

RWANDA

RWANDESE REPUBLIC

Head of state: Pasteur Bizimungu

Head of government: Pierre-C. Ieston Rwigyema

Capital: Kigali

Population: 7.7 million

Official languages: Kinyarwanda, French, English

Death penalty: retentionist

The number of killings inside Rwanda decreased compared to 1998, but killings of unarmed civilians and "disappearances" were still reported throughout 1999. Meanwhile, thousands of unarmed civilians were killed across the border, in the Democratic Republic of the Congo (DRC), in an armed conflict involving several governments, including Rwanda, as well as various armed opposition groups, including Rwandese interahamwe militia and soldiers of the former Rwandese armed forces. Around 125,000 people were detained in prisons and detention centres across Rwanda, most accused of participation in the 1994 genocide. Many were held without charge or trial for prolonged periods in conditions amounting to cruel, inhuman and degrading treatment. Arbitrary arrests were reported. Detainees in local detention centres and in military custody were ill-treated. At least 1,420 people were tried for participation in the 1994 genocide. At least 180 were sentenced to death. A number of detainees who were released were rearrested, including several who had been tried and acquitted. Journalists perceived as critical of the government and opposition politicians were subjected to various forms of harassment, including arrest.

Background

As government troops regained control of the northwest, the armed conflict abated and the level of violence decreased. However, the situation remained tense and the peace fragile. In many respects, the armed conflict during which thousands of civilians had been killed in Rwanda in 1998 continued over the border in the DRC. The presence of armed groups continued to be reported sporadically in Rwanda near the DRC border and the Rwandese Patriotic Army (RPA) carried out military operations in this area. Local defence forces were constituted by the authorities throughout Rwanda, ostensibly to ensure the security of the population; they were made up of civilians who were provided with arms and brief training.

The government implemented a national policy which required many people to abandon their homes in order to be housed in new "villages" or settlements known locally as imidugudu. In the northwestern provinces of Gisenyi and Ruhengeri, in particular, families were forced to move, sometimes under threat

and intimidation. Some were made to destroy their old homes but were not provided with assistance to construct new ones. The policy was officially designed to improve security and ensure greater facilities and infrastructure, but by the end of 1999 living conditions for hundreds of thousands — especially in the northwest — remained very poor.

In July the National Assembly approved a four-year extension of the transitional government, which had already been in place for five years.

Conflict in Democratic Republic of the Congo

Thousands of RPA troops fought in the DRC alongside the Rassemblement congolais pour la démocratie (RCD), Congolese Rally for Democracy, against the Congolese armed forces of President Laurent-Désiré Kabila and various armed groups, including the interahamwe militia who were responsible for massacres during the 1994 genocide in Rwanda. Throughout 1999, the RPA continued to send reinforcements to the DRC, including child soldiers, some of whom had been forcibly recruited. RCD and RPA forces carried out widespread human rights abuses in the DRC, including massacres of thousands of unarmed civilians. Deliberate and arbitrary killings of civilians were also carried out by interahamwe militia. (See DRC entry.)

Killings of civilians

The level of killings in Rwanda decreased compared to the previous two years. However, a number of unarmed civilians were killed, some by members of the Rwandese security forces, others by armed opposition groups, others by unidentified assailants. Members of local defence forces were also responsible for killings and other abuses, especially in the northwest, sometimes in conjunction with RPA soldiers.

✉ In May, 49 people — including men, women and children — were reportedly killed by RPA soldiers as they were returning from the DRC through the Parc national des volcans, National Volcano Park, in northwestern Rwanda.

✉ In August, a judge, Jean Bahizi, was shot dead near his home in Taba commune, Gitarama province. The identity of the perpetrators remained unknown.

✉ In November, RPA soldiers killed shopkeeper Jean-Damascène Nsanzurwimo, and another trader, Mudeyi, in Mukungu trading centre in Mwendo commune, Kibuye province.

✉ During the night of 23 December, in the village of Tamira, in Mutura commune, Gisenyi province, 31 civilians were killed in an attack by an armed opposition group. The victims, at least half of whom were children under 16, were killed in their homes.

'Disappearances'

Cases of "disappearances" continued to be reported, especially in the northwest. Among the "disappeared" were people arrested in eastern DRC and transferred to Rwanda. Some of those reported to have "disappeared"

in 1998 reappeared in custody. For example in June, it was revealed that Ignace Kanyabugoyi, who was reported to have "disappeared" in August 1998, was held in Mulindi military detention centre in Kigali.

The vast majority of the hundreds of "disappearances" which had occurred in 1997 and 1998 remained uninvestigated.

Detention in military custody

An unknown number of detainees, including civilians, were held in military detention centres, sometimes in military camps, at other times in unofficial sites. In most cases it was impossible to verify the identity of detainees in military custody, as the military authorities denied access to relatives and to human rights and humanitarian organizations.

✉ Emile Mutanga, a doctor from the DRC who was passing through Rwanda on his way back to Kinshasa, was arrested in June and detained in a military camp in Gikongoro, southern Rwanda, for more than five months, on suspicion of being a spy for the DRC government. His whereabouts were not confirmed until he was released in October.

Ill-treatment was reported in military detention centres. Cases of rape of women by RPA soldiers were also reported.

✉ In September, six workers at the Nyabihu tea factory in Karagocommune, Gisenyi prefecture, were arrested by an RPA soldier on suspicion of theft. They were detained at Mukamira military camp where they were severely beaten. One was released after two days but the other five were detained for a month, until 25 October. On 11 November one of them, Frodouald Ngaboyisonga, a driver and mechanic in his late thirties, died as a result of injuries inflicted in detention.

Genocide trials

At least 1,420 people were tried in Rwandese courts on charges of participation in the 1994 genocide. At least 180 people were sentenced to death. There were no judicial executions. One of the most prominent trials was that of Augustin Misago, Roman Catholic Bishop of Gikongoro, arrested in April after President Pasteur Bizimungu had denounced him in a public meeting. His trial began in August and was not concluded by the end of the year.

The quality and conduct of trials varied. Some trials were unfair. Some prosecution and defence witnesses were subjected to pressure and intimidation. In some cases, false testimonies were delivered in court. Some trials were repeatedly postponed; the process for hearing appeals was often especially lengthy.

Tens of thousands of genocide suspects remained in detention without trial. In December the law was amended to extend once again the period of preventive detention for a further 18 months. This effectively legalized detention without charge or trial for up to seven years for those detained since 1994. The government set out proposals for transferring all but

the "Category 1" genocide cases (those accused of playing a leading role in the genocide) to a system known as gacaca, loosely based on a traditional system of justice and involving the local population. While the use of the new gacaca system might go some way towards alleviating the huge burden on the courts, there were concerns that aspects would not conform to international standards of fairness, particularly regarding the lack of professional training of those trying the defendants and the right to legal defence.

International Criminal Tribunal

Trials continued at the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania. By the end of 1999, 38 people were detained in Arusha. Clément Kayishema, former prefect of Kibuye, and Georges Rutaganda, second vice-president of the interahamwe militia, were sentenced to life imprisonment. Omar Serushago, a leader of the interahamwe, and Obed Ruzindana, a businessman, were sentenced to 15 and 25 years' imprisonment respectively.

In November, in a highly controversial ruling, the ICTR's Appeal Chamber ordered the release of Jean-Bosco Barayagwiza, a founding member of the Radio Télévision libre des Mille Collines, a radio station that incited ethnic hatred, and of the Coalition pour la Défense de la République, an extremist party whose supporters participated actively in the genocide. The Appeal Chamber ruled that procedural irregularities during his pre-trial detention violated his rights to a fair trial. It expressed concern that his release was ordered without any assurance that the serious charges against him would be considered by a national court.

In April, in the first trial of its kind in the national jurisdiction of a foreign country, Fulgence Niyonteze, former bourgmestre (local government official) of Mushubati in Gitarama, was sentenced to life imprisonment by a military court in Lausanne, Switzerland, for murder, incitement to murder and war crimes during the genocide (see Switzerland entry).

Releases and rearrests

In 1998 the government had announced that 10,000 detainees would be released, primarily those without a case file. By the end of 1999, around 5,700 were estimated to have been released, most of them provisionally. A number were rearrested, in some cases within days of their release and without substantial new evidence against them.

Several detainees who had been tried and acquitted were rearrested, including Théodore Munyangabe, a former sous-préfet (local government official) in Cyangugu, and Pierre Rwakayigamba, vice-governor of the National Bank of Rwanda and an official in the former government. Dorothea Bazabazwa, a schoolteacher from Cyangugu who had been acquitted by the high court and released in 1998, was sentenced to death in absentia by the court of appeal and rearrested in October 1999.