

**REPUBLIC OF RWANDA**

**Kigali, May 20th, 1996  
N° 165/96.01/CAB/ngm**

*President's Office*

**Amnesty International  
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*"Experience has shown that dealing with transitional political situation is a new area of human rights practice that poses some complex ethical, legal and practical questions. For the most part, human rights organizations have entered this new area applying, by extension, the normative standards and the techniques they use when they fight current abuses by governments. This approach has proven insufficient or inadequate, in many cases."*

**José Zalaguet, in Transitional  
Justice, Vol. I, p. 3, 1995**

Dear Sirs,

I thank you for your open letter of 4th April 1996, Ref AI Index AFR 47/02/96. For the benefit of your audience, I will make this letter open as well.

From the onset, you state that "**A semblance of calm has been restored in many parts of Rwanda, yet tensions persist under the surface ...**" Indeed calm has been restored

throughout the country and this calm has come about because the government stopped genocide by bringing to an end the killings that were being carried out by the former regime and prevented the possibility of generalised revenge killings. Those achievements were not by accident, but a result of principles and measures taken by the Government to put the country on a correct track. In the aftermath of genocide, incidents and mistrust in the society are bound to exist for yet many years. We would welcome anybody including Amnesty International who may have magic to make victims of genocide and the perpetrators of the heinous crime of genocide embrace each other in such a short time, to give us the formula. Actually many observers of Human Rights admit that: *"... as a rule, these are not problems that disappear quickly or easily ... that there are no miracle solutions for dealing with a repressive past. Post-war Belgium, France, and the Netherlands had the widest opportunities to prosecute and punish. Now, a half century has gone since these countries tried to free their Societies from the legacy of German occupation. Surprisingly, the passage of time, has not fully exorcised the ghost of this past ... These three cases teach us that the swift and rather severe purge option the Belgian, French and Dutch post war elites chose does not guarantee an unproblematic relationship with the past."*

Transitional Justice Vol. I, p. xxx and p. 114, 1995

Let us add that Europe benefited from the Marshall Plan to expedite the healing of society and that Nazism was condemned all over the world. If tension is still noticeable in Europe as a consequence of the 1939-45 tragedy despite all the favourable conditions they've enjoyed to deal with their past, what about Rwanda deprived of all facilities and within so small a time frame?

So, to say that calm has been restored in Rwanda is to give us credit for having stopped Genocide by reversing the culture of extreme Human Right abuse and achieving a state of general calm and respect of fundamental rights. But you state that as by the way, because the rest of your long letter is based on the premise that **"tension still persists"**. By doing so you make your position rather tendentious. Precisely, nowhere in your letter do you provide

evidence to support the existence of tension in our society. We don't have one section of our society out to destroy the other. There is no impending social eruption in our country as you seem to insinuate.

### **Nature of the Genocide in Rwanda:**

The 1994 holocaust in Rwanda was characterised by its uniqueness in the history of mass murder. It was the only Genocide in written history which crossed all demographic lines for both the victims and the perpetrators. It was the most efficient and committed in the shortest period of time. Over one million people were killed within three months. It is obvious that the planner of the Rwandan Genocide aimed at polarizing the entire population along two lines: the victims and the perpetrators.

Unlike any other Genocide in the history of mankind, the victims and the perpetrators in the Rwandan holocaust for the most part knew each other, had lived in the same villages for generations and in some cases were related.

The same hate propaganda that characterized the holocaust in Rwanda in 1994 is still being disseminated from across the boarder in Zaire on the extremist hate radio station RUTOMORANGINGO and the KANGURA newsletter in Nairobi.

Today, the country is faced with post-Genocide acts of killings directed against the survivors by the perpetrators of the 1994 holocaust. This is obviously meant to silence forever witnesses who in most cases are survivors themselves. Africa Rights has documented several cases of this new wave of killings in its April 1996 report.

### Human rights issues:

You say that **"the level of current human rights abuses in Rwanda in 1996 is much lower than those committed in previous years, particularly between April and July 1994."** The government vehemently protest the attempt to equate Genocide with the few incidents which have taken place. These are neither planned nor deliberate and do not at all constitute Genocide at **"a lesser scale"**. This is totally misleading and an attempt to minimise genocide which borders on revisionism. The general calm which you recognise in the country indicates that the incidents are not generalised.

We regret, like you said, that the government has not been able to re-launch the Justice system. We don't dispute the need to have a functioning judicial system in our society but, how could we have applied justice to those who committed genocide when there were no existing laws to be applied since the regimes which prepared the genocide deliberately refused to enact them?

How could the government apply justice without means and facilities, infrastructure, manpower since genocide had completely brought the Justice system to ruin?

How could the government have made legal arrests without legally competent personnel? The existing laws were made obsolete by the total collapse of the judicial machinery.

How could the government achieve this without the necessary financial resources which up to the present day are still lacking?

As you recognize in your letter, the two years have been used to restore normalcy, get out of the chaos and create the necessary conditions to relaunch the judicial system. But this is a process and cannot be accomplished overnight. But even with a functioning classic system in place, tension would not have been eliminated from society. Traditional classic judicial system would not heal our society. That is why the government spent quite some time formulating

alternative forms of justice, especially considering the high numbers of people who participated in genocide. This entailed a lot of discussions and debates and wide ranging consultations. This will no doubt produce better results than applying swift justice at the beginning. As already stated, dealing with the aftermath of such a tragedy poses some complex ethical, legal and practical questions. You say that **"In April 1996, Rwanda still hovers between hope for the future and fear of the legacy of the past."** The swift traditional justice you advocate cannot allay the fears of the offenders, while the alternative form of justice does or at least alleviates those fears and reinforces hope.

In that context, we refute your view that if the traditional classic justice was functional, refugees would have returned. It fails to explain how an offender can offer himself to justice and harsh punishment when he is offered an opportunity to escape accountability, in refugee camps outside the country. It also fails to explain that some innocent refugees in the camps, cannot abandon their relatives who are offenders especially when, thanks to the international community, the living conditions in the camps are better than in Rwanda. Besides, how can all those people especially offenders opt to go home to Rwanda to face justice when they are offered a perspective of once again evading accountability by coming in the wake of those planning to invade the country? This reluctance to return home is compounded by those who supply them with arms, training facilities and those who express baseless hostility to the government. Your view fails to address the whole issue of refugees being held hostage by the genocidal leaders in the camps. What concern does Amnesty International show about perpetrators of genocide who have been offered safe haven in refugee camps? If justice could follow them there the camps would be non-existent. Admittedly, there are incidents. It is the responsibility of the government to ensure that they are kept to the minimum and the offenders brought to justice. No single offender has been brought to the notice of the government without instituting legal action against him.

The 1995 investigations on the Kibeho incident, which were conducted by the International Community, revealed that the presence of criminal and armed militia and their violent opposition to the closure of the camps, supported by NGO's and similar institutions,

provoked the incident. While Kibeho has become a leit-motiv in your reports and letters to the government how many NGO's have your organisation blamed and how often? On the part of the government, reports on those incidents have already been made public and administrative action has been taken against some people pending their trials in courts of law. A preliminary report on the Kanama incident has already been made public and investigations continue. The incident in Nyungwe forest in Nov. 1995, was a result of a clash between government forces and armed gangs, as has been confirmed by the Human Rights Monitors.

The conditions in prisons may not be comfortable but in comparison with the high number of those who committed Genocide, the number of detainees is not dramatic at all. You fail to acknowledge that we have handled that problem with maximum transparency because, there is no ill-intention on the part of the government. No resources have been spared in trying to improve the prison conditions. The existing prison facilities were meant for normal circumstances and not for Genocide situation. There was a very high level of participation in the Rwandan holocaust. More than one million killed in less than one hundred days. The fact that there are less than 70,000 suspects for crimes of Genocide, is testimony to the fact that the government has been very careful with regard to these arrests. This is further demonstrated by comparative indications with the post-world war II situation in Europe:

*"a striking similarity in the policies of Belgium, France, and The Netherlands was the outspoken desire, especially evident in the months before and after Liberation, to expel the collaborators. A much heard expression in political speeches was that 'there was no place left for those who betrayed their country.' ... The number of unpatriotic citizens who suffered punishment in one or another form was about 100,000 in Belgium, 110,000 in The Netherlands, and 130,000 in France ... France had a much higher number of extrajudicial killings: some 9,000 men and women were executed outside the legal process ..."*

Otherwise, is Amnesty International advocating for blanket-amnesty for the perpetrators of Genocide?

As Rwandans continue to organise themselves, the arrests are following legal procedures. We would like to know from Amnesty International's point of view if arrests of those being accused of their involvement in Genocide were to stop, would it allay fears and create stability or would it promote reconciliation? We took note of your recommendations most of which are already in application.

### **Partisan Agents:**

Apart from these differences in appreciation of the situation, Amnesty International seems to base its reactions and positions on uncross-checked information from partisan informers. Some of the informers and agents of Amnesty international have been proven to harbour hidden agenda and serve partisan interests. I have destined a copy of this letter to the Secretary General of Amnesty International to bring to his attention the reports made by one Byaruhanga, an Amnesty International officer, which are deliberately ill-intentioned and biased.

In the October 1994 Amnesty International report on Rwanda, signed by Godfrey Byaruhanga, it is stated that the report was largely based on the views of "**interviewed Rwandese asylum-seekers in neighbouring countries**". Mr. Byaruhanga as a representative of a Human Rights organisation should very well know that most countries require asylum-seekers to prove that they are persecuted at home. How else, therefore, would Mr Byaruhanga's sources prove that they are genuine refugees, without claiming human rights violation at home? Indeed Mr. Byaruhanga must have been aware that among his sources were people involved in the 1994 genocide in Rwanda, given the fact that many of them fled the country.

On 8th May 1996, on a BBC Radio programme between 19.00-19.30 hrs, Mr. Byaruhanga stated **that it was unacceptable for the international community to institute an**

**international tribunal for genocide without considering what had justified the Genocide.** When is Genocide justifiable in Amnesty International's view? Mr. Byaruhanga's insinuation is that Genocide was justified because R.P.F. was fighting former government troops. Let us even suppose that R.P.F. had no cause to fight for, how does Amnesty International or Byaruhanga who spoke for it, for that matter, justify that one million Rwandans (including children) who didn't commission R.P.F. and who had hitherto abode by the laws of the land, were decimated? Why would they be answerable for anyone else's acts? Byaruhanga has tried to justify his highly questionable position, by undertaking to fabricate crimes against R.P.F. An example is the accusation he made alleging that R.P.F. killed people in Nyabwishongwez and Kagitumba areas of North-Eastern Rwanda in February 1994. This is entirely false, since that part of the country was under full control of the then Forces Armées Rwandaises. This fabrication is consistent with similar charges against the organisation. His allegations have never been proved by the many adhoc international commission investigations in Rwanda. We would have wished that these views were Byaruhanga's own, except that we haven't heard Amnesty International refuting them. Otherwise, this is total negation of basic Human Rights. If Amnesty International condones it, then where is its moral authority?

It is particularly insulting to the memory of the victims and the survivors to assert that the very force which stopped the genocide, killed people and dumped their bodies in the Kagera River. For the fact remains that the bodies which floated in that river, and many others in the country, were of the victims of genocide committed by followers of people like Leo Mugesera, who called for the **"killing of the Tutsis and throwing their bodies into the Nyabarongo River to be washed back to Abyssinia where they came from"**.

From such comments, what we have is a highly compromised and biased Amnesty International officer. Genocide is a crime motivated by hate and public manipulation and it has no other justification, unless one is compromised or subscribes to it. Byaruhanga's public statements are a clear example of how some Human Rights and Media organisations' agents are not above individual biases. Mr. Byaruhanga's May 8th remarks are in keeping with his line

which is not only a distortion of the genocidal events in Rwanda, but also a highly revisionist position.

### **Conclusion:**

The Government of Rwanda welcomes any constructive criticism and has always been open to new suggestions and ideas from the International Human Rights and Media organisations. The Government has had an unparalleled record of openness and transparency. Human Rights and Media organisations have had unimpeded access to Rwandan prisons and other correctional centers.

In light of the fact that almost all the planners of the 1994 Rwandan Genocide are living as free men and women outside Rwanda, the Rwandan people and indeed the international community, would expect Amnesty International to remind the countries hosting these criminals, of their obligation to apprehend and hand them over to the Government of Rwanda to be tried for crimes of genocide.

While the government of Rwanda appreciates the role played by Amnesty International in pointing out possible weakness in our system, we would expect the organisation to consider the unique character of the Rwandan holocaust. The government would like to recommend that Amnesty International cross-checks its field reports and probably revise the method of gathering information. For it has become evident some of the informants and officers are highly biased and compromised as evidenced by Mr. Byaruhanga's May 8th 1996 B.B.C. programme comments which shamefully sought to justify the Genocide Committed against the People of Rwanda.

Sincerely,

**Col. Frank MUGA ....AGE, (ILLISIBLE)**

**Director of Cabinet**

**Presidence's Office**

**C.C.:**

**The Secretary General,**

**Amnesty International.**