, deployment and support to hostile elements are taking place and make a report of its finding.

(b) To verify and investigate all allegations and carry out impromptu inspection(s) of area(s) outside the territories of the Parties where alleged acts of aggression or hostilities including, but not limited to, alleged recruitment, training, reorganization, deployment and support to hostile elements are taking place in so far as the area(s) outside the territory is/ are under the control of either Party to this Memorandum.

Article 3. Mode of Operation

3.1. In the execution of its mandate, the Committee shall:

- (a) Carry out impromptu on the spot inspection(s) or check(s);
- (b) Conduct interviews;
- (c) Use audio, video or photographic recording;
- (d) Use any other mode agreed upon by members of the Committee.

3.2. The operation of the Committee shall be carried out jointly.

3.3. The team shall be based in both countries.

Article 4. Obligations

4.1. The Parties undertake to recognize the Committee so formed.

4.2. The Parties shall ensure security and protection of the members of the Committee in their respective States and territories outside the States but under their operational control. Members of the Committee may carry personal weapons for personal safety provided that the said weapons are registered with the relevant authorities of the host Party.

4.3. The Parties shall take appropriate measures without undue delay or hindrance of whatever form to provide the necessary facilities to the Committee to enable it to attain the assigned mandate.

4.4. The Parties shall take necessary steps to facilitate members of the Committee without undue delay or hindrance of whatever form entry into, stay in and exit from their respective territories and areas without their territory but under their control.

4.5. The Parties shall grant members of the Committee freedom of movement and travel in their respective territories and areas without their territory but under their control in order to permit the effective execution of their mission.

4.6. The Parties shall guarantee members of the Committee unfettered access to any area(s) of interest in accordance with the mandate of the Committee.

4.7. The Parties shall grant the members of the Committee immunities as well as privileges in accordance with international law in the field of relations among States:

(a) Immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity; such immunity to continue notwithstanding that the persons concerned have ceased to be members of the Committee;

(b) Immunity against personal arrest or detention, official interrogation, inspection and search. The Parties shall treat the members of the Committee with due respect and shall take all appropriate steps to prevent any attack on their person, freedom or dignity;

(c) Immunity from seizure of their personal and official baggage including any still and/or video recordings made in the execution of the Committee's mandate;

(d) Inviolability of all their papers and documents and the right to receive documents or correspondence by mail or diplomatic bag;

(e) The same immunities and privileges with regard to their personal belongings as those accorded to diplomatic personnel.

4.8. In the enjoyment of these immunities and privileges, members of the Committee shall have the duty and obligation to respect the laws and regulations of the Parties to this Memorandum and shall refrain from any acts/activities incompatible with their mission.

4.9. The immunities and privileges granted to members of the Committee under this Memorandum can, at the request of either Party, be waived due to acts/conduct incompatible with their mission.

4.10. The Parties shall grant members of the Committee the right to wear their respective service uniforms and insignia within the areas defined in the mandate.

Article 5. Reports

5.1. The reports of the Committee shall be immediately submitted to the respective appointing authorities. The report shall be signed by the three Parties, however, in the event of one Party being unable to sign, signatures of two Parties will suffice.

Article 6. Confidentiality

6.1. Members of the Committee shall not disclose matters of the Committee to unauthorized persons and the media unless with express permission from appointing authorities.

Article 7. General Provisions

7.1. This Memorandum may be amended or revised with the consent of the Parties.

7.2. Any dispute between the Parties to this memorandum relating to the interpretation and application shall be resolved by the Parties through negotiations.

7.3. This Memorandum shall take effect upon signature by the Parties.

In witness whereof, the duly authorized Representative of the Parties have signed this Memorandum of Understanding at Lancaster House on the date first here mentioned.

For and on behalf of the Government of the Republic of Uganda:

AMAMA MBABAZI
Minister of Defence

For and on behalf of the Government of the Republic of Rwanda:

ANDRÉ BUMAYA
Minister of Foreign Affairs and Regional Cooperation