

RWANDA

RWANDESE REPUBLIC

Head of state: Major-General Paul Kagame (replaced Pasteur Bizimungu in April)

Head of government: Bernard Makuza (replaced Pierre-Célestin Rwigema in March)

Capital: Kigali

Population: 7.7 million

Official languages: Kinyarwanda, French, English

Death penalty: retentionist

Reports of "disappearance", arbitrary arrest, unlawful detention, and torture or ill-treatment of detainees continued throughout 2000. A number of killings of unarmed civilians were also reported. An estimated 125,000 people continued to be held in detention, the overwhelming majority accused of taking part in the 1994 genocide. Many have been held for prolonged periods without charge or trial in conditions amounting to cruel, inhuman and degrading treatment. At least 140 people were sentenced to death for crimes committed during the 1994 genocide, some after unfair trials, but no executions took place. Trials of genocide suspects also continued at the International Criminal Tribunal for Rwanda (ICTR) in Tanzania. In eastern Democratic Republic of the Congo (DRC), Rwandese military and allied forces, as well as Rwandese armed groups opposing them, were responsible for massacres of civilians, torture, including rape, "disappearances" and the systematic harassment of human rights defenders.

Background

The Rwandese Patriotic Front (RPF)-led government retained tight political control of the country. Open political opposition was not tolerated. Despite signs of growing internal dissatisfaction from genocide survivors and from dissident RPF members, no significant political opposition emerged in the country. Both the RPF and the government were criticized for being dominated by members of the Tutsi ethnic group.

Political tension increased following the departure from office of senior political figures perceived as critical of the RPF leadership. Joseph Sebarenzi Kabuye, former Speaker of the National Assembly, fled Rwanda in January. In March the RPF, acting with the National Assembly, forced the resignation of President Pasteur Bizimungu, a Hutu who had been included in the inner circle of power since the early days of the RPF. The Vice-President, Major-General Kagame, took over as President in April.

The government continued with a national policy of "villagization" under which hundreds of thousands of people were required to abandon their homes in order to be housed

in new "villages" or settlements known as *imidugudu*. By the end of 2000, the conditions in many of these villages remained extremely poor, with inadequate access to food and water. Insecurity and numerous cases of rape and sexual violence were reported in these villages.

During 2000 a new police force under civilian control replaced the paramilitary gendarmerie, formerly under the control of the Ministry of Defence. Officers of the new police force received basic training in human rights.

Abuses in Democratic Republic of the Congo

The Rwandese Patriotic Army (RPA) and forces of the Rwandese-backed Congolese armed opposition group, the Goma-based *Rassemblement congolais pour la démocratie* (RCD-Goma), Congolese Rally for Democracy, continued to control large areas of eastern DRC. In opposition to the DRC government of Laurent-Désiré Kabila, units of both forces were responsible for widespread human rights abuses, in particular the killing of hundreds of unarmed civilians and torture, including rape. Such abuses were often committed in response to attacks by Rwandese *interahamwe* and ex-FAR (former Rwandese government army) armed groups, or by the *mayi-mayi* Congolese armed group which opposes the RCD-Goma and the Rwandese presence in the DRC. These groups were also responsible for grave human rights abuses. In November and December 2000, the RPA and RCD-Goma undertook a massive recruitment drive in eastern DRC. Among those recruited were children under the age of 18. All forces continued to use child soldiers, some of whom were forcibly recruited and trained in foreign countries before being sent back to fight in the DRC.

Torture and ill-treatment in Rwandese and RCD-Goma detention centres were routine, and numerous cases of "disappearance" were reported. Congolese human rights defenders and civil society activists were singled out by the Rwandese and RCD authorities for harassment or worse: many suffered arbitrary arrest, unlawful detention, ill-treatment or "disappearance". (See Democratic Republic of the Congo entry.)

In addition to fighting between the two sides in the DRC conflict, there were increasing internal divisions within the RCD alliance, including deepening rifts between the Rwandese and the Ugandans. In June, Rwandese and Ugandan forces fought for control of the Congolese city of Kisangani. More than 700 civilians were killed and thousands more forced to flee.

Killings of civilians

The level of killings in Rwanda was lower than in previous years as the activities of armed groups such as the *interahamwe* and counter-insurgency operations by the Rwandese military were increasingly restricted to eastern DRC. 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 (LDF), an armed but unpaid

and poorly trained civilian force recruited to protect local communities, were also responsible for killings of civilians and other abuses. Some detainees who had been acquitted of genocide charges or conditionally released were killed.

☞ In February Aloys Rurangababo, who had been acquitted by a court of participation in genocide, was shot dead in Gakoni, Murambi commune, Umutara. His wife and four-year-old child were also injured when a grenade was thrown into their house. The attackers reportedly included a serving and a demobilized RPA soldier.

☞ In March Assiel Kabera, adviser to President Bizimungu, was shot dead outside his home in Kigali by three men in military uniform.

☞ In May an armed opposition group killed nine civilians in Rwerere commune, Gisenyi préfecture, and three students in Kiningi, Ruhengeri.

☞ In August, in Kinigi, Ruhengeri, 22-year-old Innocent Manragaba was killed by RPA soldiers, and two other civilian men were wounded. The unarmed men, who had undertaken a village night security patrol, were ordered to sit on the ground by the soldiers who then opened fire on them.

'Disappearances'

A number of "disappearances" continued to be reported. Some victims were arrested in the DRC and subsequently transferred to Rwanda and held in incommunicado detention.

☞ Bruno Bahati, a civil society activist from eastern DRC, was arrested at the Rwanda-Uganda border in April as he returned from a civil society conference in the DRC government-held capital of Kinshasa. His whereabouts were unknown until his release in July. It transpired that he had been held incommunicado in military detention in Kigali before being transferred to a detention centre in Goma, eastern DRC.

Torture/ill-treatment

Torture and ill-treatment were practised routinely in "*cachots communaux*" (local detention centres) and military detention sites, especially in the early stages of detention. An unknown number of civilians continued to be held illegally in military detention centres.

☞ In June, four students from Goma, eastern DRC — Mapendano Bahavu, Eric Sikubwabo-Sibomana, Lazare Lukute Tschonga and Obin Lukute Kiembo — were arrested at the Rwanda-Uganda border and held incommunicado for 16 days at the Kicukiro military detention centre, in Kigali. They were denied food for the first three days. At least two were tortured: one was severely beaten around his head with a piece of wood, and another had a gun held to his head.

Conditions in Rwanda's chronically overcrowded prisons and detention centres continued to be harsh and life-threatening, and in most cases constituted cruel, inhuman and degrading treatment. The authorities failed to provide adequate food or medical treatment to detainees and sanitary conditions remained extremely poor. The death rate in prisons and detention centres remained high. Many child

detainees were incarcerated with adults, putting them at additional risk of violence and sexual abuse: only six of Rwanda's 13 central prisons have separate wings for minors. The UN Children's Convention, to which Rwanda is party, states that children should only be detained in prison exceptionally, as a last resort, and should always be separated from adults.

Genocide trials

At least 2,283 people were tried in Rwandese courts on charges of participation in the 1994 genocide. At least 140 people were sentenced to death — an increase over previous years. There were no judicial executions. The number of trials increased, but the quality of trials varied, and some trials were unfair. Some witnesses were intimidated, and some trials were repeatedly postponed. There was also an increase in group trials, which reportedly led to breaches of fair trial procedures.

One of the most prominent genocide trials, that of Augustin Misago, Roman Catholic bishop of Gikongoro, concluded in June when he was acquitted.

Around 125,000 people remained in detention, the overwhelming majority accused of participation in the genocide. Since the launch of genocide trials in 1996, only 4,875 suspects have been tried, less than 4 per cent of the detained population. Detainees included more than 4,400 children under 18 years old, and many elderly people over 70 years old. More than 450 children who would have been less than 12 years old at the time of the genocide, and who had reportedly been cleared of involvement, remained in detention.

In order to accelerate the pace of the trials, the government planned to introduce a new communal system of justice, known as *gacaca*, to try people accused of genocide crimes, with the exception of "Category 1" suspects accused of playing a leading or significant role in the genocide. While the use of the new *gacaca* system might alleviate the huge burden on the courts and prison system, there were concerns that some aspects of this system would not conform to international standards of fairness, particularly regarding the right to legal defence and the lack of professional training for and independence of the lay judges.

International Criminal Tribunal for Rwanda

Trials of leading genocide suspects continued at the ICTR in Arusha, Tanzania. By the end of 2000, 46 were detained in Arusha. The United Kingdom, France, Belgium and Denmark surrendered indicted genocide suspects to the ICTR in the course of 2000.

☞ In June former radio presenter Georges Ruggiu was sentenced to 12 years' imprisonment for crimes relating to incitement to genocide and persecution, as a crime against humanity, after he pleaded guilty. Georges Ruggiu worked for the Hutu extremist radio station *Mille Collines* (Thousand Hills), which incited Hutus to kill Tutsis and Hutus opposed to the atrocities.

Swiss court ruling

☞ In May, a Swiss military appeal court reduced a life sentence imposed on Rwandese ex-mayor Fulgence Niyonteze to 14 years' imprisonment. He had been sentenced to life imprisonment in April 1999 after a lower court found him guilty of murder, incitement to murder and war crimes. This was the first trial of a Rwandese genocide suspect in the national jurisdiction of a foreign country. The appeal court dismissed the charges of murder and incitement to murder on the grounds that it lacked the competence to try such crimes committed by one foreigner against another outside Switzerland, allowing only the war crimes charges to stand.

Arbitrary arrests and detentions

Arbitrary arrests and detentions were reported. Thousands of detainees awaiting trial on genocide charges had been detained for prolonged periods, some without any evidence against them. Several detainees who had been tried and acquitted were rearrested.

☞ Daniel Gahinda, Christophe Kagiraneza, and Eugene Nkulikiyinka, school teachers from Nyamyumba commune, Gisenyi, were arrested in December 1999, accused of being supporters of Rwanda's exiled former king and members of a supposed "Army of the King". They were detained for six months in military and gendarmerie detention centres, despite there being no evidence against them, before being released without charge in July.

Refugee issues

In the course of 2000, hundreds of people, mainly Hutu from Kibungu in eastern Rwanda, fled to Tanzania. The reported reasons for their flight included a prolonged drought and fear of being accused by the forthcoming *gacaca* tribunals of participation in the genocide.

From September, many Congolese refugees from the Masisi region of eastern DRC, who had been living in a camp in Byumba, Rwanda, were returned to the Masisi region. Because of the continued fighting and insecurity in the Masisi region, they were at serious risk of human rights abuses during or after their return.

Intergovernmental organizations

In May the Organization of African Unity's International Panel of Eminent Personalities submitted the report of its investigation into the 1994 genocide and made recommendations to prevent conflict in the region.

Government response to AI report

In June the government published a lengthy response to AI's April report, *Rwanda: The troubled course of justice*, which highlighted the plight of tens of thousands of detainees held on suspicion of genocide as well as the negative impact of long delays in bringing suspects to trial and the process of delivering justice to the victims and survivors of the genocide. The government response, while acknowledging that "some human rights related problems do still exist" in Rwanda and

welcoming some of AI's observations, largely sought to refute AI's findings.

AI country report and visit

Report

- Rwanda: The troubled course of justice (AI Index: AFR 47/010/2000)

Visit

AI delegates visited Rwanda and eastern DRC in October to carry out research and meet government officials.