

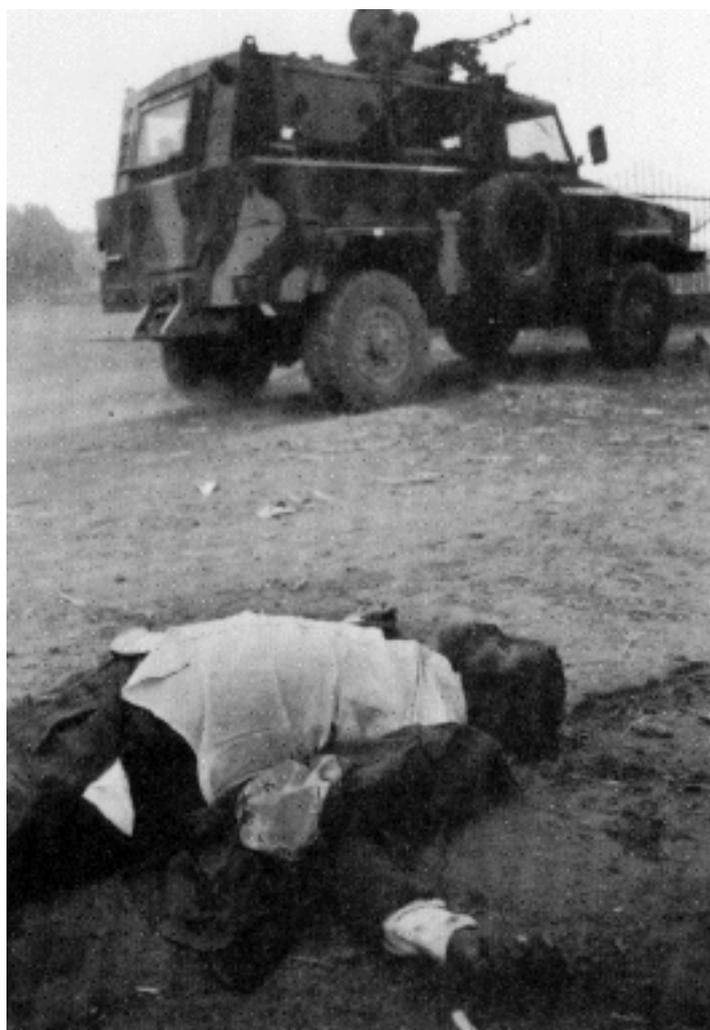
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# **RWANDA**

**Ending the silence**



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**INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X, UNITED KINGDOM**

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# RWANDA

## Ending the silence

*“Ici, dans ce maudit pays, on n'a pas de projets. On pousse un ouf de soulagement quand 24 heures passent puis on s'inquiète pour les autres 24 heures qui suivront. On dirait un contrat de 24 heures.”*

(“Here in this damned country, we have no plans. We breathe a sigh of relief when 24 hours go by then we worry about the next 24 hours. It is like a 24-hour contract”)<sup>1</sup>

### I. INTRODUCTION

At least 6,000 people - the majority unarmed civilians - are reported to have been killed in Rwanda between January and August 1997. The real figure is probably considerably higher.<sup>2</sup>

By August 1997, killings were continuing on a virtually daily basis. The victims include many returnees who were among the hundreds of thousands of Rwandese refugees forcibly returned from the Democratic Republic of Congo (DRC - formerly Zaire) and Tanzania in November and December 1996. Soldiers of the Rwandese Patriotic Army (RPA) and armed groups believed to be composed of or allied to members of the former *Forces armées rwandaises* (FAR) - the former Rwandese armed forces - are deliberately targeting unarmed men, women and young children, hunting them down in their homes. Many people have “disappeared” and their families do not know whether they are alive or dead.

Fighting between the RPA and armed opposition groups is reported to have intensified. Whole regions in the northwest of the country have become virtually inaccessible because of the insecurity and travel restrictions imposed by the authorities. Few independent human rights observers are able to go there; as a result, the perpetrators of human rights abuses are able to carry on killing without independent witnesses.

Within days of the return of the first wave of refugees from the former Zaire in November 1996, killings and arbitrary arrests were already being noted.<sup>3</sup> However, it was not until early January 1997 that the rate of killings escalated sharply, especially in the northwestern

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<sup>1</sup> Extract from an anonymous testimony from Rwanda, March 1997.

<sup>2</sup> The figure of 6,000 refers to specific cases reported to Amnesty International during this period but does not include cases where substantial information was lacking; nor does it include many other cases which may have gone unreported.

On 7 August 1997, Amnesty International issued a news release entitled “Rwanda: Massacres of unarmed civilians escalate” (AI Index AFR 47/27/97) stating that at least 2,300 people had been killed between May and July 1997. Information received from various sources since that date indicates that the number killed during those three months was substantially higher.

<sup>3</sup> See Amnesty International report “Rwanda: Human rights overlooked in mass repatriation”, 14 January 1997 (AI Index AFR 47/02/97).

*préfectures* of Ruhengeri and Gisenyi.<sup>4</sup> Killings and “disappearances” in other parts of the country have also increased. The level of arrests countrywide has continued to rise, reports of ill-treatment have become more frequent and prison conditions have continued to cause the deaths of hundreds of prisoners as the total prison population in acknowledged detention centres has exceeded 120,000. Trials of those accused of participation in the genocide began in late December 1996; by August 1997, more than 140 people had been tried, resulting in at least 65 death sentences, many of them imposed after unfair trials<sup>5</sup>.

Once again, death has become almost a banality in the lives of ordinary Rwandese. The population of Rwanda is living in a state of fear, knowing that whatever their ethnic origin or their perceived affiliation, they may become targets of arbitrary violence by one side or the other. Most are too afraid to speak about the situation for fear of being killed. Those who are lucky enough to escape with their lives may face the prospect of arbitrary arrest, ill-treatment and prolonged detention in life-threatening conditions. Staff working for international organizations have not been spared; several assassinations of foreign nationals as well as Rwandese employees of international organizations have meant that the essential work of humanitarian and human rights organizations has been severely disrupted and the populations most in need are not receiving adequate assistance.

The real level of human rights abuses continues to be played down both by the Rwandese authorities, who claim to have control over the situation, and, seemingly, by the international community. International media reports on the current human rights situation in Rwanda remain rare and most foreign governments appear to be turning a blind eye to the worsening human rights situation and continue advocating the repatriation of Rwandese refugees from neighbouring countries.

Amnesty International is publishing this report now to highlight the scale and gravity of the human rights abuses taking place in Rwanda and to bring this information to the attention of those who could bring about positive changes. The information included in this report is based in part on the findings of an Amnesty International delegation which visited Rwanda in January and February 1997 and in part on testimonies gathered from a variety of sources inside and outside the country in subsequent months. The case examples mentioned - most of which occurred between January and August 1997 - represent only a fraction of the total number of reported human rights abuses during this period.

## **II. PATTERNS OF KILLINGS**

1996 was marked by a pattern of serious human rights abuses, including hundreds of extrajudicial executions by the RPA and deliberate and arbitrary killings by armed opposition groups.<sup>6</sup> The situation has deteriorated further in 1997. This can be attributed in great part to

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<sup>4</sup> Rwanda is divided into 12 *préfectures* (regions), which are divided into communes (districts), in turn divided into secteurs (sectors); secteurs are further divided into cellules (cells). The French terms are used throughout this report to enable precise references to the locations.

<sup>5</sup> Amnesty International's concerns about the first trials in Rwanda are described in the report “Rwanda - Unfair trials: justice denied”, 8 April 1997 (AI Index AFR 47/08/97).

<sup>6</sup> See Amnesty International report “Rwanda: Alarming resurgence of killings”, 12 August 1996 (AI Index AFR 47/13/96).

the mass forcible return of hundreds of thousands of Rwandese refugees from the former Zaire and Tanzania in November and December 1996. Most of these refugees are from the Hutu ethnic group. Many are suspected of having participated in the genocide in 1994; they include members of the former government and former army (known as ex- FAR) and their families, returning to areas where thousands were massacred during the genocide in 1994.

During 1997, both the RPA and armed opposition groups have been responsible for widespread killings of unarmed civilians. However, testimonies received from the northwestern *préfectures* of Rwanda - where most of the violence is concentrated - consistently affirm that the majority of the killings of unarmed civilians in recent months have been carried out by the RPA.

In some cases, it is difficult to identify the perpetrators of killings. Eye-witnesses usually refer to “armed men in military uniform” but there are sometimes conflicting reports as to whether these were members of the RPA or ex-FAR. There is reason to believe that both sides are adopting a deliberate strategy of confusion so as to be able to blame attacks on each other, with little possibility of independent verification.

## **II.1 Killings in armed conflict - the undeclared war in the northwest**

Frequent reports are emanating from the northwest of the country referring to battles between RPA forces and armed opposition groups, commonly referred to as “infiltrators” (*infiltrés*). These “infiltrators” are believed to be ex-FAR and *interahamwe* militia, many of whom were responsible for massacres during the genocide in Rwanda in 1994. Some sources allege that there are also groups of people who have taken up arms to fight the RPA independently from the ex-FAR.

Many sources in Rwanda, both inside and outside the government, describe the situation in the northwest as a fully-fledged war. Others cast doubt on this analysis and claim that evidence indicates that most of the casualties - on both sides - are unarmed civilians. Whatever terms one uses to describe the current situation, it is clear that armed opposition groups have intensified their attacks during 1997 - sometimes attacking in groups of more than 100 - and that in turn, the RPA has adopted a tougher line to crack down on the insurgency, amounting in some cases to a “scorched earth” policy, using the legitimate need to combat the insurgents as a pretext for massacring unarmed civilians.

Increasingly, civilian populations living in areas affected by the conflict have been made to assist the RPA in its operations to search for insurgents. For fear of being killed by the army if they refuse, some residents of these areas have reportedly begun cooperating with the authorities in these operations; this in turn has exposed them to the risk of being targeted as “traitors” and attacked by armed opposition groups. Regional civilian and military authorities often gather the population in these areas to warn them against supporting or assisting the “infiltrators”, as well as to carry out identity checks - frequently resulting in mass arrests. Inhabitants of the area are effectively forced to attend these meetings; those who do not are immediately viewed with suspicion.

The authorities have used various tactics to play down the severity of the situation in the northwest. For example, on 15 July 1997, the Rwandese News Agency reported that conflicts in Ruhengeri over the previous days had claimed the lives of 100 militiamen and three RPA soldiers. A subsequent statement by the *préfet* of Ruhengeri mentioned that 40 civilians had

also been killed in the cross-fire during the same period. On 1 August 1997, a senior government delegation, accompanied - at the government's invitation - by foreign embassy officials, representatives of international organizations and journalists, visited Ruhengeri and presented its account of recent events in the region. Government officials claimed that 1,800 *interahamwe* or ex-FAR, 90 RPA soldiers and between 200 and 300 civilians had been killed during May and June. During this visit, government officials stated that the situation in the region was “calm and stable”.<sup>7</sup>

Due to the insecurity characterizing the areas affected by armed conflict, Amnesty International has not been able to confirm the exact details of reports of armed clashes between the RPA and armed opposition groups, nor to estimate the total number of casualties among these respective forces. The organization's concern is for the civilian victims during or following these clashes. In the days immediately after reported fighting, the civilian population living in the area is at great risk of being targeted indiscriminately by the RPA as it searches for “infiltrators”. These fears have been borne out by the pattern of military search operations in 1996 and 1997. The authorities have repeatedly warned the population not to shelter or assist the “infiltrators” in any way. However, there is no evidence that the unarmed civilians who have been extrajudicially executed were involved in supporting armed groups.

## **II.2 Extrajudicial executions during military search operations**

Thousands of unarmed civilians have been killed during military “cordon and search” operations launched by the RPA after reported attacks by armed opposition groups or clashes between RPA soldiers and “infiltrators”. Reprisal killings are often carried out by the army during military operations - sometimes within hours of the attack by armed groups, sometimes in the following days. The vast majority of people killed during these military operations have been unarmed civilians who were not involved in the conflict and who posed no threat - for example elderly men and women and young children who have been killed in their homes, others in open spaces where soldiers had gathered them. The RPA's counter-insurgency strategy is having the effect of terrorizing the civilian population living in areas where insurgents are rumoured to be hiding. In some cases, members of the RPA allegedly responsible for extrajudicial executions have been arrested but, to date, such cases have tended to be the exception. In most cases of reported extrajudicial executions, those responsible have continued to evade justice.

The *préfectures* of Ruhengeri and Gisenyi have suffered the highest number of extrajudicial executions by RPA soldiers. Amnesty International has received countless reports of unarmed civilians being killed there by the RPA, in the wake of reported attacks by “infiltrators”.

During January 1997, massacres began to be reported with increasing frequency. For example, on 4 January 1997, at least 55 people were reportedly killed by RPA soldiers in Nkumba *commune*, Ruhengeri, during a military search operation. The killings followed an attack the same day by alleged infiltrators in which one RPA soldier was reportedly killed. However, most of the victims of the reprisal killings by the RPA were civilians; eight alleged

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<sup>7</sup> See UNHRC Report of the Human Rights Situation in Rwanda and the Activities of HRFOR, May-June 1997.

“infiltrators” were also killed.

On 20 January 1997, RPA soldiers reportedly rounded up unarmed local residents during a military search operation in Nyamugali *commune* in Ruhengeri and killed 28 of them. 24 were reportedly killed after RPA soldiers herded them into a building and threw in a grenade.

During the following two or three days, scores of other people - possibly as many as 100 - were reportedly killed or “disappeared” in several other *communes* in Ruhengeri, including Kigombe, Mukingo and Nyakinama; many were shot dead as the RPA opened fire on those fleeing.

On 3 March 1997, at least 150 unarmed civilians, and possibly as many as 280, were killed by RPA soldiers in a military search operation in the *communes* of Kigombe, Nyakinama and Mukingo, in Ruhengeri, one day after an attack by an armed group in the town of Ruhengeri in which several people were reportedly killed. The RPA carried out large-scale “cordon and search” operations in several locations in the area; soldiers - reportedly assisted by gendarmes - reportedly rounded up local residents from their homes, led them away and shot them or beat them to death. The authorities recognized excessive use of force in these incidents and several officers allegedly involved in this operation were reported to have been arrested after the killings.

Between 9 and 11 May 1997, at least 1,430 civilians were reportedly killed by RPA soldiers in the *secteurs* of Ryinyo, Kintobo, Gatore, Gatovu, Rukoma, Gitwa, Runigi and Mukamira in Nkuli *commune*, in Ruhengeri. Amnesty International has received a list, drawn up by local sources, of the names of around 525 victims of these massacres - including at least 90 children - primarily in Ryinyo *secteur*. In addition to those named, at least 553 were reportedly killed in Kintobo *secteur*, 127 in Gatovu *secteur*, 120 in Rukoma *secteur* and 114 in Runigi *secteur*. These killings were reportedly preceded by several days of fighting between RPA forces and armed opposition groups around military camps in the area.

Around the same period, 423 people were reportedly killed in neighbouring Nyamutera *commune*; 123 of them are reported to have been burned alive in houses which were deliberately set on fire.

Between 3 and 17 May 1997, at least 82 people were reportedly killed by RPA soldiers in several locations in Karago *commune*, in Gisenyi *préfecture* during military operations. Following reported clashes between RPA soldiers and insurgents at the Kadahenda centre, in Mwiyanike *secteur* on the morning of 3 May, in the afternoon RPA soldiers reportedly killed 26 peasants in the area. Two days later, on 5 May, in Rurambo, also in Mwiyanike, RPA soldiers reportedly killed another 10 peasants. During a subsequent military search operation on 10 May, 26 people were killed in Kinyanja and five in Cyamabuye, in Nanga *secteur*. On 17 May, 15 people were reportedly killed by soldiers near a school in Ruhigiro.

On 23 May 1997, around 170 civilians were reportedly killed by RPA soldiers following clashes with armed groups in the *communes* of Mukingo and Nyakinama, in Ruhengeri.

From mid-May to mid-June 1997, hundreds of killings were reported from Cyabingo *commune*, Ruhengeri. More than 300 people are believed to have been killed by RPA soldiers during search operations in the second half of May. On 6 June 1997, in Muramba *secteur*, more than 115 people were reportedly killed by unidentified assailants. A week later, on 13

June, 15 children under the age of 15 were reportedly shot dead and others burned alive, allegedly by RPA soldiers. Armed groups are believed to be active in Cyabingo *commune*; however, most of the victims of the killings by the RPA appear to have been unarmed civilians.

Scores of unarmed civilians have been killed in churches. For example, on 8 June 1997, one day after a reported confrontation between RPA soldiers and “infiltrators” in Birunga, RPA soldiers reportedly killed at least 120 people inside a Protestant church in Cyamabuye *cellule*, in Nanga *secteur*, Karago *commune*, in Gisenyi. They went on to attack the houses of two community leaders and killed a further 38 people in their homes, including an 85-year-old man, **Bagabo**, and a 90-year-old woman, **Kaje**. Two other attacks on churches have also been reported: one in June 1997, on an Adventist church in Mwiyanike *secteur* (also in Karago, Gisenyi), in which scores of people were reportedly killed by soldiers; and another on 3 July 1997, in which at least 75 people were reportedly killed in a church in Gitera *secteur*, Nkumba *commune*, in Ruhengeri.

On 10 June 1997, at least 200 people were reportedly killed by RPA soldiers in the *communes* of Nyamutera, Kinigi, Ndusu and Gatonde, in Ruhengeri, following attacks by unidentified armed groups on several detention centres in the area; the number of people killed in the attacks by the armed groups is not known.

Reports from various parts of Ngororero *sous-préfecture*, in Gisenyi *préfecture*, indicate that during June and July 1997, as many as 984 people may have been killed. Sources from the area reported that on 11 June, 23 were killed in Ntobwe *secteur*, Kibilira *commune*; on 13 June, around 20 people were killed in Rucano *secteur*, Satinsyi *commune*, including 10 children aged between 3 and 16 and an 8-month-old baby; on 29 June, 212 were killed near Ruhunga forest; on 2 July, nine people, seven of them children, were killed in Rucano *secteur*, Satinsyi *commune*; on 6 July, 349 people were killed in Musagara *secteur*, in Satinsyi *commune*; on 11 July, a market day in Ngororero, 19 were killed; on 12 July, 67 were killed in Rugarama *secteur*, Kibilira *commune*. In addition to these specific incidents, 149 people were reportedly killed in Gitarama *secteur*, 36 in Ntaganzwa *secteur*, and around 100 in Sovu and Musenyi *secteurs*. All these killings have been attributed by local sources to RPA soldiers.

On 24 June 1997, at least 68 people were reportedly killed by RPA soldiers in Kitabe and Bitenga *cellules*, Rukoko *secteur*, Kivumu *commune*, Kibuye *préfecture*. These killings were preceded by an attack the same day in which a vehicle travelling along the road from Gitarama to Kibuye was ambushed and four passengers shot dead by unidentified armed men who escaped from the scene. The four people killed in the ambush were **Chen Ian**, a Chinese engineer, two Rwandese mechanics, **Théoneste Safari Rukundo** and **Jean- Pierre Hakizimana**, and the Rwandese driver, **Denis Ndutiye**. According to local authorities, the perpetrators of the ambush were ex-FAR or *interahamwe*. RPA soldiers called to the scene rounded up a group of local young men and asked them to guard the vehicle and the spot where the ambush had occurred. Later that evening, a group of soldiers returned in a truck and opened fire on the men guarding the vehicle, killing at least 29 of them. The soldiers then reportedly killed more people in their homes in a nearby village, including elderly people and young children; the victims included members of the families of **Ntagwabira**, **Habiyambere**, **Mbanjingabo**, **Ngwabije** and **Simpunga**. In the case of Simpunga's family, only his wife and her children were at home; they were all killed. Local residents who buried the bodies

counted a total of 68 victims, all of them unarmed civilians. They believe that the real number of victims may be higher and that other bodies may have been removed from the scene.

Further killings took place in Nkuli *commune*, in Ruhengeri, in July 1997. On 13 July, **Karekezi**, an Adventist pastor, his wife, a visitor and two children were killed in Gitwa *secteur*, Nkuli *commune*. On 17 July, in Jena, also in Nkuli, a man named **Ngirabuho**, his wife and four children were all reportedly killed in their home. Another family - **Rurandemba**, his two children and his daughter-in-law - were killed in the same area on the same night.

Sources in Kanama *commune*, Gisenyi, have reported that on 8 August 1997, several hundred people, including many civilians, were killed in and around a busy marketplace at Mahoko. The killings - most of which have been attributed to the army - reportedly followed the arrival of a group of armed “infiltrators” who looted shops and stalls. The RPA intervened and many civilians were killed in the hours that followed as the RPA reportedly fired towards the market from two military vehicles stationed nearby. Some victims may have been killed in the cross-fire; however, others appear to have been killed indiscriminately by the security forces. The exact number of victims is not confirmed; one source estimated that around 300 bodies were counted. Some were shot in the marketplace, others in nearby streets. The victims included **François Munyempame**, the family of a trader named **Védaste**, a representative of a non-governmental organization **Emmanuel Tuyisenge**, and two *inspecteurs de police judiciaire* (judicial police inspectors). An unknown number of market traders were reportedly killed by RPA soldiers later that evening and on the following day. Between 8 and 10 August, at least 95 detainees at the communal detention centre (*cachot*) of the neighbouring *commune* of Rubavu and an unknown number at the *cachot* at Kanama were reportedly killed by government forces, following an attack by the “infiltrators” to try to release the detainees.

Amnesty International is seeking further information on these events of 8-10 August. On 16 August, Radio Rwanda reported that 13 members of the RPA, including six senior military officers, had been arrested in connection with the killings at Mahoko. Vice-President and Minister of Defence Paul Kagame, who visited the area on 15 August, was quoted as regretting the misconduct and calling for those responsible to face exemplary punishment.

Killings of civilians during “cordon and search” operations are not confined to the northwest. For example, on 5 February 1997, in the early hours of the morning, an unknown number of people were reportedly shot dead and others beaten to death by RPA soldiers during a search operation in Nyarubande *secteur*, Butamwa *commune*, in Rural Kigali *préfecture*. Some were killed in their fields as they fled. The victims included **Kanyagisaka**, aged around 18, **Albert** and his 17-year-old daughter and 15-year-old son, and **Mulimanyi**, aged around 26. RPA soldiers reportedly made the inhabitants of the area gather in specific locations and threatened them, especially those whose family members had served in the former Rwandese army. After the meeting, a number of people were led away to detention centres; others were ordered back to their homes. Local authorities were reportedly ordered to bury the bodies of those who had been killed.

### II.3 Extrajudicial executions of ex-FAR and members of their families

In late 1996 and early 1997, a pattern of extrajudicial executions of ex-FAR and members of their families emerged, following the mass return of refugees from the former Zaire. Many ex-FAR played a leading role in the organization and execution of the genocide in Rwanda in 1994. However, this does not mean that every individual who served in the former government forces and their relatives were responsible for taking part in the killings. Even in cases where the individuals were involved in the killings, there is no justification for subjecting them and members of their family - including young children - to further human rights violations, including extrajudicial executions. In the cases below, the victims were summarily and extrajudicially executed apparently without any formal attempt having been made to investigate specific accusations against them or to bring them before a court of law.

On 18 January 1997, an ex-FAR major, **Jean de Dieu Bizabarimana**, his wife **Perpétue**, their children and several neighbours - 16 people in total - were killed in their home in Nyarutovu *commune*, Ruhengeri. They had been refugees in the former Zaire and had returned to Rwanda in November 1996. The following day, an ex-FAR captain and 11 members of his family - also returnees - were killed in Nkuli *commune*, in Ruhengeri. On 20 January 1997, an ex-FAR major, **Bizavarande**, four members of his family and seven other people were reportedly killed in Nyarutovu *commune*, in Ruhengeri.

On 21 January 1997, ten members of a family of returnees from the former Zaire were killed in their home in Rucano *secteur*, Satinsyi *commune*, Gisenyi *préfecture*. The victims included **Stanislas Hakizimana**, an ex-FAR colonel, his wife **Eugénie Mukandinda**, their daughters **Espérance Muyawamungu**, aged 21, and **Josiane**, aged 15, their two sons, **Eric Ukoyivuze**, aged 19, and **Gilbert Nshimiyimana**, aged 17, and three sisters-in-law, **Médiatrice Muhimpundu**, **Alphonsine Nyiramahoro** and **Jacqueline Nyiramana**, all in their 20s. 12 of their neighbours were reportedly also killed the same evening, including two young children, **Alice** and **Catherine Kalimunda**, aged 5 and 3.

On 21 January 1997, it was reported that two ex-FAR detainees - Lieutenant- Colonel **Augustin Nzabanita** and Second Lieutenant **Innocent Nsabimana**, both returnees from the former Zaire - had committed suicide in a brigade detention centre in Rubavu, Gisenyi. According to the authorities, the two detainees were found dead after hanging themselves in the toilet. According to other detainees, the two men were led outside by soldiers and did not reappear; they were informed that they had committed suicide the following day. The timing of the events described by the detainees differs from that described by the authorities. A description of the scene in which the two men were found hanged - provided by individuals who were at the scene while the bodies were still there - was inconsistent with the official explanation of the circumstances of their death.

On 22 January 1997, an ex-FAR major, **François Xavier Uwimana** - also a returnee from the former Zaire - , his six children and a neighbour were killed in Nyamyumba, Gisenyi. On the same day, another ex-FAR major, **Lambert Rugabage**, was reportedly taken away from a military detention centre in Kibungo *préfecture* by soldiers and never returned. His body was found several days later in the morgue of Kanombe military hospital in Kigali, reportedly bearing signs of severe beatings. Around the same period, an ex-FAR captain and his family - around 10 people in total - were killed in Butaro *commune*, Ruhengeri.

## II.4 Extrajudicial executions of detainees

Extrajudicial executions of detainees by members of the security forces have continued in various parts of the country, effectively replacing the judicial process. In some cases, detainees have been shot dead allegedly while trying to escape from detention; no attempts appear to have been made to apprehend them without using lethal force. In other cases, detainees have been taken away from detention centres and subsequently executed. There have also been reports of people being shot dead by RPA soldiers at the time of their arrest.

For example, on 14 January 1997, 12 detainees - who were returnees - were shot dead by RPA soldiers at Muyira detention centre (*cachot*) in the southern *préfecture* of Butare, reportedly as they were going to the toilet. The soldiers claimed that the detainees were trying to escape. On 23 January 1997, RPA soldiers reportedly executed more than 20 detainees held in the *cachot* at Gisovu, Kibuye *préfecture*, after leading them away, supposedly to transfer them to another detention centre. On 14 February 1997, six detainees in Runda *commune*, Gitarama *préfecture*, were shot dead by soldiers, allegedly as they were trying to escape. The detainees - accused of being "infiltrators" - had been arrested the previous day during a military operation in the area.

During the night of 7 May 1997, 10 detainees in Maraba detention centre (*cachot*) in Butare were shot dead and several others injured. The authorities alleged that a guard shot them because they were trying to escape; however, unofficial sources claim that the guard fired directly into the cell. The guard - an RPA soldier - was subsequently arrested. Representatives of a local human rights organization investigating the killings were reportedly prevented from speaking to the other detainees and from visiting injured detainees in hospital. On 8 May 1997, 15 detainees were reportedly killed in Gatonde *commune* and on 10 May, another six killed in Ndusu *commune*, both in Ruhengeri.

Between 8 and 10 August 1997, at least 95 detainees at the communal *cachot* of Rubavu and an unknown number at the *cachot* at Kanama were reportedly killed by security forces, following clashes between RPA soldiers and armed groups on 8 August in which several hundred people were killed (see part II,2 above). Between 8 and 11 August 1997, eight detainees allegedly trying to escape from the *cachot* at Rutongo *commune*, in Rural Kigali, were reportedly shot dead by guards.

## II.5 Public and summary executions

In December 1996 and January 1997, six cases of public summary executions of alleged murder suspects by RPA soldiers were reported. All of them took place on the order of military officers and in their presence.

On 10 December 1996, two men and a teenage boy were summarily executed in public by RPA soldiers in Mbuye *secteur*, Satinsyi *commune*, Gisenyi, after the population had denounced them as responsible for a murder committed two days earlier. On 21 December 1996, an ex-FAR who had been arrested soon after his return from the former Zaire and was accused of having killed four people, was tied to a tree and shot by RPA soldiers during a public meeting in Mubuga *commune*, Gikongoro *préfecture*. On 24 January 1997, two men were publicly executed by RPA soldiers in Karengera *commune*, Cyangugu *préfecture*, after being accused of the murder of a local official the previous day.

In a report dated 27 February 1997, the United Nations Human Rights Field Operation for Rwanda (UNHRFOR) reported that Ministry of Defence officials had stated that these incidents were regrettable and that orders had been given not to repeat such executions.<sup>8</sup> However, in an earlier report dated 24 January 1997, UNHRFOR reported that several civilian and military authorities had stated that the executions of 10 and 21 December 1996 were justified, given the circumstances of the case. One authority was quoted as saying that the killing of the three individuals could not be classified as a criminal offence.<sup>9</sup>

## II.6 Political killings and attacks on freedom of expression

Journalists and others who have criticized actions by government officials and the security forces have been victims of human rights violations in 1997; some have been extrajudicially executed, others arrested.

On 23 January 1997, the prison director of Gisovu prison - a newly-opened prison situated on the border of the *préfectures* of Kibuye and Gikongoro - and his secretary were killed by armed men in Muko *commune*, in Gikongoro. The prison director had had various disagreements with the authorities; in particular, he had reportedly ordered the release of a number of detainees and had expressed his disagreement with plans by local authorities to fill the prison beyond its intended capacity.

On 27 April 1997, **Appollos Hakizimana** - a 28-year-old journalist working for an independent newspaper, *Intego*, and editor of a new publication, *Umuravumba*, which he had founded in January 1997 - was shot dead by unidentified gunmen in Nyamirambo, in the capital Kigali, as he was approaching his house. Amnesty International believes that Appollos Hakizimana, who had previously been arrested, ill-treated and threatened on several occasions, was killed because of the critical views he had expressed as a journalist. His colleague **Amiel Nkuriza**, director of *Intego* and editor-in-chief of another newspaper, *Le Partisan*, was arrested a few days later, on 13 May, and is currently in prison in Kigali awaiting trial. He is reportedly facing charges of incitement to ethnic violence in relation to articles which he had been planning to publish in issues of *Le Partisan* newspaper which were seized by the authorities. He had also been arrested and threatened with death on several occasions in 1996 and 1997.<sup>10</sup>

The above events take place in a climate in which the media in Rwanda is routinely censored and criticism of government policies and practices rarely tolerated. A journalist told Amnesty International: "*On est obligé d'écrire avec les mains qui tremblent*" ("we have to write with trembling hands"). The three independent newspapers mentioned above are no

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<sup>8</sup> See UNHRFOR Status Report of 27 February 1997: "Public extrajudicial executions of two alleged murder accomplices by members of the Rwandese Patriotic Army in Karengera commune, Cyangugu préfecture, on 24 January 1997".

<sup>9</sup> See UNHRFOR Status Report of 24 January 1997: "Public extrajudicial executions of four murder suspects by members of the Rwandese Patriotic Army".

<sup>10</sup> For further information on these cases, see Amnesty International Urgent Action 199/96 (8 August 1996) and updates of 15 August 1996, 13 September 1996, 30 April 1997, 16 May 1997 and 30 June 1997.

longer being published.

Members of the National Assembly who have voiced criticisms of government policies have also been targeted. On 16 January 1997, **Evariste Burakali**, member of the *Parti libéral* (PL), Liberal Party, in his thirties, married with three children, was shot dead by an RPA soldier in Rutare, in the northern *préfecture* of Byumba. Soldiers first surrounded his house but when they found that he was not there, went to find him in a nearby bar. When a woman working in the bar was injured during an argument with the soldiers, Evariste Burakali drove her to the local health centre for treatment. One of the soldiers followed him and shot him three times when they reached the health centre. Evariste Burakali died later that night after being transported to a hospital in Kigali. The soldier who killed him was subsequently arrested.

Evariste Burakali had reportedly requested a personal guard and escort after his house had been attacked three times. He had had a guard previously but this protection had been withdrawn; the reason given was that Evariste Burakali lived too far from the capital.

According to friends and acquaintances, Evariste Burakali was a well-liked person, described as a “moderate” and a person of integrity. He was known for speaking out against vengeance and extremism and in favour of forgiveness. Several people who knew him told Amnesty International that they believe his assassination was political. Evariste Burakali had been critical of various initiatives during debates in the National Assembly, including aspects of the law introduced in 1996 to govern the trials of those accused of participation in the genocide. He had also been a *bourgmestre* (mayor) in Rutare from April to August 1994 and may have witnessed killings by RPF troops in the area during this period.

On 17 June 1997, in the early evening, **Eustache Nkerinka**, a member of the National Assembly, escaped what appears to have been an assassination attempt in the centre of Kigali. As he was driving home, his car was ambushed by another vehicle carrying six men, at least two of whom were armed. They forced their way into Eustache Nkerinka's car, beat him and stole his money. As the attack began attracting attention, one of the men was reportedly heard saying to his companions that they should not kill him on the spot but that he would not be able to escape them as they knew they could always find him again. Eustache Nkerinka has reported the attack to the police. Their response is not yet known.

Eustache Nkerinka, a member of the *Mouvement démocratique républicain* (MDR), Democratic Republican Movement, is known to have been critical of aspects of government policy and often outspoken during meetings of the National Assembly. His home had previously been attacked and searched on several occasions in 1995, 1996 and 1997. Despite his complaints in writing about these incidents to senior government authorities and a request for protection which was supported by the President of the National Assembly, Eustache Nkerinka was not provided with protection against the threat of future attacks.

## **II.7 Other killings attributed to the RPA**

On 22 January 1997, **Jean Boseniryo**, a restaurant-owner in his sixties, was killed in Ruhengeri town. He was reportedly shot dead in the street. The identity of the perpetrators has not been confirmed but sources in Ruhengeri believe he was killed by RPA soldiers. Local residents reported that the assailants headed towards a local RPA post after the attack. They stated that an unusual number of soldiers were seen in the area just before the killing.

The exact reason for the killing is not known. Some acquaintances have speculated that it may have been connected with a financial dispute with another businessman; they also mentioned that he was not well perceived among the Tutsi community as he was seen as sympathetic to “Hutu extremists”. Others allege that the killing was connected with a local meeting held earlier that day, at which he had reportedly asked a question perceived as critical of the RPA.

**Euphrasie Nyiramajyambere**, a former bank employee aged 37, and her four children, **Arthur-Aimé Rugero**, aged 14, **Ange Rugwiro**, aged 12, **Nathalie Rugorirwera** and **Anatole Ruberangabo**, twins aged 8, were killed, allegedly by RPA soldiers, in Mukirangwe *secteur*, Nyamutera *commune*, Ruhengeri *préfecture*, in June 1997. The exact circumstances of the killing are not yet known but it is thought to have taken place during a military search operation. The family had been refugees in the former Zaire; Euphrasie Nyiramajyambere's husband had died in October 1996 during an attack on Kibumba refugee camp. She had returned to Rwanda with her children at the end of 1996. They lived in Ruhengeri but owned a house in Kigali. A few months before her death, Euphrasie Nyiramajyambere had gone to Kigali to reclaim her property, which had been occupied, but had failed to recover it.

On the evening of 5 July 1997, 16 people were killed in Nyakabanda *commune*, Gitarama *préfecture*. The victims included **Thaddée Musabyimana**, director of a private secondary school, aged about 30, and several members of his family; **Jean-Baptiste Nkundabatware**, in his late 40s, coordinator of *Compagnons fontainiers rwandais* (COFORWA), a local non-governmental organization, his wife and five of their children - all killed in their home; **Eric Basenge**, a medical student, whose body was found near their house; **Sylvestre Sebazungu**, a primary school inspector, and a second man called **Sebazungu** who was accompanying him home. The authorities have blamed the killings on “infiltrators”. However, local residents believe RPA soldiers were responsible for the killings. Approximately 20 soldiers were reportedly seen near the places where the killings occurred. When local residents said they heard gunfire coming from the house of Jean-Baptiste Nkundabatware, the soldiers reportedly denied that this was the sound of gunfire and left.

## II.8 Deliberate and arbitrary killings attributed to armed opposition groups

Since December 1996, armed groups believed to be composed of ex-FAR and *interahamwe* militia have stepped up their attacks inside Rwanda. In some cases, individuals or whole families have been deliberately targeted and killed. In other cases, vehicles have been ambushed and their passengers killed by unidentified armed men. It is often difficult to verify the identity of those responsible for these attacks but they are generally believed to be members of armed opposition groups. Armed opposition groups are also increasingly aiming at military as well as civilian targets. Overall, the leaders and structures of these armed groups remain unidentified.

On 23 December 1996 and 5 January 1997, 20 people were killed in two separate incidents, both in Kazirabonde *cellule*, in Kagarama *secteur*, Taba *commune*, Gitarama *préfecture*. On 23 December 1996, **Emmanuel Rudasingwa** was killed in his shop, which was also a bar. Ten other people were also killed, including his 12-year-old daughter **Angélique Mahoro**, and nine men who were drinking in the bar. On 5 January 1997, nine other people were killed in a house in the same area, including a 3-year-old child killed in bed. The victims included a former teacher, **Philippe Bajyagahe**, his pregnant wife **Valérie Mukakalisa**, their sons **Roger Mwizerwa** and **Samuel Niyokwizera**, their daughters **Alice**

**Nyirarukundo** and **Jocelyne Kwizera**, two servants **Nadine Mukamazimpaka** and **Ancille Ahiboneye**, and **Walter Mutoni**, an orphan whose parents had died in the genocide and who was being looked after by Philippe Bajyagahe's family. The assailants, who were heavily armed, reportedly threw a grenade into the house before leaving.

In both incidents, the perpetrators are believed to have been ex-FAR. There are various hypotheses regarding the motives behind these killings. Two of the victims had indicated their willingness to testify against a defendant at the International Criminal Tribunal for Rwanda in Arusha, Tanzania; some believe that they may have been killed to prevent them from testifying. Another theory is that some of the victims may have been viewed by the attackers as traitors: they were known to be collaborating with local authorities to identify and denounce members of the *interahamwe* militia in their community.

On 11 January 1997, a group of around 60 armed men attacked a hospital in Kabaya, in Gisenyi. Three patients were reportedly killed. The same day, an attack took place on the nearby gendarmerie post, where there is an RPA position, and a local detention centre at Gaseke. On 14 January, the soldier who was on guard duty outside Kabaya hospital was killed by unidentified armed men.

On 25 January 1997, a group of armed men reportedly killed at least 24 Tutsi civilians - including children - from nine different families in Gikeri *cellule*, Musanze *secteur*, Kinigi *commune*, Ruhengeri. Most of the victims were killed in their homes. They included **Nibagwire**, aged 70, **Mukamanzi**, aged 17, **Muhorakeye**, aged 13, **Batamuliza**, aged 13, **Masengesho**, aged 5, and **Nayihiki** and **Dusabe**, both aged 4. The following day, around 140 Hutu civilians were killed in a revenge attack by armed Tutsi reportedly assisted by RPA soldiers (see part II.11 below).

On 9 February 1997, three vehicles were reportedly stopped at an unofficial roadblock in Tare *commune*, in Rural Kigali. The assailants reportedly asked the passengers to separate according to their ethnic origin and killed at least 11 Tutsi civilians, including three women - **Espérance Uzamushaka**, **Christine Irambona** and **Jeanne Mukarwamba** - and two RPA soldiers in civilian clothing.

On 19 May 1997, a vehicle carrying several members of the Rwandese security forces, including a regional police commander, was ambushed in Mabanza *commune*, in Kibuye. Three police officials including the commander were reportedly shot dead as they tried to escape. Moments later, a communal taxi carrying around 20 passengers was ambushed at the same spot. Only five of its passengers are thought to have survived. The rest were shot dead or burned inside the vehicle.

On 22 August 1997, at least 130 refugees from the Democratic Republic of Congo (DRC, formerly Zaire), most of them from the Tutsi ethnic group, were killed during an attack on Mudende refugee camp, in Mutura *commune*, Gisenyi, in the early hours of the morning; scores of others were seriously injured. Most of the victims were reportedly killed with machetes and clubs; some had gunshot and grenade wounds. The camp housed around 8,100 refugees who had fled the areas of Masisi and Rutshuru, in eastern DRC, to escape violence and human rights abuses there by armed civilians and former government forces in 1995 and 1996; they had continued to seek refuge in Rwanda while the situation in their home area remained unsafe. After the attack on 22 August, around 4,000 refugees fled the camp and dispersed. The perpetrators of the attack are believed to be members of armed Hutu groups

operating inside Rwanda. They also attacked an RPA post close to the camp and reportedly killed at least three RPA soldiers. In a statement on the killings on 26 August, the Minister for Foreign Affairs and Cooperation, Anastase Gasana, stated that former army soldiers and *interahamwe* militia, recently returned from the DRC, were responsible for the killings. He stated that appropriate measures were being taken to ensure the security of refugees remaining in Mudende camp. There have been reports that following the attack at Mudende, an unknown number of Hutu civilians died in reprisal killings by Tutsi civilians (see part II.11 below) and at least 17 alleged “infiltrators” were killed by RPA soldiers.

## II.9 Attacks on educational institutions

There have been a number of attacks on educational institutions in which civilians have been killed. On the evening of 18 March 1997, six students - most of them girls - and one guard were killed with guns and grenades at Nyange primary school, in Kivumu *commune*, in Kibuye *préfecture*. The attack has been officially attributed to ex-FAR or *interahamwe*. However, some local sources believe it was carried out by RPA soldiers, following an incident about two weeks earlier, in which a group of six or seven RPA soldiers had tried to take students away from the school, allegedly to rape or kill them. Staff at the school had managed to prevent the soldiers from entering the school. It is alleged that the soldiers then returned on 18 March in a revenge attack against the pupils and staff. Survivors of the attack on 18 March reportedly claimed that some of the assailants were RPA soldiers. Subsequently, four teachers - two men and two women - were reported to have been imprisoned. There are unconfirmed reports that one male teacher died as a result of ill-treatment. A woman who claimed to have identified some of the assailants was reportedly shot dead the day after the attack.

On the night of 27 April 1997, as many as 100 armed men reportedly attacked several educational and religious institutions and houses in Muramba, Satinsyi *commune*, Gisenyi *préfecture*, killing 22 people - most of them women. Sixteen female students were reportedly shot dead in the dormitory at the school of economics and commerce; a 14-year-old girl was killed in the convent of the Benebikira Sisters; and a 62-year-old Belgian nun, **Griet Bosmans** - one of the very few foreigners left in the region - was killed in the primary school of which she was the director. The assailants reportedly also attacked an RPA military post nearby. Local sources pointed out that despite the relative proximity of the RPA post, soldiers did not intervene to protect the victims during the attack. The identity of the perpetrators of the killings at Muramba has not been confirmed. Several people were reportedly arrested in connection with the attack on the school. On 2 May, Radio Rwanda reported that 19 people suspected of taking part in these killings had been killed by the security forces.

In the attacks on the schools at Nyange and Muramba, it was reported that the assailants first asked the students to identify themselves according to their ethnic origin but that the students refused to do so, and were subsequently shot at.

There have been other attacks and attempted attacks on schools since May 1997 and several cases of killings of school directors in unclear circumstances.

## II.10 Attacks on staff of international organizations and other foreign nationals

Rwandese and foreign nationals working for international organizations - non-governmental organizations as well as UN agencies - have been among the victims of extrajudicial

executions and other unlawful killings. Some of these attacks appear to have been motivated by a desire to drive all foreign organizations out of Rwanda; the perpetrators of these killings have succeeded in creating a climate of such insecurity that these international organizations are no longer able to operate and human rights abuses can take place without any independent scrutiny. In some cases, representatives of humanitarian organizations appear to have been specifically targeted for allegedly favouring the needs of recent returnees over those of the rest of the population.

#### **i) Killings of Rwandese nationals working for international organizations**

On 18 January 1997, a driver working for the UNHCR was beaten to death by three people - one policeman, one soldier and a man in civilian clothes - in Kigombe *commune*, Ruhengeri.

On 19 January 1997, in Musanze *secteur*, Kigombe *commune*, Ruhengeri, two guards of the non-governmental organization Concern were shot by RPA soldiers. One of them, **Epimaque Kuradusenge Habyarimana**, was killed; the other was injured. The two guards had reportedly panicked at the sight of a military patrol approaching and were shot at as they tried to run away.

On 15 June 1997, **Didace Nkezagera**, an employee of the World Food Program (WFP) in Ruhengeri, his wife, young child and another relative were killed at night in their home in Rubange *secteur*, Kigome *commune*, in Ruhengeri. The family had been refugees in the former Zaire until the end of 1996. Just before his death, Didace Nkezagera had reportedly been questioned by RPA soldiers, on three consecutive days, about the WFP's work in the region. He had allegedly complained previously about the diversion of food aid, claiming that it was not reaching the people for whom it was intended.

Another WFP employee, **Jean de Dieu Murwanashyaka** - also a returnee from the former Zaire - was arrested by soldiers on 9 June 1997 and led to an unknown destination. His mutilated body was found in the bush near Ruhengeri town, on 13 June. He had been shot through the head. His eyes had been gouged out and his ears and genitals cut off, apparently with bayonets. He left behind a young wife, pregnant with their first child. An unknown number of other people were also killed around the same date; their bodies were found scattered in the area, some had been buried, others burned.

On 19 June, **Félicien Bucyekabili**, a 28-year-old driver who had been working for the UNHCR since April 1997 and was previously director of a Catholic youth organization, was killed along with his wife, their son aged 7 and their daughter aged 6 when they were shot through the windows of their house in Kigombe *commune*, Ruhengeri.

#### **ii) Killings of foreign nationals**

Recent killings of foreign nationals began in January 1997. On the evening of 18 January 1997, three Spanish employees of the non-governmental organization *Medicos del Mundo* (MDM) - **Manuel Madraza Osuna**, **Maria Flores Sirera Fortuny** and **Luis Valtuena Gallego** - were shot dead at their home in Kigombe, Ruhengeri. A fourth MDM employee - a USA national - was seriously injured. The identity of the perpetrators has not been confirmed. Initial reports by the authorities that several RPA soldiers had also been killed in the incident were subsequently denied. Following the killings, **Jean de Dieu Mbatuyimana**, a Rwandese guard working for MDM who had driven the injured American to hospital, was

arrested, along with another guard. They were detained in Muhoza military detention centre. On 20 January, Jean de Dieu Mbatuyimana was shot dead by RPA soldiers, who claimed he was trying to escape. Jean de Dieu Mbatuyimana had been a corporal in the ex-FAR and had returned from the former Zaire in November 1996. Claude Dusaidi, adviser to the Vice-President and Minister of Defence, later said in a radio interview that MDM had made a mistake in employing former government soldiers.

On the same evening that the MDM workers were killed, the nearby premises of two other non-governmental organizations, Save the Children Fund (SCF) and *Médecins sans frontières* (MSF), were also attacked; shots were fired and goods looted but there were no casualties. The guards reportedly identified the assailants in the attack on the MSF building as RPA soldiers. There are indications that those who attacked the SCF building were also RPA soldiers.

There is no conclusive evidence as to the identity of the killers of the MDM workers. Some sources allege the perpetrators were ex-FAR, others that they were RPA soldiers. Local sources all confirmed that there was a heavy RPA presence in the area; the army had been alerted following the initial sound of gunfire at MSF and SCF and had undertaken to protect foreigners living in the immediate area. The government is not known to have provided any official explanation of these events.

On 2 February 1997, **Guy Pinard**, a Canadian priest in his 60s, was shot in the back and killed during a communion service in Kinigi *commune*, in Ruhengeri. The perpetrator was identified by witnesses as a teacher and former RPA soldier; he was later arrested but reportedly released soon after. According to acquaintances, Guy Pinard, who had been living in Rwanda for more than 30 years, was an outspoken person who had helped both Tutsi and Hutu escape massacres. He had witnessed many human rights abuses, especially in Ruhengeri. He was known to have been critical of the current government.

On 4 February 1997, five members of the United Nations Human Rights Field Operation for Rwanda (UNHRFOR) - **Sastra Chim Chan**, a Cambodian national, **Graham Turnbull**, a British national, two Rwandese interpreters, **Jean-Bosco Munyaneza** and **Aimable Nsensiyumvu**, and a Rwandese office assistant, **Agrippin Ngabo** - were killed by armed men in Karengera *commune*, in the southwestern *préfecture* of Cyangugu, after their vehicles were ambushed. All five died of gunshot wounds; four of them died at or near the place of the attack; Agrippin Ngabo died later, while being transported to hospital by aeroplane. The body of Sastra Chim Chan was found decapitated. These killings have been publicly attributed to armed groups opposed to the RPA. Five people were arrested in connection with the killings and confessed to taking part in the ambush. Two others were reportedly killed by RPA soldiers, including the alleged leader of the group.

On 27 April 1997, **Griet Bosmans**, a Belgian nun and school director, was killed in an attack on a school in Muramba, Gisenyi (see part II.9 above).

In addition to these cases, there have been a number of incidents in various parts of the country - including in Kigali - in which foreign and local staff of international organizations have been assaulted, beaten and threatened.

## II.11 Killings by armed Tutsi civilians

In January and February 1997 in particular, there were several incidents in which scores of Hutu returnees were killed by Tutsi civilians.

Between 7 and 9 January 1997, around 20 returnees from Tanzania were beaten or hacked to death with machetes and sticks by Tutsi civilians in Rugarama *cellule* and a further 40 in Ruhanga *cellule*, both in Kigina *secteur*, Rusumo *commune*, Kibungo *préfecture*. The victims included men, women and children. Those killed in Ruhanga included **Rugerinyange** and his wife **Bazizane**, **Paul Biguli**, his wife **Alvere Zirakuye** and his sister Mukantakiye. The body of a 12-year-old boy, **Gapira**, was found hanging from a tree in Ruhanga; the bodies of **Vincent Biramahire** and **Gasove** were found in latrines, also in Ruhanga. Several people were reportedly arrested following these killings.

On 26 January 1997, in the *secteurs* of Musanze, Rugina and Kanyamiheto, in Kinigi *commune*, Ruhengeri, armed Tutsi civilians reportedly assisted by RPA soldiers killed around 140 unarmed Hutu civilians in a reprisal attack following the killing of at least 24 Tutsi civilians in the area by armed Hutu groups (see part II.8 above). The victims of the reprisal attack appear to have been killed at random; they included men, women and children. Most of them were beaten to death; other injuries were caused by grenades. Some of the bodies were found on the site of the killings, others in a nearby river or on its banks, others in latrines.

On 20 February 1997, at around midnight, 21 members of two families of refugees who had returned from Tanzania in December 1996 were killed in Nkamira *secteur*, Birenga *commune*, Kibungo *préfecture*. The victims included many children and a 3-month-old baby. The perpetrators were allegedly Tutsi civilians armed with guns.

In the days following the attack on Mudende refugee camp in Gisenyi on 22 August 1997 (see part II.8 above), an unknown number of Hutu civilians living in the area were reportedly killed by Tutsi civilians and their houses set on fire. According to local sources, RPA soldiers present in the area made no attempt to intervene to prevent these reprisal killings. There are allegations that some soldiers also took part in the killings.

## II.12 Killings by unidentified individuals

Amnesty International has received reports of many killings where there has been no clear indication or conclusive evidence as to the identity of the perpetrators. A few examples are mentioned below.

**Vincent Nkezabaganwa**, President of the *Conseil d'état* (Council of State) and Vice-President of the *Cour suprême* (Supreme Court), was attacked by armed men in military uniform in his home in Gisozi, in Kigali, on the evening of 14 February 1997. Three other people who were with him at the time were also killed: a nightguard **Kamali, known as Rubare**, **Alphonse Ngoga**, who worked at the office of the Prime Minister, and Gasana, a driver. Vincent Nkezabaganwa was badly injured but did not die immediately. Soldiers reportedly accompanied him to the hospital. Later the same day, his family was told that he was dead and had already been taken to the morgue. The injuries on his dead body were described as different and more severe than those he had sustained when he was attacked at his home: while he was initially injured on his thigh, his arm and his stomach, his dead body

reportedly bore signs of severe chest wounds.

On 11 May 1997, six people were killed by armed men in military uniform after their car was ambushed in Gitara *cellule*, Coko *secteur*, Mubuga *commune*, near the border of the southern *préfectures* of Butare and Gikongoro, by armed men. The victims were two female students, **Denise Uwizeye**, aged 24, and **Pacifique Kanzayire**; two priests from the parish of Cyahinda, **Pascal Yirirwahandi** and **Isaie Habakurama**; a medical assistant, **Jean-Marie Vianney**, and a young woman, **Nyirabazungu**. RPA soldiers stationed nearby reportedly did not intervene. Several people were reportedly arrested in connection with the killing but the identity of the perpetrators is not confirmed.

On 5 July 1997, two brothers - both Hutu - one a former teacher, the other a bank employee, were reportedly killed with farming implements in Gakarara *secteur*, Karago *commune*, in Gisenyi. A third man - a Tutsi - who shared their house was reportedly spared. The killers remain unknown.

On the night of 22 July 1997, ten people, including **Minani, Muhutu** and several members of their families, including two pregnant women, were killed by unidentified men in military uniform in Bimomwe *secteur*, Musambira *commune*, in Gitarama *préfecture*. The identity of the perpetrators is not known; some local sources believe the killing may have been carried out on the orders of a local RPA soldier, possibly to avenge the deaths of several members of his own family.

A number of local civilian authorities have also been killed during 1997, including several *conseillers de secteur* and *responsables de cellule*, and the *sous-préfet* of Ngororero in Gisenyi, **Maurice Sebahunde**, who was killed with two other people on 17 May 1997. These killings have generally been attributed to armed opposition groups. However, Amnesty International has not been able to confirm the identity of the perpetrators in most of these cases.

### III. “DISAPPEARANCES”

The number of “disappearances” reported from various parts of Rwanda has continued to rise in 1997. In the first few weeks following the mass return of refugees from the former Zaire and Tanzania at the end of 1996, many people “disappeared”, partly as a result of the chaos surrounding the return of such large numbers of people, partly as a result of arbitrary arrests. Since then, many families remain without news of their relatives who are believed to have returned during this period. They do not know whether they are alive or dead - whether they died in eastern Zaire, were arrested on return to Rwanda and are among the tens of thousands of prisoners being held in life-threatening conditions, or whether they were killed on return to Rwanda. Attempts to find the “disappeared” are further complicated by the fact that neither the Rwandese authorities nor international agencies carried out any significant registration or counting of returnees in the chaos which surrounded the mass *refoulement* in November and December 1996; although it is generally claimed that as many as 750,000 returned from the former Zaire, the absence of records has meant that it has been impossible to verify this figure.

For example, **Simon Kagarama**, a 45-year-old man who had worked as a driver for a

government-run development project, “disappeared” after returning from the former Zaire in November 1996. His family were without news of him for months until a relative informed them that he had been told Simon Kagarama had been killed soon after his return, as he was making his way back through Kivumu *commune* in Kibuye, western Rwanda. He never reached his home area in the northern *préfecture* of Byumba. His death has not been officially confirmed by the authorities.

Between 13 and 17 January 1997, around 20 people, believed to include returnees from Tanzania, “disappeared” in Nyabitare *secteur*, Rusumo *commune*, in the eastern *préfecture* of Kibungo, after being arrested by a local government official. Those who “disappeared” included **Bugayi, Karegeya, Dusabeyezu**, and three brothers, **Kaberuka, Nsabimana** and **Gasana**.

In the west of the country, scores and possibly hundreds of people have “disappeared” during or following military search operations. These “disappearances” occur as the RPA carry out raids on areas where infiltrations have been reported and round up groups of young men. Some individuals have later been traced in detention centres and a number have been released. However, many remain unaccounted for. For example, in late April 1997, several hundred returnees from the former Zaire reportedly “disappeared” from Mukingo *commune*, Ruhengeri, after being taken to an unknown location by RPA soldiers.

Some detainees have “disappeared” while being transferred from one detention centre to another. Efforts by their families and by human rights organizations to trace them are obstructed by the lack of access to military detention centres. Given the trend towards holding civilian detainees in military detention centres, for example in Mukamira military camp in Ruhengeri, it is likely that some are held there but it is virtually impossible to confirm their whereabouts.

**Donat Harelimana**, a 39-year-old father of three and former university lecturer, returned from the former Zaire in November 1996. On 8 March 1997, he “disappeared” from the centre of Kigali. Attempts by his family to trace him in prisons and detention centres in Kigali have failed. By the end of June 1997, his whereabouts were still not known. The reason for his “disappearance” is not known but it is thought it may be connected with the fact that Donat Harelimana owned a property in Kigali which is illegally occupied by people believed to have close links with the authorities.

Emmanuel Burasanzwe, a local environment officer in Gisenyi and former prison director, “disappeared” on 10 August 1997 after leaving his home to attend the funeral of a friend who was among those killed on 8 August near the market at Mahoko, Kanama, in Gisenyi (see part II,2 above). He reportedly met some soldiers along the way who told him to accompany them to the local *commune* office. He did not return. It is thought that he may have been arrested, but by the end of August his whereabouts were still unknown.

There have also been cases of “disappearances” of a more political nature. For example, Innocent Murengezi, a defence lawyer who was involved in representing both the civil parties and defendants in trials of those accused of participation in the genocide, “disappeared” from Kigali on 30 January 1997. He had reportedly been threatened several times in relation to his work as a defence lawyer representing individuals accused of participation in the genocide; in early January, he had been warned that a group of people were intending to denounce him for participation in the genocide so that he would be arrested. Soon after his “disappearance”,

there were rumours that he had been arrested on his way home from the Court of First Instance in Kigali. However, his place of detention was never announced nor communicated to his family, who have remained without news ever since. Repeated attempts to establish his whereabouts or to find out whether he is still alive have been fruitless. He is feared dead. Amnesty International has raised this case several times with the Rwandese Ministry of Justice; however, no information has been provided in return on any government investigation into Innocent Murengezi's "disappearance".<sup>11</sup>

"Disappearances" have also been reported following raids carried out periodically by the security forces, in particular in Kigali. The purpose of these raids is to check identity. Most of those who are stopped tend to be young men. Large-scale arrests have taken place during these raids, for example in late June 1997. Most of those arrested are reported to have been released soon afterwards. Those who are not from Kigali are ordered to return to their areas of origin. Several cases have been reported of individuals whose relatives have been unable to trace them in the areas to which they were supposed to have returned.

#### IV. ILL-TREATMENT AND PRISON CONDITIONS

##### IV.1 Ill-treatment

Reports of deliberate ill-treatment of detainees have increased during 1997. Testimonies received by Amnesty International indicate that returnees are especially harshly treated, particularly those who served at any level in the former army of Rwanda or who are suspected of collaboration with "infiltrators".

Ill-treatment is usually carried out during arrest or in the initial period of detention in the *cachots communaux* (communal detention centres). Those carrying out the ill-treatment include soldiers, gendarmes, and sometimes ordinary civilians in the presence of - and in some cases assisted by - members of the security forces. Beatings with sticks appear to be the most common form of ill-treatment. Some detainees have been found with fractured skulls and kidney injuries. An elderly woman - a returnee from the former Zaire - detained at Butamwa *cachot* in Rural Kigali reportedly had scars all over her back after being beaten to extract a confession in early 1997.

**Zilpa Mukabarinda**, a 25-year-old teacher at a primary school in Nyange, was violently assaulted and raped after being taken away from her home in Bwakira *commune*, Kibuye *préfecture*, on 23 March 1997. She was reportedly detained for two months then released at the end of May 1997 but has been unable to resume work because of her poor physical condition resulting from her ill-treatment.<sup>12</sup> Her arrest and ill-treatment occurred just five days after the attack on Nyange school (see part II.9 above).

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<sup>11</sup> According to UNHRCFOR, the Commander of the Criminal Investigations Department said that there was no further information on the whereabouts of Innocent Murengezi and the Criminal Investigations Department was no longer investigating the case (see UNHRCFOR Report on the Human Rights Situation in Rwanda and the Activities of HRCFOR, May-June 1997).

<sup>12</sup> For details of this case, see Amnesty International Urgent Action 155/97 (AI Index AFR 47/18/97).

**Jean-Claude Ntidendereza**, a 39-year-old veterinary worker, married with five children, has reportedly been subjected to frequent ill-treatment in a *cachot* in Bwakira *commune*, in Kibuye, since his arrest by military officials on 1 July 1997. In addition to being frequently beaten, he has suffered burns after guards reportedly melted hot plastic and rubber onto his body. The motive for his arrest is not confirmed but is believed to be linked to threats he had received from a local trader after he had refused to approve the sale of cattle, some of which he considered unfit for human consumption.

Scores of deaths in detention as a result of deliberate ill-treatment have been reported. For example, in July 1997 local sources in Kibuye *préfecture* estimated that at least one detainee was dying each day as a result of ill-treatment in several *cachots* including those in Mabanza, Kivumu and Rutsiro. After their death, the bodies of the detainees are returned to their family; it has been reported that families are sometimes made to sign death certificates claiming that the death was caused by illness.

Cases of deaths in detention have also been reported from several detention centres in the eastern *préfecture* of Kibungo. For example, 12 detainees held in Rusumo *cachot* died at the end of February 1997, reportedly because they were deprived of water and medical care after being badly beaten.

Severe cases of ill-treatment have been reported from military detention centres. Civilians as well as military are among those held in military detention centres. The extent and patterns of ill-treatment in military detention centres are more difficult to verify because of the denial of access by the authorities. However, some detainees released from military centres have reported treatment considerably harsher than that in civilian prisons. For example, one man arrested on 22 January 1997 and detained in Muhoza military camp in Ruhengeri for eight days reportedly bore severe marks of torture after having been whipped on his chest; other detainees have also had to be transferred to hospital for medical treatment after being released from Muhoza.

Several cases of ill-treatment were reported in February 1997 from a military detention centre in Shyorongi *commune*, in Kigali Rural. On 4 February, five detainees who had been badly beaten there in apparently separate incidents required medical treatment for their injuries. One had a fractured foot, another a fractured foot and arm. A third detainee, **André Safari**, was described as having a broken knee and large scars from beatings he had been subjected to several weeks earlier in Bicumbi, before being transferred first to the military detention centre at Shyorongi then to the communal *cachot*; he reportedly suffered further beatings in both these detention centres.

## **IV.2 Prison conditions amounting to cruel, inhuman and degrading treatment**

Conditions in detention centres continue to be a cause of grave concern, as the total number of detainees in central prisons and *cachots* is estimated at above 120,000 and virtually all these detention centres are filled to several times their capacity. The number of arrests continues to rise and very few detainees are released. Despite many promises on the part of the government, little effective action has been taken to improve these life-threatening conditions, which constitute an extreme form of cruel, inhuman or degrading treatment. Several new prison buildings have been made available but these have also rapidly filled up beyond their intended capacity, as the rate of arrests continues to rise. The government's repeated promise to release minors has not been fulfilled: children continue to be detained, in

some cases in the same appalling conditions as the adults.

Many detainees are dying from diseases resulting from the extreme overcrowding and lack of hygiene and medical facilities. In some cases, detainees appear to have been deliberately deprived of medical treatment; for example in Mabanza *commune*, in Kibuye, around 30 detainees who had been transferred to a medical centre for treatment were reportedly returned to the *cachot* without having been treated, after one detainee escaped from the centre.

Juvénel Turatsinze, a 26-year-old man who had worked for the forestry department in the Ministry of Agriculture, was arrested on 26 January 1997 after returning from the former Zaire. When relatives visited him in Bwakira detention centre in Kibuye, they reported that he had developed a severe eye infection which was not being treated and could leave him blind.

Detainees also suffer from grossly inadequate supply of food. Those in the communal detention centres are entirely dependent on their relatives to bring them food; however, in many cases, their families barely have enough to feed themselves. Those who do not have relatives living nearby or able to visit them are in turn dependent on other detainees with whom they may share their food. Even for those whose relatives do bring them food, there is no guarantee that the food will reach them and often relatives are made to leave the food with guards and depart without seeing the detainee. Relatives can travel several days on foot to bring them food, without any guarantee of seeing them or being able to speak to them.

## V. ARBITRARY ARRESTS

Amnesty International has received numerous testimonies from individuals whose relatives or friends have been arrested soon after their return from the former Zaire or Tanzania in late 1996 and early 1997. Given the sheer number of such arrests, the incomplete or sometimes non-existent prison records and the denial of access to certain detention centres, it is virtually impossible to verify the exact number of arrests which have taken place since that time.

Some of these arrests may be legitimate, for example in cases where the individuals are known to have participated in the genocide and where such allegations have been properly investigated. However, many arrests of returnees in recent months appear to have been arbitrary; cases where arrests are preceded by proper investigations appear to be the exception. Many individuals currently in detention claim not to know why they have been arrested. Some believe they may have been arrested simply on the basis of their former occupation or the position they occupied under the former government of Rwanda. Individuals who served in the former army or the former government - whether at the national or local levels, and regardless of whether they held high-ranking or low-level positions - are most likely to be arrested. Others are arrested apparently because their relatives had served in the former government or army. Amnesty International has provided examples of arbitrary arrests in several reports and actions published in 1996 and 1997.<sup>13</sup>

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<sup>13</sup> See for example Amnesty International report "Rwanda: Human rights overlooked in mass repatriation", January 1997 (AI Index AFR 47/02/97).

Large numbers of people have also been arrested in the context of military search operations. It has not been possible to obtain detailed information on all these cases as the detainees, especially in the northwest, are often held in military detention centres. Some are subsequently released, others transferred to communal detention centres. Many of these arrests appear to be arbitrary. Those arrested during these operations include mainly young men who happened to be present in the locality when RPA soldiers were searching for infiltrators; they are arrested on the basis that they may have been collaborating with infiltrators.

### **Arrests and other human rights abuses linked to property disputes**

Arrests in the context of property disputes have become more frequent as hundreds of thousands of refugees have returned from neighbouring countries to find their properties occupied. Many of these returnees do not dare try to reclaim their houses; some have been denounced by the illegal occupants for alleged participation in the genocide as they went to reclaim their property and have been subsequently arrested. Others have been killed.

Reverend **André Nyilimanzi**, former youth- coordinator in the Kigali diocese of the Episcopal Church and archdeacon in Kigali east, returned from the former Zaire to Rwanda with his family in November 1996. He was arrested soon after his return. He was later released but was warned not to try to reclaim his house and properties in Ndera, Rubungo *commune*, Rural Kigali. He was reportedly ordered to go and live in Kanombe *commune*, where he also owns a piece of land.

**Gracia Mukangarambe**, a 38-year-old mother of seven, returned with her family from Tanzania in December 1996. The day after their return to Nyabitare *secteur*, Rusumo *commune*, Kibungo *préfecture*, her husband, **Servilien Biramahire**, was arrested, on a general accusation of participation in the genocide. During their exile, their property had been occupied by a man who claimed it had been given to him by the government; he refused to leave and threatened to kill Gracia Mukangarambe and her children; the illegal occupant's son threatened them with a machete. One month after their return, she and her children were still living in the plastic sheeting they had brought with them from the refugee camp in Tanzania, afraid of making any further moves to reclaim their house, fearing they would be killed by the illegal occupants.

**Joran Siborurema**, a former engineer, married with three children, owned a house which was occupied and subsequently sold while he was in exile in the former Zaire. When he returned to Rwanda, he went to the bank, which had lent him money for the house, to complain that the house had been sold. When he returned to complain a second time on 13 January 1997, he did not return. Three days later, it was discovered that he had been arrested and was in detention in the gendarmerie post (*brigade*) of Remera in Kigali, accused of participation in the genocide.

On 27 June 1997, the President of the Specialized Chamber of the Court of First Instance in Kigali issued a ruling that the rent from houses within the jurisdiction of the court of Kigali belonging to individuals whose names featured on a list of 140 individuals suspected of having participated in the genocide should be temporarily seized and paid into a specific bank account in the name of the Court of First Instance of Kigali. The stated intention is to then allocate the money to a compensation fund for victims of the genocide. However, the list of names, attached to the text of the ruling, is not known to have any legal status and the basis

on which it was compiled is unclear; some of the individuals on the list have not been tried and their guilt has not been proven. Effectively the authorities appear to be encouraging illegal occupation of private property belonging to individuals who may be innocent.

In response to the problems of conflict over land and property, the Rwandese Government has introduced a policy of “villagization” (*habitats regroupés*): new housing is being built in designated areas. Families whose houses have been destroyed, whose homes have been occupied or who are homeless for other reasons are asked to move into these houses instead of building new ones on land which legally belongs to them. The authorities have stressed that these “villages” are intended for members of all ethnic groups in need of housing. Some people have welcomed this policy as they believe that the villages could provide greater security. Others fear that in the present situation - where many Hutu are returning to find their property occupied by Tutsi -, the new “villages” would be occupied primarily by Hutu and could develop into potential “ghettoes”, likely to increase ethnic tensions and separations. At the time of writing, it is still too early to judge the long- term effect of this policy.

## **VI. OTHER FORMS OF DISCRIMINATION AGAINST RETURNEES**

Following the mass return of refugees at the end of 1996, the government announced that all returnees were required to attend a six-month “re-education training”. Some returnees have reported that they have been unable to obtain their new identity card, find employment or register in schools or education colleges, until they have attended this training. These conditions not only have the effect of denying access to work and education to a large proportion of the population but are arbitrary and discriminatory as the re-education training program does not appear to have even begun in some parts of the country. The effect has also been to delay successful reintegration of returnees into the community.

On 5 May 1997, the Minister of Public Works and Labour issued a circular letter to all private employers, entitled “*Engagement des travailleurs récemment rapatriés*” (“Recruitment of employees who recently returned”) informing them that it is forbidden to employ returnees until they have attended the “re-education training” . Employment in the public sector has also been effectively denied to many returnees.

New identity cards were introduced in Rwanda in 1996. Many individuals have been arrested in the process of applying for the identity cards, on the basis of accusations that they participated in the genocide. Individuals who do not have an identity card are viewed with suspicion by the authorities as having been involved in the genocide in 1994. Yet many returnees are afraid of applying for their identity card in case they are arbitrarily arrested or even killed in the process. Refugees could not apply for or obtain identity cards while in exile. In recent months, raids and random identity checks have been carried out in various parts of Rwanda; some people have been arrested for not having an identity card, apparently without regard for the fact that returnees have been mostly unable to obtain one.

## VII. LIVING IN FEAR AND SILENCE - THE VOICES OF THE ORDINARY RWANDESE

Ordinary Rwandese men and women, especially those in the northwest, are living in a climate of fear. Many people have fled from their homes in these regions. Local sources describe some of the villages as deserted. A woman living in Ruhengeri told Amnesty International:

*“Nous nous endormons en sachant que d'un jour à l'autre, nous ne serons peut-être plus ici [...] Je sais qu'après les autres, ce sera moi.”*

(“We go to sleep knowing from one day to the next that we may not be here [...] I know that after the others, it will be me.”)

Most people are too frightened to speak out about the killings, for fear of reprisals. When asked for news about the situation in the northwest, one Rwandese woman said: *“Il y fait nuit”* (“It is dark there”). Another woman, whose husband - a returnee from the former Zaire - “disappeared” in Kigali in March 1997, wrote to a friend in May 1997:

*“Les nouvelles sont nulles, c'est la tristesse et la douleur - que te dire? [...] Nous on attend la mort.”*

(“There is no news, it's just sadness and pain - what can I tell you? [...] As for us, we are waiting to die.”)

The situation of the populations in the northwest is aggravated by their isolation from the rest of the country: telephone lines are often down, roads leading to and from the region are often closed and most international organizations have withdrawn from these areas. The areas are effectively sealed off from the outside world.

Individuals who have spoken about the killings have themselves been targeted and threatened. For example, in February 1997, two women who had spoken to an international organization about the killing of their husbands during a military operation in Nkuli, in Ruhengeri, in January 1997, were reportedly interrogated by soldiers and asked why they had spoken to foreigners about these events. They were reportedly led away by the soldiers and never seen again.

A human rights activist told Amnesty International that people were increasingly afraid to testify:

*“On se tait pour gagner du temps [...] on préfère pousser la date de la mort.”*

(“People keep quiet to prolong the time [...] they prefer to postpone the date of their death.”)

Testimonies received from Ruhengeri and Gisenyi in particular, for example from people whose close relatives have been killed, reflect a sense of despair and appeal to the outside world for action to break the silence. A man describing the situation in Ruhengeri wrote:

*“Je suis prêt à mourir - au moins j'aurai parlé, les autres meurent sans avoir rien dit.”*

("I am ready to die - at least I will have spoken, the others are dying without having said anything.")

Referring to the massacres which took place in Ruhengeri on 2 March 1997, he described how RPA soldiers rounded up people and led them away:

*"Ramassant des gens sur leur passage - toutes couches confondues - ils furent comme des brebis amenées à la boucherie sans savoir pourquoi."*

("Picking up people along the way - indiscriminately - they were like lambs being led to slaughter without knowing why.")

Amnesty International has received many reports of killings where neither the perpetrators nor the victims have been identified. The mystery surrounding these killings is accentuating the fear in the population. Unidentified bodies are often left by the roadside and people are too frightened to identify them in case they become associated with "infiltrators". For example, on 12 June 1997, in Buremeli *cellule*, Ntarabana *secteur*, Tare *commune*, Rural Kigali, local residents reported seeing five bodies along the road leading from Ruhengeri to Kigali. A local military official reportedly ordered the population to bury the bodies without identifying them or attempting to establish the circumstances in which they had been killed. On 18 June, a passer-by reported seeing six bodies with their arms tied floating in the Nyabarongo river in Bicumbi *commune*, also in Rural Kigali, while the local population looked on with a mixture of indifference and fear.

A woman living in Gisenyi stated:

*"Ceux qui ne sont pas assassinés par les militaires de l'ancienne armée sont assassinés par les militaires de la nouvelle armée et vice-versa. Ce sont presque toujours les innocents - les neutres - qui sont victimes."*

("Those who are not assassinated by the soldiers of the former army are assassinated by the soldiers of the new army and vice-versa. It is almost always the innocent people - the neutral ones - who are the victims.")

## **VII. THE GOVERNMENTS REACTION TO THE KILLINGS**

The Rwandese Government has reacted in various ways to the upsurge in killings in recent months. Its usual response has been to claim that most if not all of the killings of civilians are carried out by "infiltrators", insurgents or other armed groups intent on destabilizing the country. In response to reports that many of these killings were in fact carried out by their own forces, some government officials have admitted that a small number of civilians may have been killed in the cross-fire but claimed that such cases were the exception - an inevitable consequence of counter-insurgency - and that the majority of those killed by RPA troops were members of armed groups. Military and civilian authorities have claimed that it is often difficult to distinguish armed insurgents from civilians and have attempted to gloss over the killings of civilians by focusing on the need to counter the insurgency. Several national and local officials who have admitted publicly that the RPA was responsible for killing large numbers of civilians, who have protested about these killings or who have privately complained about the spreading insecurity in the country have been removed from

their posts.

Even in response to specific reports of human rights violations from independent human rights organizations, the government has continued to deny that the RPA has carried out widespread killings of unarmed civilians. When Amnesty International issued a statement on 19 February 1997 describing the increase in killings following a recent visit to Rwanda, Claude Dusaidi, adviser to the Rwandese Vice-President and Minister of Defence, was asked in an radio interview whether the government would launch an inquiry into reports of killings by RPA troops. He replied:

*“There is no need for an inquiry as there have been no RPA reprisal killings. These are a figment in the imagination of Amnesty International [...] When you attack an army, they retaliate. We realize there are security problems [...] Maybe once in a while, civilians fall in clashes - this is regrettable but it is not the aim.”*

When the US-based organization Physicians for Human Rights reported that between 2,000 and 3,000 civilians had been killed by the RPA within three months in 1997, a spokesperson for the Ministry of Defence described the accusations as “*totally exaggerated*”, claiming that any civilian casualties which may have occurred during clashes between RPA troops and members of armed gangs were very few. A report by the United Nations Human Rights Field Operation for Rwanda (UNHRFOR) in early August 1997 claiming that 2,873 people had been killed during May and June 1997 was dismissed by Claude Dusaidi as “*invention*”.

In a statement on 26 August 1997 concerning the massacre of Congolese refugees at Mudende in Gisenyi (see part II.8 above), the Minister for Foreign Affairs and Cooperation, Anastase Gasana, stated:

*“The Government of Rwanda takes this opportunity to denounce certain external lobbies, which have recently engaged in a disinformation campaign concerning the violence perpetrated in northwestern Rwanda by ex-soldiers and militiamen of the old regime, who were responsible for the actions of genocide committed in Rwanda in 1994. By means of both oral and written statements given wide media coverage recently, these same external circles have sought to foist on the Rwandan Patriotic Army part of the blame for the killings of civilians in Ruhengeri and Gisenyi préfectures [...] The Government wishes, in particular, to warn certain external circles that have in the past sided with Rwandan leaders advocating ideologies of exclusion and genocide. It calls on them to cease misleading international public opinion by spreading disinformation on the situation in Rwanda, which cannot possibly be the same as it was prior to July 1994.”*

In an interview on Radio Rwanda on 18 August 1997, Vice-President and Minister of Defence Major-General Paul Kagame gave a more detailed response to statements by the UNHRFOR and others that widespread killings had taken place in Rwanda in recent months. He stated that the security situation in the north of the country had improved and that reports of the situation there had been exaggerated and presented out of context. He claimed that human rights organizations were ignoring the fact that fighting had been taking place in the northwest and were portraying the situation purely in human rights terms. He also stated that the Rwandese Government was addressing the problem of human rights violations and had mechanisms in place to deal with group or individual excesses in the fighting; he mentioned

that military courts were trying officers who had been guilty of such excesses. Indeed, in early September 1997, it was reported that four RPA officers were tried by a military court for their participation in the massacre of more than 110 unarmed civilians in Kanama, Gisenyi, on 12 September 1995.<sup>14</sup>

However, the public discourse of senior government officials in previous weeks contained barely-veiled threats as they attempted to show determination in combating the enemy. For example, during a press conference in Nairobi, Kenya, on 16 July 1997, the Vice-President and Minister of Defence, Paul Kagame, was asked what methods he would use to fight the insurgency. He was quoted as saying that the only thing he could foresee was to kill more of those who caused problems and that the government would use all the secret services and all the tools at its disposal to punish them.<sup>15</sup>

The real level of deliberate violence against unarmed civilians continues to be played down. When asked in a meeting of non-governmental organizations in June 1997 to comment on the situation in the northwest of the country, a diplomatic representative of the Rwandese Government acknowledged that there was a situation of insecurity but claimed that the situation was manageable and that the military strategy was working. He said: "*Life goes on.*"

Throughout 1997, Rwandese Government officials have continued to assert that refugees are welcome to return to Rwanda and that they can do so in safety. In a speech on 4 July 1997 to mark the third anniversary of the victory of the Rwandese Patriotic Front, Vice-President and Minister of Defence Paul Kagame claimed that more than 90% of the questions relating to the problem of refugees had been solved, but accused certain individuals, especially foreigners, of behaving as if the problem had not been resolved and of manipulating the issue for their own interests.

## **IX. THE INTERNATIONAL RESPONSE**

### **IX.1 The impact of international withdrawal**

International organizations with a mandate to promote and protect human rights or to provide humanitarian assistance in Rwanda have been faced with enormous challenges during 1997. The killings of foreign nationals and of a greater number of Rwandese nationals working for international organizations have forced virtually all human rights and humanitarian organizations to withdraw their personnel from the western regions and to severely cut back or abandon their programs. The alternative could have been the death of many more of their workers.

The result has been devastating. In humanitarian terms, the populations most in need of assistance - including returnees - have not had access to basic food and medical facilities. Humanitarian agencies have been unable to carry out or monitor distribution of relief

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<sup>14</sup> For details of this massacre, see Amnesty International report "Rwanda and Burundi - the return home: rumours and realities", February 1996 (AFR 02/01/96).

<sup>15</sup> See AFP report of 16 July 1997

supplies. There have been reports of food supplies being diverted from their intended beneficiaries after being channelled through local authorities, which have in turn led to disputes and violence between different sectors of the population. Some reports allege that local authorities have diverted some of the supplies to the Democratic Republic of Congo (DRC) for RPA and AFDL troops there.

There is no sustained monitoring of the human rights situation in the western part of Rwanda, whether by international or local organizations. The United Nations Human Rights Operation for Rwanda (UNHRFOR) no longer has staff permanently based in these regions due to the increased insecurity in these areas. They are only able to visit a limited number of areas. Neither they nor the United Nations High Commissioner for Refugees (UNHCR) are able to monitor the situation in the west. International organizations are advised only to travel there under military escort - conditions under which independent investigations into cases of human rights abuses, particularly those attributed to the RPA, are virtually impossible. The work of local human rights organizations is also severely restricted as the widespread insecurity and the fear of being targeted for their work often prevents them from carrying out detailed investigations in these areas. It is not just investigations into reports of killings and “disappearances” in these areas which are affected; these organizations are also no longer able to visit detention centres or observe trials in these areas. The risk of ill-treatment in detention and irregularities in trials is therefore heightened.

The impact of this withdrawal has been that human rights abuses have escalated, with few outside observers to testify. Effectively the populations of the western *préfectures* have been abandoned to a silent suffering.

## **IX.2 Ignoring widespread human rights violations**

Amnesty International has published reports in 1995, 1996 and 1997 alerting the international community to the deteriorating situation in Rwanda and recommending measures which could help prevent further human rights abuses in the country. Other organizations - in particular the UNHRFOR - have also regularly highlighted ongoing human rights violations in Rwanda. Yet most foreign governments have chosen to turn a blind eye to the situation and little public attention is paid to the rising death toll among the civilian population in Rwanda. Some governments and their representatives in Rwanda have denied any serious human rights violations by Rwandese government forces. For example, the non-governmental organization Physicians for Human Rights (PHR) reported in July 1997 that an official of the US embassy in Rwanda “*defied PHR to produce evidence of serious violations of human rights in Rwanda*”.

It could be argued that some governments and intergovernmental bodies have even contributed to a potential worsening of the human rights situation, for example by encouraging or forcing Rwandese refugees to return or by supplying military equipment to the very same forces who have been carrying out grave human rights violations.

### **i) Repatriation at any cost?**

In 1997, several governments have forcibly returned refugees to Rwanda, ignoring the refugees' fears of return and publicly available information on the human rights situation prevailing in Rwanda. For example, on 12 August 1997, Gabon forcibly repatriated around 155 Rwandese refugees who had clearly stated in the previous days that they did not want to

return to Rwanda. Those forcibly repatriated included scores of ex-FAR and at least eight civilians who had been screened by the UNHCR and were said to qualify for UNHCR protection; this *refoulement* was condemned by the UNHCR as a “flagrant violation of the most basic human rights and humanitarian principles”. The ex-FAR - thought to number 97 - were taken into military custody immediately upon arrival in Kigali. By the end of August, their whereabouts were still not known and international organizations were being denied access to their place of detention.

On 18 August 1997, a government official in Malawi stated on the national radio that repatriation of Rwandese refugees in Malawi could proceed because there is a degree of peace and stability in Rwanda. There are around 765 Rwandese refugees in Malawi. In early September, a screening process was being launched to determine which refugees could be repatriated. Rwandese refugees in Malawi - as in several other countries - have come under pressure to register for “voluntary repatriation” before the screening process has begun.<sup>16</sup>

Despite the demonstrable risks which refugees face on returning to their country, host governments continue to ignore their international obligation to provide protection to those who seek asylum in their country. The situation in this respect has been especially grave in the DRC (formerly Zaire) since the attacks on refugee camps in October 1996. Faced with this situation, the UNHCR has generally continued to promote the repatriation of Rwandese refugees, in particular from the DRC; around 200,000 refugees have returned to Rwanda between January and mid August 1997, mostly in operations organized or facilitated by the UNHCR. Many are returning to the western *préfectures*, where thousands have been subjected to human rights violations since their return.

The victims of these human rights violations are the same people who fled in terror from the attacks on the refugee camps in the former Zaire in October 1996 and walked for hundreds of miles with hardly a hope of survival. Some made their way right across the former Zaire through to Congo, from where they had to flee again when fighting broke out in that country in June 1997. Some ended up in the Central African Republic or in Gabon, where they faced a further threat of *refoulement*. Increasingly, countries hosting Rwandese refugees and asylum-seekers - including the DRC, the Republic of Congo, Malawi, Central African Republic, Gabon, Tanzania, Kenya, Angola and others - are refusing to provide protection and are threatening to forcibly return them to Rwanda.

These refugees are now facing in their home country a fate similar to that from which they were fleeing in exile. One returnee from the former Zaire describing the situation in Ruhengeri since January 1997 said:

*“Nous qui pensions l'avoir échappé belle en quittant le Zaire, nous voilà encore durement éprouvés”.*

(“We who thought that we had narrowly escaped with our lives by leaving Zaire, here we are suffering terrible hardship again.”)

Governments and international agencies promoting repatriation are clearly aware of the

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<sup>16</sup> See Amnesty International Urgent Action 115/97, 18 August 1997 (AI Index AFR 36/04/97) and update of 9 September 1997 (AI Index AFR 36/06/97).

risks facing refugees returning to Rwanda but appear to believe that the policy of repatriation continues to be viable, on the grounds that the risks to the refugees in Rwanda are marginally lower than those they face in the DRC. Yet UN agencies such as the UNHCR and the UNHRFOR have stated clearly that they are unable to monitor the safety of returnees due to the insecurity and inaccessibility of many of the areas to which refugees are returning. UNHCR officials have also openly acknowledged that the situation in Rwanda has deteriorated. Yet these contradictions remain unresolved. It is clear that the existing policy of promoting repatriation to Rwanda must be revisited to reflect the reality which prevails in the refugees' country of origin.

\_\_ Amnesty International recognizes that international agencies working with refugees face a difficult situation, given the risks of serious human rights abuses which Rwandese refugees face if they remain in the DRC and the risks they also face if they return to Rwanda. Greater emphasis must be placed on seeking solutions which acknowledge that it is unsafe for refugees to return to Rwanda. The risks of human rights abuses in the DRC should not detract from the fact that the situation in Rwanda cannot be considered safe either; repatriation to an unsafe country should not be encouraged, whatever the circumstances. Amnesty International is calling on the government of the DRC and other countries hosting Rwandese refugees to ensure that refugees are protected while it remains unsafe for them to return to their country of origin. If the authorities of the DRC are not willing or able to provide such protection, the international community should assist, for example by deploying international civilian police personnel to help ensure the refugees' safety .

## **ii) Transfers of military equipment and training**

Several governments have provided military equipment and training to Rwanda during 1996 and 1997, apparently with little regard for the human rights record of the Rwandese security forces both before and during this period. Persistent and grave human rights abuses in neighbouring Burundi and the DRC do not appear to have been taken into consideration either - despite the close military links which are known to exist between the governments, security forces and armed opposition groups of Rwanda, Burundi and the DRC.

Amnesty International does not take a position on whether or not military, economic or cultural relations should be maintained with countries where human rights are violated, nor does it support or oppose punitive measures such as boycotts or sanctions. However, Amnesty International opposes transfers of military, security and police equipment or training where these can reasonably be assumed to contribute to human rights abuses. The organization asks governments to take the receiving country's human rights record into account before allowing such transfers.

Thus, in 1994 and 1995, Amnesty International campaigned against arms deliveries to the former Rwandese armed forces and militia based, at that time, in eastern Zaire, on the grounds that these arms were likely to be used by those who played a leading role during the 1994 genocide to carry out further human rights abuses against unarmed civilians.<sup>17</sup> Amnesty International also called for close monitoring of arms supplies to the government of Rwanda.

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<sup>17</sup> See Amnesty International report "Rwanda: Arming the perpetrators of the genocide", June 1995 (AFR 02/14/95).

In November 1996, Amnesty International called for a cessation of transfers of light weapons and associated military equipment to the Great Lakes region, because of the persistent use of such arms for human rights abuses against unarmed civilians in Rwanda, Burundi and the former Zaire.<sup>18</sup> Also in late 1996, Amnesty International wrote to a number of governments, including member states of the UN Security Council, of the Organization of African Unity's Conflict Resolution Mechanism and of the Southern Africa Development Community, warning of the dangers of further supplies of light weapons and associated military equipment to the Great Lakes region and providing details of human rights abuses committed by the various parties to the conflict, including those in Rwanda.

With regard to the current situation in Rwanda, these persistent patterns of serious human rights abuses against unarmed civilians have continued during 1996 and 1997 - both inside Rwanda and in the neighbouring DRC where RPA troops retain a presence. Amnesty International believes that transfers of light weapons and associated military equipment and certain types of training to the RPA or to other armed groups are likely to contribute to further human rights abuses.

In July 1997, the South African Government decided to resume sales of military equipment to Rwanda, despite detailed information which Amnesty International had provided on the current human rights situation in Rwanda and neighbouring countries, including examples of killings of unarmed civilians by the RPA and by armed opposition groups. South Africa's decision to resume military sales to Rwanda was apparently taken on the basis that Rwanda has a right to defend its territory and on the understanding that the equipment would not be used outside its national borders. No regard appeared to be shown for the plight of unarmed civilians inside Rwanda. Even the claim that the equipment would not be used outside Rwanda's borders appears hollow, given the now widely-acknowledged presence of many RPA troops in the DRC and their implication in massacres there since October 1996. Initially, sales from South Africa are to be limited to military vehicles and communication equipment. However, such equipment - though not categorized as lethal - could also be used by the RPA to facilitate human rights violations, in particular against unarmed civilians in the context of counter-insurgency operations in remote areas.<sup>19</sup> On 30 July 1997, it was reported that the RPA had acquired at least two military helicopters, which were directed within a short time to the northwestern *préfectures* of Ruhengeri and Gisenyi. This type of helicopter - the Russian-made MI24 - is usually used for ground attack in combat but could also be used for surveillance. It has been reported that RPA officers had attended an aviation and helicopter training course in South Africa in October 1996.

The United States of America (USA) has been one of the main political and military supporters of the Rwandese Patriotic Front (RPF) and the RPA even before the current government of Rwanda came to power in July 1994. In particular, the US army has been involved in an extensive training program for the RPA since 1996.

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<sup>18</sup> See news service item "Amnesty International calls for effective action to stop arms flows to the African Great Lakes region", 4 November 1996 (AI Index 62/24/96).

<sup>19</sup> *Armoured vehicles have been used by security forces in other countries to abduct and "disappear" civilians and carry out surveillance operations which have resulted in arbitrary and indiscriminate killings in outlying areas.*

In a letter to Amnesty International in February 1997, a US diplomatic representative stated that the US military training program for Rwanda “*includes such things as English language instruction, helping to develop the Rwandan military justice system, encourage effective management of defense resources, and bringing engineering, quartermaster, medical, adjutant general and ordnance officers to the US to enhance their professionalization. We have also conducted a short course in basic infantry skills for about 30 RPA soldiers. A theme in all our dealings with the RPA has been to professionalize what started as a guerrilla army, and to expose their officers to management of a multiethnic force.*”

According to a report from the US Department of Defense detailing US military activities in Rwanda since 1994, official US military training was provided to RPA officers since January 1994, when the RPA was still a guerrilla force. In July 1994, US military assistance was provided for humanitarian relief operations which involved cooperation with the RPA, but not training. In 1995, 1996 and 1997, the US army provided assistance for the RPA's demining program. During this period, the US army also trained RPA officers in the USA. RPA and gendarmerie officers were trained in Rwanda in military justice issues and criminal law procedures. In July and August 1996, RPA soldiers were provided with training in “*small unit leader training, tactical skills, land navigation, first aid and basic rifle marksmanship. Tactical skills training focused on tactical patrolling*”. The rifle marksmanship training was carried out using US M4 rifles - equipment which the report claims was not transferred to the RPA after the training.

US military assistance intensified in the months preceding the attacks in October 1996 on the Rwandese refugee camps in eastern DRC. Several sources, independently from each other, have reported seeing US military personnel on several occasions, both in Rwanda and in eastern DRC, in 1996. A report published in July 1997 by Physicians for Human Rights, a US-based non-governmental organization, states that “*the number of these US military personnel has varied in witness accounts from 12 to more than 100 present in Rwanda at any given time*”.<sup>20</sup> US officials have continued to deny that US equipment or personnel were present in eastern DRC.

Thousands of unarmed refugees were deliberately killed in the attacks on the camps in eastern DRC in October 1996, carried out by troops of the *Alliance des forces démocratiques pour la libération du Congo-Zaïre* (AFDL), Alliance of Democratic Forces for the Liberation of Congo-Zaïre, assisted by RPA soldiers. The leading role played by the RPA in these attacks has since been publicly acknowledged by the Vice-President and Minister of Defence of Rwanda, Paul Kagame. In an interview with *The Washington Post* newspaper on 9 July 1997, he talked about the critical role played by the RPA in supporting the AFDL, and more specifically in conceiving and carrying out attacks on the refugee camps in eastern DRC, ostensibly with the aim of dismantling the structures and bases of the former Rwandese army and *interahamwe* militia. In the interview, Paul Kagame mentioned that Rwanda had provided arms and training for the AFDL troops and that key units and commanders within the AFDL were members of the RPA.

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<sup>20</sup> See “*Investigations in Eastern Congo and Western Rwanda: A Report by Physicians for Human Rights*” (16 July 1997).

The report from the US Department of Defense also describes training provided to Rwandese civilian and military personnel in “public information”, which appears to have facilitated the Rwandese Government's campaign to encourage refugees to return to Rwanda - even though their safety was not guaranteed. In November 1996, Rwandese civilian and military personnel were trained in “*operations to assist repatriation of refugees and other displaced civilians, and in planning and conducting public information campaigns supporting refugee repatriation and reintegration*”. This included the production of material such as leaflets and radio messages: “*the products encouraged refugees to return to a safe homeland and sought to counter the ex-FAR/interahamwe message that returnees would be killed upon their return to Rwanda.*” In March and April 1997, the US military “*trained and helped establish the Rwandan Military Information Platoon which has the mission of producing posters and other media products for dissemination*”. This US- supported public information campaign played a significant role in convincing foreign governments and humanitarian organizations that it was safe for Rwandese refugees to return home, where many of them have subsequently been subjected to human rights violations, including extrajudicial executions and “disappearances”.

US military training for RPA officers continued in July and August 1997. The training apparently included a human rights component, the details of which remain undisclosed. US officials have denied any US army involvement in training in counter- insurgency methods for the RPA.

Despite its close and official involvement with the Rwandese security forces, the US is not known to have publicly condemned the persistent and grave human rights violations against unarmed civilians carried out by the RPA. On the contrary, a Pentagon official was quoted as describing Rwanda's human rights record as “*surprisingly good*”.<sup>21</sup> Amnesty International believes that the apparently uncritical political support of the USA for the Rwandese Government can only be encouraging the Rwandese authorities to believe that they can carry on violating human rights with little fear of criticism from their most important allies.

In addition, there remain questions about the close military and political links between the governments and security forces of Uganda and Rwanda, as well as between the USA, South Africa and these two countries. Previous reports have linked military support for the RPA to Uganda. Many RPA troops fought in Uganda before 1994 and the Ugandan army has reportedly provided logistical supplies and artillery training to the RPA. The USA stepped up its military support for Uganda in 1996 and has been involved in training Ugandan troops - most recently in 1997. A US diplomatic representative stated in February 1997: “*This training is focused primarily on improving the professional management and operations of the Ugandan People's Defense Force (UPDF) and is provided exclusively to Ugandan military and civilian personnel*”. Even more recently, in July 1997, US military training in Uganda has also been undertaken in the context of an initiative to build up an African peacekeeping force. Although the South African Government has stated that it has received assurances that arms transfers to Uganda are not re-exported, in March 1997 there were reports that South African arms sold to Uganda had ended up with the opposition Sudan People's Liberation Army (SPLA) in Sudan. This raises questions about whether arms

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<sup>21</sup> See *The Washington Post*, 16 August 1997, “US military role in Rwanda greater than disclosed”.

supplied to Uganda might also end up in Rwanda or in the DRC.

Zimbabwe has also been among the main military supporters of the AFDL in the DRC and has supplied arms and logistical support to AFDL troops who have been responsible for massacring thousands of unarmed civilians, including many Rwandese refugees, in eastern DRC in 1996 and 1997. Given the presence of RPA troops in eastern DRC - acknowledged publicly by the Vice-President and Minister of Defence of Rwanda in July 1997 -, it is likely that some of these arms could also find their way into Rwanda and be used by RPA soldiers there. These arms supplies are therefore likely to have contributed to grave human rights abuses both in the DRC and in Rwanda.

There have also been reports that armed opposition groups have continued to receive illicit supplies of arms and ammunition through the DRC. For example in February 1997, it was reported that Rwandese armed groups based in or around the refugee camp of Tingi- Tingi were receiving arms, uniforms and munitions.

## **X. RECOMMENDATIONS**

Amnesty International believes that concerted action by the Rwandese authorities, with the encouragement and support of foreign governments, is essential to prevent a further slide into lawlessness and to save the lives of thousands of Rwandese civilians. Basic respect for human rights must be restored in all parts of Rwanda to enable both returning refugees and Rwandese who did not leave their country to live in safety and free of fear.

### **X.1 To the Rwandese Government**

The Rwandese Government must be held accountable for all human rights violations committed by agents of the state. As a minimum, the government should provide public information on the circumstances of the human rights violation in question, including the number of victims, the identity of the perpetrators, the status of investigations and the action taken against those found responsible.

Amnesty International welcomes the government's action in a number of cases where members of the security forces have been arrested in connection with participation in human rights violations and is seeking further information on the progress of judicial action against them. For example, Amnesty International welcomes reports that in early September 1997, four RPA officers were tried for their role in the massacre of more than 110 unarmed civilians at Kanama, Gisenyi, in September 1995 - even though this trial took place three years after the massacre. However, to date, it appears that such judicial actions are unusual, and that most of the perpetrators of the human rights violations illustrated in this report continue to avoid justice.

Amnesty International urges the government to study and implement the recommendations below with the aim of putting an end to these violations of human rights in the longer term.

#### **i) Extrajudicial executions**

Amnesty International reminds the government of Rwanda that the right to life, guaranteed by Article 3 of the Universal Declaration of Human Rights and Article 6 of the International

Covenant on Civil and Political Rights, is one of the most fundamental of all human rights.

Amnesty International accepts that a government has the right to defend its country against armed aggression and that it has the responsibility to protect the civilian population against attacks by armed groups. However, this does not provide the security forces with a licence to deliberately kill unarmed civilians. Counter-insurgency operations can never be a justification for the army to extrajudicially execute unarmed civilians. Numerous testimonies from Rwanda summarized in this report indicate that contrary to the assertions of the government, most of the victims of killings in recent months are not armed “infiltrators”, but unarmed civilians. These killings are in violation of international humanitarian law including Common Article 3 of the Geneva Conventions.

Amnesty International appeals to the Rwandese Government to:

- prohibit extrajudicial executions by members of the Rwandese security forces and ensure full implementation of the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;
- publicly and officially condemn extrajudicial executions, at the highest level, whenever they occur;
- ensure strict control over the chain of command in the RPA and instruct commanders at all levels to restrict the use of lethal force to situations where it is strictly unavoidable in order to protect life - as specified in Article 3 of the UN Code of Conduct for Law Enforcement Officials - and then only to the minimum extent required under the circumstances. Officials should be instructed that they have the right and duty to refuse to obey any order to participate in an extrajudicial execution;
- remind members of the security forces at all levels that it is their duty to protect the civilian population of Rwanda in its entirety - returnees and non-returnees alike, whatever their ethnic group and social background. The UN General Assembly Resolution 34/169 adopted on 17 December 1979 with the UN Code of Conduct for Law Enforcement Officials states that *“like all agencies of the criminal justice system, every law enforcement agency should be representative and responsible and accountable to the community as a whole”*;
- ensure that all members of the security forces are familiar with and trained in international standards on the conduct of law enforcement officials, including: the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the Code of Conduct for Law Enforcement Officials and the Guidelines for the effective implementation of the Code of Conduct for Law Enforcement Officials;
- carry out thorough and independent investigations into reports of extrajudicial executions, make public the results of these investigations and ensure that individuals found responsible for ordering or carrying out extrajudicial executions are immediately suspended from their duties and brought to justice . To date, the government has promised and/or announced investigations into many cases of alleged extrajudicial executions but, to Amnesty International's knowledge, has not published the detailed results of these investigations;

- Amnesty International welcomes the fact that some individuals have been arrested in connection with extrajudicial executions and urges the government to ensure that such steps are taken as a matter of routine, and not only on exceptional occasions. The government should take the essential next step and disclose the number and identity of RPA soldiers arrested for alleged participation in extrajudicial executions, including details of the specific crimes of which they are accused and the progress of their case files . If charged, the individuals should be given a public trial in accordance with international standards of fairness, and without recourse to the death penalty;
- take measures to prevent killings by armed Tutsi civilians, for example in the context of reprisals after attacks by armed Hutu groups. RPA soldiers should intervene wherever possible to prevent such killings and to protect the population at risk.

## **ii) “Disappearances”**

Amnesty International appeals to the Rwandese Government to:

- make clear that “disappearances” constitute a grave violation of human rights and that those found responsible for “disappearances” will be brought to justice;
- undertake prompt and thorough investigations into cases of reported “disappearances” and inform the families of the “disappeared” of the progress and outcome of these investigations;
- if the person is found to have died, an investigation should be carried out to establish the cause of death. The family should be allowed access to information relating to the death and should be allowed to be represented in the investigation. The body of the deceased should be restored to the family wherever possible;
- allow international human rights and humanitarian organizations access to all civilian and military detention centres to enable more accurate verification of the whereabouts of those who have been reported “disappeared” and to facilitate attempts to trace them. The authorities should keep systematic records of the whereabouts of detainees, including their transfer from one detention centre to another, to enable verification;
- ensure that no detainees are held in secret or unofficial detention centres.

## **iii) Arrests, detention and treatment of detainees**

Amnesty International appeals to the Rwandese Government to:

- allow unrestricted access to all civilian and military detention centres to relatives of detainees, doctors, lawyers, and local and international human rights and humanitarian organizations;
- stop the practice of detaining civilians in military detention centres;
- ensure that all arrests and detentions are accurately registered and make available public records of lists of detainees and their place of detention, including dates of transfers to other detention centres and the names of officials responsible for their arrest and transfer;

- release from detention those who have no case file or against whom there are no specific accusations - a promise made repeatedly by the government but not implemented. Such a move would not only ensure that innocent individuals are released, but could also have a significant impact in reducing prison overcrowding and improving prison conditions;
- take measures to prevent further arbitrary and unlawful arrests and ensure that only individuals against whom there is substantial evidence of participation in crimes are arrested. Individuals should not be arrested merely on the basis of their former occupation, because of the occupation or status of other members of their family, or because they fled Rwanda in 1994;
- ensure that prison officials and guards in detention centres are aware that ill- treatment and torture of detainees will not be tolerated and that those responsible for such treatment will be suspended from their duties and brought to justice. Prison officials should be instructed that they are obliged to refuse to obey any order to torture detainees;
- ensure that detainees who have been deliberately ill-treated and those who have developed illnesses as a result of poor prison conditions or lack of hygiene and medical facilities are immediately transferred to a hospital or medical centre for treatment and have regular access to medical care thereafter;
- fulfil without any further delay the government's repeated promises to release from detention children, elderly and sick detainees;
- instruct all prison officials and guards not to use lethal force against detainees and that if detainees are attempting to escape, every attempt should be made to apprehend and arrest them, as opposed to the current practice of shooting them with often fatal consequences. Provision 4 of the Basic Principle on the Use of Force and Firearms by Law Enforcement Officials states: *“Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force or firearms”*;
- ensure that prison officials and guards in detention centres are familiar with and abide by international standards on the treatment of detainees, including: the Standard Minimum Rules for the Treatment of Prisoners and Procedures for the Effective Implementation of the Rules; the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; the Rules for the Protection of Juveniles Deprived of their Liberty; the Convention against Torture and other Forms of Cruel, Inhuman and Degrading Treatment or Punishment; and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

#### **iv) Freedom of expression**

Amnesty International appeals to the Rwandese Government to:

- ensure that individuals in all sectors of Rwandese society - including human rights activists, journalists, members of parliament and local officials - can express their non-violent opinions without fear of human rights abuses;

- take measures to protect individuals who have been threatened or targeted on previous occasions and ensure that freedom of expression is restored in Rwanda.

## **X.2 To armed opposition groups operating in Rwanda**

Deliberate and arbitrary killings of unarmed civilians and hostage taking by armed opposition groups not only represent grave violations of international humanitarian law, but contribute to yet further violence by providing the Rwandese security forces with a pretext for reprisals in which large numbers of unarmed civilians are extrajudicially executed .

Leaders of armed opposition groups should:

- stop killing unarmed civilians and make clear to those under their command that deliberate and arbitrary killings of unarmed civilians will not be tolerated;
- instruct all those under their command to respect basic principles of international humanitarian law, as laid out in Common Article 3 of the Geneva Conventions. In particular, they should prevent the killing of non-combatants and those taking no direct part in the conflict;
- investigate and denounce deliberate and arbitrary killings committed by those under their command and provide public information about steps taken to prevent further such killings;
- cooperate with investigations by the International Criminal Tribunal on Rwanda to identify and bring to justice those who played a leading role in the genocide in Rwanda in 1994.

## **X.3 To foreign governments and intergovernmental organizations**

Foreign governments and intergovernmental organizations have a responsibility to take action to prevent a further deterioration of the human rights situation in Rwanda, by demanding that the Rwandese Government take steps to prevent further human rights violations as well as by providing positive and concrete support to projects which will help protect and promote human rights.

As most Rwandese are too frightened to speak out, it is imperative that the international community provides an accurate and public account of the current situation in Rwanda and that international policy decisions are based on such an account.

**As a minimum, foreign governments should:**

- publicly condemn the widespread human rights abuses taking place in Rwanda;
- exert whatever influence they can over the Rwandese Government, security forces and armed opposition groups to respect international human rights and humanitarian law and implement the recommendations listed above;
- request the Rwandese Government to provide regular and up-to-date information on action taken to prevent further human rights violations - in particular, extrajudicial

executions and “disappearances” - including details of the progress of investigations and action taken to bring to justice those found responsible.

### **Transfers of military, security and police equipment**

- Governments should not supply light weapons and other types of military, security or police equipment to Rwanda which may be used to commit human rights abuses by the Rwandese security forces or by other armed groups until respect for human rights has been restored throughout the country. They should recognize that, given the persistent pattern of arbitrary killings of unarmed civilians described above, such equipment is likely to contribute directly to further human rights abuses. Amnesty International urges governments to take into account the evidence that most of the victims of killings during counter-insurgency operations in Rwanda in 1996 and 1997 have been unarmed civilians, including many women and young children.
- Governments considering transfers of military, security and police equipment or training to Rwanda should insist on independently verifiable guarantees that human rights violations and breaches of international humanitarian law have ceased and that the equipment will not be used against unarmed civilians, before agreeing to such transfers.
- Governments should take into account that equipment classed as “non-lethal” (such as military communication equipment and vehicles) could also facilitate human rights abuses, especially in remote areas of the country.
- Governments considering military transfers to Rwanda should also bear in mind that such equipment could find its way into neighbouring countries, such as Burundi or the DRC, where widespread human rights abuses have also continued, including by RPA troops in the DRC. It is well established that there are close links between the security forces and armed opposition groups of these three countries.

### **Positive assistance to Rwanda which would contribute to the protection of human rights could include:**

- providing human rights training to members of the Rwandese army, police and prison system, including training in international standards for the conduct of security forces and prison officials and the practical implementation of these standards. Such training should be supported with a view to increasing an effective system of accountability for human rights applicable to personnel in the army, police and prison system;
- continuing to assist the judiciary and facilitate the process of fair trials in Rwanda by providing material and human resources, including legal experts at all levels - particularly defence lawyers - and helping to train a force of Rwandese defence lawyers who will be prepared to represent defendants accused of participation in the genocide;
- assisting the prison system - directly or through non-governmental humanitarian organizations - in improving conditions of detention and ensuring that detainees have access to medical care at all times.

### **Refugee protection**

- Governments should abide by the principle of *non-refoulement* at all times. No person should be forcibly returned to Rwanda if s/he may face serious human rights violations there. This principle - besides being a principle of customary international law and therefore binding on all states - is enshrined in various international treaties, including the 1951 Convention Relating to the Status of Refugees and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.
- Given the persistent and grave human rights abuses taking place in Rwanda and the fact that many returnees have been among the victims of these abuses, foreign governments and intergovernmental organizations should recognize that it cannot be considered safe for refugees to return. In the light of overwhelming evidence that it is not safe for refugees to return, repatriation should not be promoted in the present circumstances. Governments and agencies promoting repatriation should give a public account of their assessment of the risks facing returnees. Governments should also refrain from coercing refugees or putting pressure on them in any way to return.
- Repatriating refugees to certain parts of Rwanda and not others - according to perceived security risks - cannot be considered an adequate solution, as many returnees are eventually obliged to return to their area of origin. Furthermore, while the majority of killings have occurred in the northwestern *préfectures*, serious human rights abuses have also occurred in other parts of the country, including areas considered “safe”. Human rights violations connected with prison conditions, ill- treatment and arbitrary arrests occur throughout the country
- The international community should agree upon a mechanism for a comprehensive and continuous assessment of the human rights situation in Rwanda, taking into account all available information. This assessment should be independent and impartial. The government of Rwanda should provide full cooperation to those carrying out the assessment and guarantee access to all areas of the country. Repatriation should only be promoted if, on the basis of this assessment, it can be concluded that the human rights situation in Rwanda has improved in a fundamental and durable way. In addition, the government of Rwanda should provide verifiable guarantees that returnees will not be subjected to human rights abuses before further repatriation is advocated.
- Any screening procedures set up to examine the asylum claims of Rwandese refugees should be fair and satisfactory and should conform with the fundamental standards for refugee determination procedures laid out in the *UNHCR Handbook on Procedures and Criteria for Determining Refugee Status*, as well as Amnesty International's *Fundamental Standards for the Protection of Refugees*. In particular, the body conducting the screening should be completely independent and impartial.
- Countries hosting refugees from Rwanda should be provided with the necessary international assistance to ensure that the refugees are protected from human rights abuses in the host country and are provided with adequate humanitarian assistance. Foreign governments should consider providing international civilian police personnel to help ensure the safety of refugees in the host country if the authorities of that country are not willing or able to protect them.
- The international community should assist host governments in identifying individuals among the refugees who may be suspected of participation in the genocide and

promptly undertake thorough and independent investigations into these allegations to enable a decision to be reached on whether they should be prosecuted. In such cases, the individuals should be tried by a jurisdiction which will provide them with a fair trial, without recourse to the death penalty. This could be by the International Criminal Tribunal in Arusha, if appropriate, or by a national jurisdiction in the host country.

Amnesty International unconditionally opposes the use of the death penalty. As death sentences are being imposed in Rwanda for individuals categorized as having played a leading role in the genocide, the organization appeals to governments not to extradite to Rwanda individuals likely to fall within this category.