

[Retour à la page principale](#)
[Back to the main page](#)

[Retour au sommaire](#)
[Back to the Table of Contents](#)

[Document lié](#)

[Related Document](#)

amnesty international

RWANDA

Crying out for justice

6 APRIL 1995 SUMMARY INDEX: AFR 47/05/95
[EMBARGOED FOR 6 APRIL 1995]
DISTR: SC/CC/CO/GR

The people of Rwanda need justice. One year after the massacres in Rwanda in which an estimated one million people were killed, the victims and their relatives are still waiting for those responsible to be held to account. Assistance from the international community is needed to bring the perpetrators of mass murder, mutilation and rape to justice, because the Rwandese judicial system has collapsed. But the international community is failing to mobilize the resources and expertise which were pledged when Rwanda was in the headlines and which are urgently required.

Thousands of people have been imprisoned by the current government without charge or trial. Some of these suspects are not the real culprits: they are held arbitrarily on the basis of unsubstantiated allegations. Some, such as a 12-year-old boy held in Butare prison, are reportedly held in place of relatives accused of human rights crimes.

Unless the judicial system is rebuilt, these people may languish in prison for a long time. Some have been tortured; many are held in secret detention centres in appalling conditions. Unless the judiciary is supported and rebuilt, the innocent will not be released and the guilty will not be brought to trial. If the victims of the genocide do not see justice being done, they may prolong the cycle of revenge and violence.

Most of the people who committed genocide and other crimes against humanity were supporters and members of the former government. Some of them have continued to commit abuses in refugee camps, particularly in Zaire and Tanzania. Neighbouring countries have a particular responsibility to promote and protect human rights in Rwanda.

Although on a far lesser scale, hundreds more people have been killed or "disappeared" since the current government came to power in July 1994. Many have been returning refugees or people living in camps for the displaced. For example, at least 12 people were killed and 37 wounded when soldiers opened fire in Busanze camp in the southwest. Few soldiers have been prosecuted, although the government has said it is holding some 400 soldiers accused of unlawful killings and other abuses.

In this report, Amnesty International shows that by delaying justice, the international community is betraying the victims of crimes against humanity. The international community has effectively condoned impunity for mass murderers by failing to investigate adequately the genocide and other human rights violations committed by supporters and forces of the former government. Although steps have been taken to set up the International Tribunal for Rwanda, this is not expected to try more than 20 suspects per year. The vast majority of cases will have to be investigated and prosecuted by the Rwandese judiciary.

To date, the efforts of intergovernmental bodies have been under-resourced and ineffective. For example, the UN Commission on Human Rights agreed to send a Special Rapporteur and field officers to Rwanda, but the field officers are inadequate in number and poorly equipped. Lack of funds, expertise and logistical back-up has also plagued the deployment of human rights monitors sent by the UN High Commissioner for Human Rights. Six months on, the monitors have yet to publish any findings.

Amnesty International makes a series of recommendations to bring justice and the rule of law to Rwanda. These recommendations are directed at the Rwandese government, international organizations such as the UN and the Organization of African Unity (OAU), the International Tribunal for Rwanda, and governments all over the world. These are straightforward practical steps which will help rebuild the Rwandese judiciary, disclose the truth about the causes and course of the massacres and other human rights crimes, and ensure that justice is done.

KEYWORDS: DETENTION WITHOUT TRIAL¹ / INVESTIGATION OF ABUSES¹ / IMPUNITY¹ / EXTRAJUDICIAL EXECUTION¹ / TORTURE/ILL-TREATMENT¹ / DISAPPEARANCES / GENOCIDE / CRIMES AGAINST HUMANITY / SEXUAL ASSAULT / INDEPENDENCE OF JUDICIARY / PRISON CONDITIONS / CONFESSIONS / ETHNIC GROUPS / MINORITIES / REFUGEES / DISPLACED PEOPLE / CHILDREN / FAMILIES / AGED / WOMEN / JUDGES / BUSINESS PEOPLE / DIPLOMATIC STAFF / LOCAL GOVERNMENT REPRESENTATIVES / MILITARY / ARMED CIVILIANS / MISSIONS / OAU / UN /

This report summarizes a 15-page document (5,861 words), *Rwanda: Crying out for justice* (AI Index: AFR 47/05/95), issued by Amnesty International on 6 April 1995. Anyone wanting further details or to take action on this issue should consult the full document.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

RWANDA

Crying out for justice

TABLE OF CONTENTS

1. Introduction .	2
2. Justice delayed, justice denied for hundreds of thousands in Rwanda	3
2.1 Victims of the genocide and other crimes against humanity.	3
2.2 Victims of human rights abuses since July 1994	3
2.3 Abuses by former government officials and supporters	7
3. United Nations protection for human rights	8
3.1 Human rights monitoring	8
3.2 The UN Assistance Mission for Rwanda and human rights	9
3.3 The International Tribunal for Rwanda	9
3.4 Other investigations	10
4. The Organization of African Unity (OAU) and human rights in Rwanda	10
5. Institution-building	11
6. Amnesty International's recommendations for justice in Rwanda	11
6.1 The Rwandese Government	11
6.2 Intergovernmental organizations	12
6.3 The UN Secretary-General's Special Representative	12
6.4 The UN Assistance Mission for Rwanda (UNAMIR).	12
6.5 The International Tribunal for Rwanda.	13
6.6 The Organization of African Unity (OAU)	13
6.7 Other governments	14

RWANDA

Crying out for justice

1. Introduction

Amnesty International is gravely concerned that the international community is failing to mobilize sufficient resources and expertise to bring justice to victims of genocide*¹ and other crimes against humanity*² in Rwanda. The resources and expertise are urgently required by both international and Rwandese jurisdictions. One year after an estimated one million people were killed in Rwanda, the victims and their relatives are still waiting for those responsible to be brought to justice. Most of the perpetrators of these crimes were supporters and members of the former government*³.

The entire world was shocked by the scale of the slaughter which occurred in Rwanda between April and July 1994. Officials of governments and intergovernmental organizations declared that those responsible, particularly members and supporters of the former government who had planned, ordered or condoned the massacres would be brought to justice. One year on, promises by world governments to provide resources to ensure that justice is done remain largely unfulfilled, despite appeals by the Rwandese Government.

Unless those accused of the genocide and other crimes against humanity are identified and promptly given a fair trial, there will be no justice for their victims. About 23,000 people accused of involvement in the April to July 1994 massacres have been detained since July 1994. Most of them face a blanket charge of "genocide" without being formally charged, and none has been brought to trial. The under-resourced judiciary is incapable of ensuring that the innocent are released and that those against whom there is sufficient evidence are brought to trial.

Hundreds more Rwandese have been killed or "disappeared" since the current government came to power in July 1994. Most of those responsible have not yet been brought to justice, although the government has said it is holding some 400 soldiers accused of unlawful killings and other abuses.

In this report, Amnesty International shows that by delaying justice, the international community is betraying the expectations of the victims of horrendous crimes. The organization is making recommendations to governments and intergovernmental organizations, which, if implemented, would ensure that justice is done and that the rule of law holds in Rwanda.

2. Justice delayed, justice denied for hundreds of thousands in Rwanda

Hundreds of thousands of victims of human rights abuses and their relatives are awaiting justice in Rwanda. Most of the victims were killed, mutilated and raped by the former government's supporters and security forces. Others were subjected to human rights abuses by members of the Rwandese Patriotic Front (RPF) before it came to power in mid-July 1994.

2.1 Victims of the genocide and other crimes against humanity

The international community has effectively condoned impunity for murderers by failing to take adequate action to investigate the human rights abuses committed by supporters and forces of the former government. By March 1995 there had been no substantial investigations carried out into the massacres. In addition to trials, the international community also owes it to the victims to ensure that the whole truth about the causes and course of the massacres and other human rights abuses is disclosed by an independent and impartial inquiry.

Although steps have been taken to set up the International Tribunal for Rwanda, with only two chambers, this is not expected to try more than 20 per year. The vast majority of cases will have to be investigated and prosecuted by the Rwandese judiciary. The Rwandese judiciary has been decimated. Many judges, lawyers and attorneys were killed or "disappeared" between April and July 1994 and others have since been imprisoned or have fled. The difficulties involved in rebuilding the judiciary, retraining the police force and staffing prisons and detention centres with trained personnel should not be underestimated. Only about 200 of the 800 magistrates employed by the Rwandese Government before April 1994 are known to be in the country. Only about five per cent of these have any formal legal training. There are only about 12 prosecutors in the whole country, and only 36 criminal investigators*⁴ out of 360 previously employed.

It is evident that the Rwandese judiciary does not have the capacity to investigate or try those suspected of gross human rights abuses which have been committed in Rwanda. Unless human and material resources are urgently made available to the Rwandese judiciary, revenge killings and other human rights abuses by victims and their relatives who think that there will be no justice are likely to continue and increase. On 24 February 1995 the Rwandese Transitional National Assembly passed a law allowing foreign judicial experts to work in Rwanda. This was in recognition by the Rwandese authorities that on their own they cannot cope with the enormous task of bringing perpetrators of human rights abuses to justice.

2.2 Victims of human rights abuses since July 1994

Thousands of people have been killed or arbitrarily arrested and unlawfully detained since July 1994. Many of the detainees have been subjected to torture and other cruel, inhuman or degrading treatment.

Others have been held in secret detention centres and military barracks. There are reports that dozens have "disappeared".

2.2.1 Arbitrary arrests and unlawful detentions

By March 1995 there were about 23,000 detainees, most of them accused of involvement in the April to July 1994 massacres and other related crimes, held in various prisons in Rwanda. In some prisons detainees, including women and children, are held in overcrowded open air prison compounds. From late 1994 to March 1995, more than 100 people were being arrested daily. The Rwandese authorities have themselves accepted that more than 20 per cent of the detainees are innocent, but that they lack the resources to examine individual cases and release those with no case to answer. Amnesty International has received reports that some detainees are likely to be prisoners of conscience held on account of their ethnic origin or their known or suspected non-violent opposition to the new government. Yet, with a nearly non-existent judiciary, it is unlikely that they will be brought to trial in the near future so that those who have not committed recognizably criminal offences can be released.

Soldiers are reported to be interfering with the work of judicial officials and carrying out mass arbitrary arrests. Civilian judicial or government officials are reportedly often unable to prevent these abuses by members of the security forces or to order the release of innocent detainees. Some of those who have been released have been promptly rearrested or even "disappeared". Sources in Rwanda claimed that the Hutu Prefect of Butare, Pierre-Claver Rwangabo, was assassinated at the start of March 1995 because he had publicly protested against mass arrests carried out by soldiers in the prefecture.

Many detainees are said to be held on the basis of unsubstantiated accusations made by their personal enemies. For example, Sylvestre Kamali, a 60-year-old former diplomat, was told, when he was arrested in mid-July 1994, that he was being detained for not having correct vehicle papers. He was later accused of involvement in genocide and was unlawfully held until 2 September 1994 when he was reportedly charged with killing one Jean Tegeli and remanded for 30 days. There are reports that his alleged victim has since been seen alive, but Sylvestre Kamali remains in prison without any opportunity to challenge the legality of his detention. He is reportedly held on the orders of a political rival who is a top government official.

Some of the detainees are being held in place of their relatives accused of crimes against humanity. For example, Augustin Minani, a 12-year-old boy, was informed by the soldiers who arrested him in September 1994 that he was being held in the place of his brother whom they said had killed Tutsi during the massacres. Augustin Minani and five other young boys were arrested in Ntyazo district (commune), Butare prefecture, and held in a hut where they were severely beaten. One month later the other boys were released, but Augustin Minani was held alone in the hut for a further three

months. He claims to have been forced to sign a statement in which he confessed to a murder. He was subsequently moved to Butare prison where he was believed to be still held by March 1995.

The arrest of people who returned to their homes after being promised they had nothing to fear is one of the reasons why so many refugees are refusing to return to Rwanda. Among those arrested after returning to Rwanda are dozens of former government soldiers and officials who had been recalled to join the new government's institutions. For example, Jean Mukuralinda, a former magistrate of the Butare High Court (Tribunal de premiere instance), was arrested soon after he returned to his former post in Butare. He had been invited to return by the Minister of Justice, who had apparently been unable to secure his release by March 1995.

In late 1994 the Rwandese Government set up a committee to screen detainees and release those held unjustifiably. It is composed of the Procurator General and the heads of military and civilian intelligence, and the head of the Gendarmerie. Amnesty International welcomes this initiative by the authorities to release detainees who have no case to answer. However, the organization is concerned that three members of this committee overseeing cases of civilians belong to the security forces whose impartiality and independence are questionable since they are members of the agencies who carried out most of the arrests. In recent months members of the security forces have prevented the release of, or rearrested detainees whom judicial officials had determined were being unlawfully held. There have been allegations that the committee is mostly concerned about the cases of prominent persons whose continued unlawful detention is criticized by foreign governments or organizations. The committee was reported to have ordered the release of only six detainees by March 1995. Amnesty International is concerned that other less well-known detainees, or those held outside Kigali central prison, may be held unlawfully for long periods.

2.2.2 Secret detentions and "disappearances"

Detainees held in private houses and other unofficial places of detention are in great danger. They are at risk of torture, execution and "disappearance". The figure of 23,000 detainees does not include those in secret detention.

Amnesty International has received reports of people being abducted and "disappearing"⁵. Some of these are thought to be held in secret detention centres by the security forces or government officials. Their relatives fear that they may have been killed. For example, the whereabouts of Gratien Ruhorahoza, President of the Kigali High Court, have remained unknown since he was taken away by soldiers on 10 October 1994. He is believed to have been arrested because of his role in processing dossiers of detainees held in Kigali central prison. He had reportedly authorized the release of 80 detainees after deciding that there was insufficient evidence to justify their continued detention. A small number of these were released on 8 October, two days prior to his arrest, but the others apparently remain in custody. Sources in Kigali say that if Gratien Ruhorahoza is still alive he

is likely to be held in a military installation where he may be subjected to torture or extrajudicial execution.

In some cases relatives of the "disappeared" have asked for information from high-ranking government and security officials but have not been given any. For example, the wife of Marcel Ntirenganya, a businessman, has contacted officials including local authorities, members of the Gendarmerie and government ministries. Her husband was arrested on 20 October 1994, when a government soldier known to Marcel Ntirenganya went to his house and subsequently asked to be driven to town in Kigali. When Marcel Ntirenganya failed to return, his wife looked for him in several places, including Muhima Gendarmerie brigade in Kigali where she found her husband's truck parked. The Gendarmerie did not tell her what had happened to him and there was no trace of the soldier who had asked to be driven to town. She still had no news of her husband by March 1995.

2.2.3 Torture and other forms ill-treatment

Many of those who have been detained since July 1994 have been severely beaten and subjected to other forms of violence. Amnesty International has received photographs of detainees with wounds above the elbows consistent with kandoya or "three-piece-tying". The victim's arms are tied above the elbows behind the back, which sometimes results in permanent injury and leaves scars on the arms. Most of the torture, which in some cases has reportedly resulted in deaths, is carried out in secret detention centres or those under the authority of district officials. For example, Abdullah Musabyimana is reported to have been repeatedly beaten while being held in a private house in Gisenyi. He and several other detainees, including one Kagabo of Gisenyi prefecture's Kamana district, were subsequently held in a store at Gisenyi Technical School (Ecole technique de Gisenyi). Women held with them were reported to have been repeatedly raped by soldiers. It has been alleged that some of the detainees, including Kagabo, were executed to make room for new detainees. Those still held at the start of 1995 included 90-year-old Yussuf Mbonabucya and Gabriel Mbiracyane.

Although most torture has usually stopped once detainees are transferred to official prisons, rape is reported to have continued. For example, Marie Mukamazamayimpaka, a 46-year-old mother of three, was taken to a building occupied by soldiers in Butare on 12 February 1995 and raped for two days by two soldiers. She had already been badly beaten, leaving wounds on her buttocks. She had been arrested at the end of 1994 and was transferred to Butare prison at the start of February 1995. Other women were also reported to have been raped but were too afraid or embarrassed to describe their ordeal to Amnesty International representatives. Beatings appeared to be restricted to the women's wing in Butare prison, and scars caused by beatings could be seen. Soldiers reportedly told their victims that they were avenging the rape of Tutsi women by the former government's militia and soldiers, most of whom were members of the majority Hutu ethnic group.

2.2.4 Reports of extrajudicial executions

After the RPF-led government came to power some of its soldiers and supporters carried out deliberate and arbitrary killings of people accused of involvement in the April to July 1994 massacres. The government has said that it is holding some 400 soldiers accused of extrajudicial executions and other crimes. However, it remains unclear whether they have been formally charged and, if so, whether they will have fair trials. Amnesty International is concerned that those found guilty of carrying out killings may be executed. The organization is opposed to the death penalty because, as well as being the ultimate cruel, inhuman and degrading punishment, there is no convincing evidence that the penalty has any unique capacity to deter politically motivated crimes or terror.

Despite firm action announced by the government against soldiers perpetrating gross human rights violations, some reported killings do not appear to have been the subject of any investigation. For example, Australian soldiers serving with UNAMIR reported a sighting of several dozen bodies at Save near Butare. Rwandese Patriotic Army (RPA)*⁶ soldiers denied the peace-keepers access to the site. Two weeks later, the bodies reportedly disappeared without trace. Local people apparently claimed that hundreds of civilians had been massacred by soldiers in the area.

Many victims of recent killings have been returning refugees or people living in camps for the displaced. For example, at least 12 people were killed and 37 wounded when soldiers opened fire in Busanze camp in southwestern Rwanda. The Minister of Defence announced that he would take stern action against the perpetrators but it was still unclear by March 1995 whether the authorities had in fact taken any action.

2.3 Abuses by former government officials and supporters

Some of those responsible for the genocide in Rwanda have continued to perpetrate abuses in refugee camps, particularly in Zaire and Tanzania. Dozens of refugees accused of supporting the new Rwandese Government have been killed. For example, an armed gang suspected of comprising former militia killed four refugees in eastern Zaire's Kibumba camp in November 1994. The victims appear to have been members of the minority Tutsi ethnic group accused of supporting the RPF. Other refugees who wished to return have been attacked.

Some former militia members and government soldiers are reported to be reorganizing within the camps in order to fight against the new Rwandese Government. There have been reports of armed groups infiltrating Rwanda to kill soldiers and civilians, mostly Tutsi. For example, one such group from refugee camps in Zaire reportedly killed 36 Tutsi, including 26 children, in Rutagara village near Gisenyi on 30 October 1994. In a separate development in October 1994 the Tanzanian authorities arrested about 50 Rwandese refugees who were hiding on Mibali island in Lake Victoria and accused

them of possession of firearms and grenades. It remains unclear whether the Zairian and Tanzanian authorities intend to bring to justice those responsible for abuses in their countries.

A hitherto unacknowledged category of victims of the April to July 1994 mass violence has emerged in recent months. These are thousands of women who were raped by the former government's militia and soldiers. Hundreds or even thousands of children are reported to have been born to victims of these rapes, and many babies have been abandoned, or even killed.

3. United Nations protection for human rights

The UN Commission on Human Rights met in special session on 24 and 25 May 1994 and appointed a Special Rapporteur for Rwanda. He was promptly sent there. The Commission also agreed to the deployment of a small number of field officers to support his work. Their deployment was slow and when in the field they lacked basic equipment such as vehicles and communication equipment.

3.1 Human rights monitoring

On 2 August 1994 the High Commissioner for Human Rights*⁷ launched an appeal for US\$2.1 million to fund 20 human rights monitors to carry out deterrent, confidence-building, preventive and investigatory functions in Rwanda. In September the High Commissioner launched an initiative to increase the number of human rights monitors to 147 to be deployed at district level. Unfortunately, with months of delay caused by lack of funds and logistical back-up and the difficulty of finding suitably qualified monitors, only about 80 had been deployed by February 1995.

The High Commissioner has said that his monitors have several functions: to carry out investigations into violations of humanitarian law and crimes against humanity; to monitor the current human rights situation and help to prevent violations occurring; to cooperate with international agencies in re-establishing confidence and thus facilitating the return of refugees and displaced persons and the rebuilding of civil society; and to implement programs of technical assistance, particularly concerning the administration of justice. By March 1995 no report of their work had been published. Amnesty International has received reports that the UN and the Rwandese authorities reached an understanding that human rights monitors would only report their findings confidentially to the Rwandese Government and the UN High Commissioner for Human Rights.

The European Union (EU) has decided to fund the deployment of 40 to 60 human rights monitors in Rwanda, working under the command and control of the monitoring operation set up by the High Commissioner for Human Rights.

3.2 The UN Assistance Mission for Rwanda and human rights

The UN Assistance Mission for Rwanda (UNAMIR) includes UN civilian police monitors (UNCIVPOLs) and unarmed military observers (UNMOs). In May 1994, soon after the mass killings had begun, the Security Council decided to cut the size of UNAMIR in Rwanda from an authorised strength of just over 2,000 to about 400. Amnesty International urgently called for the immediate return to Rwanda of the UNCIVPOLs and UNMOs and an increase in their number. They had a vital role to play in dissuading violence and reporting systematically on abuses, yet their deployment still took months. There were 5,740 UNAMIR troops in Rwanda by March 1995: only a few hundred of these had been deployed by the time the RPF had achieved a military victory and an RPF-led government was formed in mid-July 1994. By February 1994 the authorized strength of 309 UNMOs had been deployed as well as most of the authorized 90 UNCIVPOLs. UNCIVPOLs are playing a crucial role in helping to train a new Gendarmerie and monitoring its activities.

3.3 The International Tribunal for Rwanda

On 8 November 1994 the UN Security Council established the International Tribunal for Rwanda to try people responsible for genocide, crimes against humanity and violations of humanitarian law, committed in Rwanda between 1 January and 31 December 1994. The tribunal's jurisdiction also covers such crimes committed by Rwandese in neighbouring states. The tribunal excludes the death penalty from the punishments it will be able to impose.

The Tribunal has the same Prosecutor, Judge Richard Goldstone, and the same appeal judges as the International Criminal Tribunal for Former Yugoslavia. A Deputy-Prosecutor to head the Rwanda investigations was appointed in January 1995. Trial judges for the International Tribunal for Rwanda are due to be appointed in 1995.

Investigating and prosecuting cases in Rwanda will be expensive and time-consuming. Witnesses are scattered, and some have been intimidated or killed; suspects are hard to locate and are often outside Rwanda; little documentary evidence exists; graves have to be laboriously exhumed and carefully studied by teams of forensic scientists.

A number of intergovernmental and non-governmental organization experts in Rwanda have been involved in gathering information about patterns of human rights violations and documenting the killings which took place from April to July 1994. A six-person team of investigators belonging to the International Tribunal for Rwanda arrived in Rwanda in January 1995 to begin investigations into cases to be tried by the Tribunal. This team is still inadequate, given that the whole of Rwanda was affected by the massacres. More systematic and large-scale investigations are urgently needed, carried out by specialists in criminal investigations, such as police, forensic experts, prosecutors and other lawyers. As each day passes, evidence is being destroyed or tampered with. Investigations must be

carried out immediately if perpetrators are to be brought to justice. Political will and resources from governments are essential if such criminal investigations are to take place.

3.4 Other investigations

The UN Special Rapporteur on Rwanda is mandated to report on the human rights situation in the country "including the root causes and responsibilities" for human rights violations and to compile information on "possible violations of human rights and of international humanitarian law". He has written three reports following as many visits to the country.

The Special Rapporteur recommended in mid-1995 that the UN should deploy between 150 and 200 human rights monitors throughout Rwanda for a period of not less than six months to monitor human rights. He has also appealed for voluntary contributions from the international community to support the early deployment of human rights experts in the field with the necessary logistical back-up.

On 26 July 1994 the UN Security Council established a three-person Commission of Experts to gather evidence of grave violations of international humanitarian law committed in Rwanda, including evidence of possible acts of genocide. The mandate of the Commission of Experts, which was appointed by the UN Secretary-General, expired on 9 December 1994.

In its preliminary report of 29 September 1994 the Commission of Experts concluded that during the period 6 April to 15 July 1994 individuals on both sides of the armed conflict in Rwanda had perpetrated crimes against humanity and other serious violations of international human rights and humanitarian law. Members and supporters of the former government had perpetrated acts amounting to genocide. It recommended that the UN Security Council act to ensure that the individuals responsible for these serious violations of human rights were brought to justice before an international criminal tribunal. It produced a final report in December. Whatever information the Commission of Experts collected will be given to the International Tribunal for Rwanda.

4. The Organization of African Unity (OAU) and human rights in Rwanda

Despite the enormous scale of violations of human rights and humanitarian law during the conflict in Rwanda, the Organization of African Unity (OAU) does not seem to have taken a firm stance on measures to guarantee protection and promotion of human rights. It appears to be taking little or no action when it should in fact be taking a leading role to reinforce respect for human rights in Africa.

In 1993 Amnesty International urged the OAU to implement a six-point program*⁸ proposed by Amnesty International to promote and protect human rights. Amnesty International indicated that Rwanda was one country where the OAU, within its conflict resolution mechanism*⁹, should

implement the program. However, it remains unclear whether the OAU has considered Amnesty International's proposed program. In 1994 the African Commission on Human and Peoples' Rights appointed a Special Rapporteur on extrajudicial executions and requested him to visit Rwanda urgently. However, as the Special Rapporteur was not given the resources to visit Rwanda he has been unable to carry out any effective role.

5. Institution-building

Institution-building in Rwanda should be seen as a high priority by the international community, as the foundation for stability, peace and reconciliation. The legal, judicial and penitentiary systems as well as the Gendarmerie urgently require reconstruction. As pointed out, the difficulties caused by the collapse of the judicial system are seriously damaging the protection of human rights and may also hamper the ability of the Rwandese authorities to provide the information and support which the International Tribunal for Rwanda will need to bring suspected perpetrators of human rights abuses to justice. The Rwandese Government has repeatedly called for international assistance in rebuilding the country. In January 1995 aid donors pledged \$US 700 million for the reconstruction of Rwanda. It is unclear how much of this was earmarked for the judiciary.

The proposed UN Advisory Services program, which is being finalized by the UN Centre for Human Rights, must reflect the country's real needs on the ground if it is to be effective in building a system to prevent future violations of human rights.

6. Amnesty International's recommendations for justice in Rwanda

6.1 The Rwandese Government

6.1.1 The International Tribunal for Rwanda has been set up, but it does not remove the duty of the Rwandese authorities - and those of other countries - to try people accused of genocide and other gross violations of human rights. This duty is reinforced when one considers that with only two chambers the International Tribunal for Rwanda will probably only be able to cope with about 20 trials per year. All trials at the international and national level should of course conform with international fair trial standards.

6.1.2 The Rwandese authorities should urgently bring to justice those charged with crimes against humanity by implementing the law allowing foreign judicial experts to work in Rwanda passed by the Transitional National Assembly in February 1995. In particular, the Rwandese Government should begin urgent talks with foreign governments and intergovernmental organizations to recruit and finance the experts. These should include prosecutors, defence lawyers, judges and prison administrators with the relevant legal and language skills.

6.1.3 With the assistance of the international community, particularly the UN, the Rwandese Government should urgently build on and reform the detainee screening committee and set up an independent and impartial commission to examine detainee dossiers. The commission should determine whether there are sufficient grounds to warrant the continued detention of each detainee. The commission should have branches in every prefecture so as to speed up the screening process. Members of the commission should be chosen on the basis of their personal integrity and competence. This or another commission should be set up to investigate alleged torture, "disappearances" or secret detentions, and extrajudicial executions, and have powers to refer those found responsible to the judiciary.

6.2 Intergovernmental organizations

The UN and OAU could play a decisive role in ensuring that those responsible for crimes against humanity, including genocide and other gross human rights violations, are brought to justice swiftly and are tried in accordance with international standards for fair trial.

6.2.1 Information gathered concerning human rights abuses should be made public, unless it jeopardizes criminal investigations, as part of the process of the political and social healing of the nation. Dissemination of such information will have a deterrent and educational effect. To keep such information confidential perpetuates a climate of mistrust and resentment and encourages private vengeance, rather than facilitating national reconciliation.

6.3 The UN Secretary-General's Special Representative

6.3.1 The UN continues to play a political role in Rwanda, principally through the Special Representative of the UN Secretary-General. He is also in close contact with governments of neighbouring countries. The UN, through the Special Representative, should remind those countries of their responsibility to bring to justice those responsible for human rights violations.

6.3.2 The Special Representative should use his influence with the governments of Burundi, Tanzania and Zaire, with whom he is in close contact, to ensure that they cooperate fully with the International Tribunal for Rwanda by facilitating its investigations on their territory. The Special Representative should use his influence with the Rwandese Government to ensure that national trials are fair and that the death penalty is not applied.

6.4 The UN Assistance Mission for Rwanda (UNAMIR)

6.4.1 Amnesty International welcomes the setting up of Radio UNAMIR at the start of 1995. The radio should be used to promote reconciliation and human rights in Rwanda.

6.4.2 In order to create a police force that will be seen to be impartial, UNCIVPOLs should be involved in proposing recruitment criteria and operational guidelines to ensure that the highest standards of human rights and law enforcement are adhered to. UNCIVPOLs should themselves receive thorough training in international human rights standards and systematically monitor the conduct of the Rwandese Gendarmerie to ensure that it respects, protects and promotes human rights.

6.5 The International Tribunal for Rwanda

6.5.1 The UN Security Council and General Assembly should move swiftly to appoint the judges for the International Tribunal for Rwanda.

6.5.2 Governments who have sent forensic teams to Rwanda should instruct these experts to work very closely with the International Tribunal for Rwanda and to share whatever evidence they collect. More forensic teams are needed.

6.5.3 Several states have responded to Judge Goldstone's appeal and have contributed or pledged \$US 600,000 to the voluntary fund created for the International Tribunal for Rwanda. Other states should quickly do the same and those who have pledged money should send their contribution as soon as possible. The UN General Assembly should ensure that the budget of the tribunal is adequate.

6.5.4 Trials at the international level should be conducted as soon as possible consistent with fairness. If justice is not seen to be done, it is feared that the Rwandese people will increasingly take justice into their own hands.

6.6 The Organization of African Unity (OAU)

6.6.1 The OAU should play a high-profile role on human rights questions. It should urge its member states to cooperate with international investigators such as those from the International Tribunal for Rwanda. It should urge member states to bring to justice suspected perpetrators or to transfer them to a jurisdiction where they will be prosecuted.

6.6.2 Member states should ensure that the OAU plays a leading role in identifying judges, lawyers and other experts to work in Rwanda in the short to medium term.

6.6.3 The African Commission on Human and Peoples' Rights should increase its capacity to assist in the protection and promotion of human rights in Rwanda. In particular, its Special Rapporteur on

extrajudicial executions should be working together with the UN Special Rapporteur on Rwanda and the High Commissioner for Human Rights' monitors to make recommendations about mechanisms for the prevention and investigation of extrajudicial executions and other unlawful killings.

6.7 Other governments

6.7.1 Governments should pass legislation enabling their authorities to cooperate with the International Tribunal for Rwanda, including being able to hand over suspects for trial. As of March 1995, Amnesty International is unaware of a single state having done so, although about seven have done this for the former Yugoslavia tribunal.

6.7.2 As required by UN Security Council Resolution 978 of 27 February 1995, governments who find people on their territory who may have committed human rights violations in Rwanda should carry out investigations and, if there is sufficient evidence, prosecute them or transfer them to another jurisdiction where they will be brought to justice but not ill-treated or sentenced to death. Governments should not expel suspects from their territory to avoid responsibility for ensuring that they are brought to justice.

6.7.3 States should hand over any evidence of gross human rights violations in their possession to the International Tribunal for Rwanda.

6.7.4 Governments should urge Rwanda not to apply the death penalty.

6.7.5 Governments should contribute substantial amounts to the Voluntary Trust Fund of the International Tribunal for Rwanda so that it can accelerate its criminal investigations in Rwanda and other countries to prevent more evidence being lost.

6.7.6 Governments should fund a long-term program to rebuild the judiciary in Rwanda, bilaterally and through intergovernmental organizations such as the UN, EU and OAU. A concerted effort has to be made by the Rwandese Government, in devising a priority education programme for lawyers, judges and law enforcement officials, and the international community in providing funds, teachers and expertise. A strong human rights component should be included in all training programmes and courses.

FOOTNOTES / ENDNOTES

*1 Genocide is defined in international law not just as killing on a massive scale, but as killing or a number of other acts committed with intent to destroy, in whole or in part, a national, ethnic or religious group.

*2 Crimes against humanity include acts such as murder, extermination, enslavement, deportation, imprisonment, torture, rape, political, racial and religious persecution and other inhumane acts, when such acts are committed as part of a systematic attack against the civilian population.

*3 Since the civil war began in Rwanda in October 1990, Amnesty International has published reports about grave human rights abuses committed by soldiers and supporters of the former government, and made numerous appeals for an end to the abuses. The reports include one entitled, Rwanda: Persecution of Tutsi minority and repression of government critics, 1990 - 1992 (AI Index: AFR 47/02/92), published in May 1992, and another entitled, Rwanda: Mass murder by government supporters and troops in April and May 1994 (AI Index: AFR 47/11/94), published on 23 May 1994. Failure by the Rwandese authorities and the international community to respond to appeals by Amnesty International and other human rights organizations resulted in the massacre of hundreds of thousands.

*4 Officiers de police judiciaire (OPJ)

*5 Some people whose arrest is not acknowledged by the authorities and are feared to have "disappeared" or been killed in custody do reappear. For example, Dr Canisius Mungwakuzwe, was reported in mid-1994 to have "disappeared" (see Rwanda: Reports of killings and abductions by the Rwandese Patriotic Army, April - August 1994, AI Index: AFR 47/16/94). Amnesty International has since established that he is alive and free.

*6 This is the name of the new Rwandese army since the RPF-led government came to power in July 1994.

*7 He took up office on 5 April 1994, barely two days before the genocide began in Rwanda.

*8 The program is contained in a document entitled, Appeal by the Secretary General of Amnesty International to Organization of African Unity to protect human rights in Africa (AI Index: IOR 63/04/93).

*9 OAU Mechanism for Conflict Prevention, Management and Resolution.

[Document lié](#)

[Related Document](#)