

# RWANDA

## OBSERVING THE RULES OF WAR?

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## I. SUMMARY

On May 21, 2001, soldiers of the Rwandan government army (Rwandan Patriotic Army, RPA) engaged some seventy fighters of the rebel Army for the Liberation of Rwanda (Armée pour la Libération du Rwanda, ALIR I) in the first important hostilities within Rwanda since 1999. From May through July 2001, the Rwandan government forces fought a series of other battles and smaller skirmishes in northwestern Rwanda as ALIR combatants arrived from their bases across the border in the eastern Democratic Republic of the Congo (DRC). The renewed military activity in northwestern Rwanda, the ongoing combat in the eastern Congo, and the current threat of war between Rwanda and Uganda suggest that peace in this region is still only a distant hope.

Rwandan combatants hostile to the current government of Rwanda and based in the Congo are often called “ex-FAR and Interahamwe,” referring to forces involved in the genocide of Tutsi in Rwanda in 1994. Many commanding officers in ALIR did in fact serve in the former Rwandan army (Forces Armées Rwandaises, FAR), but the majority of ALIR combatants were not part of the FAR or of the genocidal Interahamwe militia at that time.

The recent fighting differed from previous violence in northwestern Rwanda and the 1994 genocide by the relatively small number of civilian deaths. Both parties appear to have ordered their forces to show greater respect for civilian lives than in the past. ALIR combatants killed at least ten civilians, mostly in the course of looting, but they do not appear to have targeted civilians in general, nor Tutsi in particular. In the course of combat, Rwandan government troops killed at least dozens of people who were traveling in the company of the ALIR combatants and who appear to have been civilians but they have made no reported reprisal attacks against people living in the northwest.

The apparently more scrupulous respect for human rights and international human rights law by government and rebel forces alike in northwestern Rwanda seems to stop at the border. In the Congo they both reportedly continue to engage in killings and other abuses of civilians. They may be limiting killings in Rwanda in hopes of building greater political support among residents in an area that has been important because of its prior history of revolt and because of its role in producing political and military elites in the past. The parties may also be more anxious than previously to avoid international censure for human rights abuses. They know that diplomats and other foreign observers find it far easier to travel in northwestern Rwanda to evaluate the situation than they do to war-torn areas of the Congo.

ALIR has supposedly also ordered its combatants not to steal valuable personal possessions of local people, although it permits combatants to take and sometimes even pillage food and other materials thought essential for their survival. They also pillaged three health centers, seriously reducing access of local people to medical care.

The opposing forces have not changed their attitudes about using children for military service. ALIR, like others fighting in this long and bitter war in Central Africa, has incorporated children in its ranks. Known by the general Swahili term *kadogo*, or child soldier, these children include both those who take part in combat and many others who serve as porters, cooks, and general workers. ALIR combatants abducted some of these children and incorporated others who joined of their own volition, seeking protection and food. Whatever their role or means of recruitment, the children in ALIR all have suffered the privations and risks of military life. Rwandan government soldiers have aided their allies, the Congolese Rally for Democracy (RCD), to abduct children and force them to be soldiers.<sup>1</sup> Rwandan military and civilian authorities recruit children as young as fifteen years old to serve in the ranks of the Rwandan Local Defense Force (LDF) which has also engaged in combat against ALIR.<sup>2</sup>

Some 280 child soldiers have been captured by Rwandan or RCD soldiers or have surrendered to them or civilian authorities. Initially housed at a military camp together with adults who had surrendered or been captured, the children then spent more than a month being “re-educated” with the adults at a “solidarity camp.” In mid-

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<sup>1</sup> See Human Rights Watch Short Reports, Democratic Republic of the Congo, “Reluctant Recruits: Children and Adults Forcibly Recruited for Military Service in North Kivu,” Vol. 13, No. 3(A), May 2001 and, concerning similar abuses by Uganda, “Uganda in Eastern Congo: Fueling Political and Ethnic Strife,” Vol. 13, No. 2(A), March 2001.

<sup>2</sup> See Human Rights Watch, “Rwanda: The Search for Security and Human Rights Abuses,” Vol. 12, No. 1(A), April 2000.

August, the Rwandan authorities transferred the children to a center in southern Rwanda where they are supposed to follow a program designed for their special needs before returning to ordinary civilian life.

This report is based on dozens of interviews with ALIR combatants, child soldiers, and civilian auxiliaries now in Rwandan hands. Human Rights Watch researchers conducted the interviews, generally on an individual basis, in various Rwandan government military facilities, a hospital, and the Gitagata children's center between June and August 2001. Rwandan authorities were not present at the interviews. This report draws also on interviews with Rwandan military and civilian authorities, residents of northwestern Rwanda, and foreign diplomats stationed in Kigali.

## II. RECOMMENDATIONS

### **To the Rwandan government:**

- Order Rwandan government soldiers to observe all provisions of international humanitarian law in the conduct of operations, both inside and outside Rwanda.
- Investigate and bring to trial any ALIR combatants in Rwandan custody alleged to have committed genocide or other violations of international humanitarian law, whether in Rwanda or in the Congo, including Col. Pierre Habimana.
- Investigate and bring to trial any members of the Rwandan army or Local Defense Force who are accused of having violated international humanitarian law in Rwanda or in the Congo, including those allegedly responsible for shooting unarmed combatants who had surrendered in three incidents at Gikombe, between Karara and Rusengye cells in Kareba sector, Buhoma district; at the post between Nyabirehe and Musomba; and at Kanama district.
- Provide the necessary resources to properly feed, house, educate, and meet the psycho-social needs of children who have been assigned to the Gitagata center and to any other children of ALIR forces now held elsewhere in Rwanda. Re-integrate these children into their families or provide them with some other suitable form of care as soon as possible.
- Order an end to the recruitment, training, and use of children under eighteen years of age in Local Defense Forces or in the Rwandan army, whether in Rwanda or in the Congo.
- Accede without reservations to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict and submit upon ratification, a binding declaration establishing a minimum age of at least eighteen for voluntary recruitment.
- Ratify the 1991 Rwandan signature of the African Charter on the Rights and Welfare of the Child.

### **To the Armeé pour la Libération du Rwanda, ALIR:**

- Order all ALIR combatants to implement fully the provisions of international humanitarian law, whether in Rwanda or in the Congo.
- Stop the recruitment, abduction, training, and use of child soldiers. Demobilize, disarm, rehabilitate, and return to their homes all current child soldiers. If it is impossible to return the child soldiers to their families, hand them over to UNICEF or another responsible humanitarian agency.
- Hold accountable combatants who fail to obey these orders.

### **To the International Community:**

- Pressure Rwandan authorities and commanders of ALIR to implement fully the provisions of international humanitarian law in Rwanda and in the Congo.
- Urge the Rwandan government to investigate and bring promptly to trial any ALIR combatants in their custody alleged to have committed genocide or other violations of international humanitarian law, whether in Rwanda or in the Congo, including Col. Pierre Habimana.
- Urge the Rwandan government to investigate and bring to trial any members of the Rwandan army or Local Defense Force who are accused of having violated international humanitarian law in Rwanda or in the Congo, including those allegedly responsible for shooting unarmed combatants who had surrendered in three incidents at Gikombe, between Karara and Rusengye cells in Kareba sector, Buhoma district; at the post between Nyabirehe and Musomba; and at Kanama district.

- Assist Rwandan authorities to meet the material, educational, and psycho-social needs of children from the ALIR forces now in their hands. Encourage Rwandan authorities to re-integrate these children into their families or provide them with some other suitable form of care as soon as possible.

### III. ALIR I COMBATANTS IN RWANDA

#### Numbers

Plans for promoting peace in Central Africa suppose that Rwandan combatants hostile to the current government of Rwanda and based in the Congo will be disarmed and demobilized as stipulated in the Lusaka Accord of 1999. But information about the number and location of the combatants, as about their intentions, has been spotty and sometimes conflicting. Some of the confusion results from the lack of clear distinction between ALIR, which operates largely in North and South Kivu, and another force that operates largely in South Kivu and in Katanga. The armed group to the south includes units which work closely with the army of the Congolese government, the Forces Armées Congolaises and which may be linked with a group known as the Forces Démocratique pour la Liberation du Rwanda (FDLR).<sup>3</sup> A leader of the southern group, Maj-Gen. Augustin Bizimungu, commands operations for the Congolese army.<sup>4</sup> In early September, the Congolese government and the FDLR cooperated in assembling and disarming some 3,000 combatants who were handed over to U.N. authorities.

In February 2001, Rwandan President Paul Kagame told an audience in Washington, D.C. that there might be “3,000, 5,000 or 10,000” combatants hostile to Rwanda based in the Congo. After ALIR began military activities inside Rwanda in May, Rwandan authorities began to speak of 35,000 to 40,000 combatants. In early August, Brigadier-General James Kabarebe, interim chief of staff of the army, was quoted as saying that a force of 13,000 ALIR combatants had been “neutralized,” but that 40,000 others were left further south.<sup>5</sup>

At about the same time, the Rwandan Minister of Defense was quoted as saying that the previously cited figure of 40,000 was too low and that about 100,000 “Interahamwe” (see below) were massing in the Congolese province of Katanga to march on Rwanda.<sup>6</sup> He may have been including civilian refugees in this surprisingly high number. As of early December, there had been small-scale fighting in the southwestern Rwanda but the predicted large-scale attack had not taken place.

ALIR combatants now in Rwandan custody told Human Rights Watch researchers that forces hostile to the Rwandan government number between 30,000 and 40,000, including three ALIR I brigades in North Kivu and another in South Kivu that together number between 15,000 and 20,000 as well as a force of some 17,000 further south in Katanga.<sup>7</sup>

The Congolese government told the military commission supervising implementation of the Lusaka Accord that only 5,000 Rwandan combatants were in the DRC.<sup>8</sup>

Diplomats, academic experts, and other foreign observers generally estimate the total number of Rwandan combatants opposing the Rwandan government and based in the Congo as between 15,000 and 25,000.<sup>9</sup>

In July Lt. Col. Mubarak Muganga said that some 4,000 combatants had crossed into Rwanda.<sup>10</sup> Diplomats based in Kigali generally estimate a smaller number of 2,000 to 3,000. Judging from several clashes where

<sup>3</sup> Some ALIR combatants told Human Rights Watch researchers that FDLR is the public voice of ALIR, Human Rights Watch interviews, Ruhengeri, June 19, 2001. But a FDLR spokesman told Human Rights Watch in September 2001 that his organization had no link with ALIR. This report is drawn exclusively from information provided by combatants of the northern group and hence ALIR is used throughout to refer only to what is known as Division I of ALIR or ALIR I.

<sup>4</sup> Human Rights Watch interview, Ruhengeri, June 19, 2001.

<sup>5</sup> Alex Duval Smith, “Rwanda Warns of Hutus Preparing Second Genocide,” *Independent*, August 4, 2001.

<sup>6</sup> United Nations Integrated Regional Information Network (IRIN), IRIN-CEA Update, 1,236, August 3, 2001.

<sup>7</sup> Human Rights Watch interviews, Ruhengeri June 19 and July 9, 2001.

<sup>8</sup> Herve Bar, “Désarmement des groupes armés : une étape complexe du processus de paix,” Agence France Presse, August 20, 2001.

<sup>9</sup> Human Rights Watch interviews, Kigali, June 20-22, 2001; by telephone, August 13, 2001; Arnaud Zartman, “Congo Politicians Pick Delegates,” Associated Press, August 14, 2001.

<sup>10</sup> Mungwarakarama J. Pierre, “Congratulations to the people of Ruhengeri for their role in protecting security,” *Ingabo*, No. 74, July, 2001.

hundreds of ALIR were involved and from reports by witnesses who have seen large numbers on the move, it seems likely that between 2,000 and 4,000 ALIR forces have arrived from the Congo since late May. On June 13, for example, one group crossed the road at Mukamira heading towards Karago and the Gishwati forest, another crossed at Genda, while a third group entered the region from the Virunga Forest.<sup>11</sup> Another numerous group of ALIR combatants apparently headed south across the road at Gataraga, Mutobo (formerly Mukingo), just west of Ruhengeri town, before dawn on June 25. Witnesses who passed by later that morning reported that the grass looked like it had been trampled by a herd of elephants.<sup>12</sup>

A substantial number of those who have entered Rwanda have been taken captive or surrendered. On July 16 Rwanda Radio reported that there were some 1,320 “infiltrators” undergoing “re-education” at the Mudende “solidarity camp.”<sup>13</sup> The number of rebels in RPA custody continued to swell and in August the government opened a second solidarity camp for hundreds more in Nkumba, Ruhengeri. Some of these were members of ALIR who were captured or who surrendered in the Congo and then were repatriated to Rwanda by the RPA.<sup>14</sup>

The minister of defense stated on August 2 that the Rwandan government forces had killed some 1,800 combatants since May. Published tolls of deaths in individual encounters inside Rwanda during the ten week period fall far short of that number but the total announced by the minister may also include ALIR forces killed on the Congolese side of the border.

Estimating the numbers of ALIR forces, whether those who have crossed the border, those who have been captured, or those who have been killed in combat is complicated by the presence of civilians who sometimes accompanied them. According to witnesses of hostilities at Cyanzarwa (formerly Rwerere) on June 5 and 6, two different ALIR groups advanced through the area, one largely or exclusively made up of combatants, the other including a large number of civilian supporters, including a spiritual advisor and a prayer group composed of women.<sup>15</sup> ALIR organized some of these supporters into a civilian auxiliary group called *main d'oeuvre civile* (MOC). When Human Rights Watch researchers visited some 400 ALIR captives at Camp Muhoza, one ALIR member estimated that sixty of that number were “civilian auxiliaries” and another sixty were child soldiers.<sup>16</sup>

As of mid-August military activity had been confined to the northwest, but witnesses had reported sighting armed strangers, apparently ALIR fighters, in parts of central and southwestern Rwanda, in the provinces of Gitarama, Kigali-rural, and Cyangugu. In early August, the Minister of Defense announced that Rwandan government troops had driven back an advance party of combatants headed for southwestern Rwanda, but this action apparently took place on the Congolese side of the frontier.<sup>17</sup> In September, October, and November, there were further skirmishes in Gikongoro and Butare provinces in Rwanda as well as just across the border in Burundi and elsewhere in the Congolese province of South Kivu.

### **Composition and Organization of ALIR I**

Rwandan rebels against the current government of Rwanda are often called “ex-FAR and Interahamwe,” but this label is not accurate for most ALIR combatants. Data collected by Human Rights Watch researchers indicates that soldiers of the former Rwandan army (Forces Armées Rwandaises, FAR) and members of the Interahamwe militia who participated in the 1994 genocide constitute only a minority of those now fighting the Rwandan government.<sup>18</sup> High-ranking Rwandan authorities frequently equate all members of the armed opposition to perpetrators of genocide who intend to continue the campaign to exterminate Tutsi.<sup>19</sup> But others in the field present a different assessment. One Rwandan military officer noted that many ALIR fighters are young people

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<sup>11</sup> Human Rights Watch interview, Ruhengeri, June 19, 2001.

<sup>12</sup> Human Rights Watch interviews, by telephone, Ruhengeri, June 27 and 29, 2001.

<sup>13</sup> Radio Rwanda, Evening News, July 16, 2001.

<sup>14</sup> Voice of America, “Rwandan Army Thwarts Hutu Rebel Offensive from Congo,” August 2, 2001; and Herve Bar, “Captured Hutu militiaman tells of orders to infiltrate Rwanda,” *Agence France Presse*, June 4, 2001.

<sup>15</sup> Human Rights Watch interviews, Ruhengeri, June 18 and Kigali, June 20, 2001.

<sup>16</sup> Human Rights Watch interview, Ruhengeri, June 19, 2001.

<sup>17</sup> Human Rights Watch interviews, Ruhengeri, June 18, 2001 ; Kigali, July 17, 2001 ; IRIN-CEA Update, 1,236 , Friday, August 3, 2001 ; Agence France Presse, “Au moins quatre civils tués en sept jours par des miliciens hutus rwandais,” July 12, 2001.

<sup>18</sup> Human Rights Watch interviews, Ruhengeri, June 18-19 and Kigali, June 22, 2001.

<sup>19</sup> Smith, “Rwanda Warns of Hutus Preparing Second Genocide;” Karl Vick, “In Rwandan Village, a Turn Against Hutu Rebels,” *The Washington Post*, June 17, 2001.

recruited since 1994. Speaking of those captured by the Rwandan government forces, he said, “We find in fact very few members of the real Interahamwe or FAR who were involved in the genocide.”<sup>20</sup> In addressing an audience in Ramba on June 30, Brig. Gen. James Kabarebe said that only the leaders of ALIR were ex-FAR or Interahamwe. The others, he said, were children or young men from the refugee camps, “rare” collaborators persuaded to join the force more recently, and Kinyarwanda-speaking Congolese, all of whom have no apparent link with the genocide.<sup>21</sup>

The FAR and Interahamwe fled with more than a million refugees to the Congo after the RPA defeated the genocidal government in July 1994. During the first Congo war of 1996 to 1997, the Rwandan government army destroyed ex-FAR and militia bases in the Congo as well as the refugee camps. Hundreds of thousands of persons remained unaccounted for after these attacks; presumably many of them died and others fled into the bush or forest. The remnants of the FAR reorganized the force and recruited both among civilians scattered in the Congo and among persons resident in Rwanda, particularly in the northwestern part of the country. They led a rebellion in 1997 and 1998, which the Rwandan army suppressed ruthlessly, producing a new wave of refugees to the Congo. Some of those who fled as refugees subsequently joined ALIR as well.

Although ex-FAR form only a part of the ALIR forces, they hold most of the positions of command, particularly at the more senior levels. Some of the ALIR officers—like a number of those commanding the force further to the south<sup>22</sup>—certainly played important roles in the 1994 genocide. Col. Pierre Habimana, for example, captured by the Rwandan forces in mid-July, was reportedly a member of the Presidential Guard, a unit of the FAR heavily involved in slaughtering Tutsi in 1994. He denies that there was a genocide and rejects personal responsibility for his actions at that time, saying that he was only a “technician” “defending the government.”<sup>23</sup> Others, like General Paul Rwarakabije, the commander of ALIR, served in units less implicated in genocidal killing and reportedly have not been accused of wrongdoing. In the interests of both justice and effective policy-making, it is important to remember that not all FAR troops committed genocide.

ALIR replicated the command structure of the FAR. Training schools prepared candidates for positions of command. At one such school, the Ecole Supérieure Militaire, located in the forest in Masisi, candidates studied political education and social communication as well as more technical courses on military subjects. Several officers said they had studied international humanitarian law, one for fifty hours, another for one hundred hours. He said that one course was taught by a civilian who had worked for the International Committee of the Red Cross and another was taught by an instructor who had studied in Europe.<sup>24</sup>

### **Regional Context and the return to Rwanda**

ALIR combatants interviewed by Human Rights Watch researchers generally acknowledged that the Congolese government had assisted them with airdrops of equipment and ammunition until late 2000. According to one witness, such deliveries occurred in August 1999 near Goma, in December 1999 near Ngere in Walikale, twice in April 2000 in Masisi, and again in October 2000 in Shabunda. At about the time of this last delivery, the witness said, President Laurent-Desiré Kabila sent two Congolese army officers, one of them a captain, to spend two months working as liaisons with ALIR I. According to some observers, Kabila organized a meeting in October 2000 to coordinate action among the various groups of Rwandan and Burundian combatants fighting against their home governments. At this meeting, the decision was made to shift the focus of the war to the eastern border area of the Congo. From this period on, there was improved communication among Rwandan and Burundian combatants, particularly between Rwandan groups and the Burundian Forces for the Defense of Democracy (Forces pour la Défense de la Démocratie, FDD). They used radio and some may have had satellite telephones.<sup>25</sup> Although it is unclear what if any aid ALIR forces in North Kivu received from the Congolese

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<sup>20</sup> Herve Bar, “Captured Hutu militiaman tells of orders to infiltrate Rwanda,” *Agence France Presse*, June 4, 2001

<sup>21</sup> Herve Bar, “Winning with words: Rwanda battens down against cross-border foes,” *Agence France Presse*, June 30, 2001.

<sup>22</sup> In addition to Major-General Bizimungu mentioned above, Colonel Tharcisse Renzaho, prefect of the city of Kigali during the genocide, is associated with the forces in the south. This force may have been responsible for distributing tracts at the battle of Pweto in 2000 which spoke of Tutsi as “snakes,” a term widely used during the 1994 genocide. Vick, “In Rwandan Village, a Turn Against Hutu Rebels.”

<sup>23</sup> Smith, “Rwanda Warns of Hutus Preparing Second Genocide.”

<sup>24</sup> Human Rights Watch interviews, Ruhengeri, June 18-19 and July 9, 2001.

<sup>25</sup> Human Rights Watch interviews, Ruhengeri, June 18-19, 2001.

government since Joseph Kabila took power, it seems likely that ALIR forces in South Kivu continued to receive arms shipments from the younger Kabila through mid-2001.<sup>26</sup>

ALIR combatants related a number of cases in previous years where they had fought against MaiMai, militia groups in the eastern Congo hostile to their presence as outsiders. But in the last year or two, they said, ALIR forces worked out alliances with the MaiMai against Rwandan government troops and those of the RCD, the rebel movement backed by Rwanda. One witness said ALIR forces did not exploit local mineral resources in the Congo because they recognized these as belonging to the MaiMai and did not want to clash with them over this question.<sup>27</sup>

Perhaps aware of the resupply of arms and the plans for an offensive in the east, the Rwandan army intensified its attacks on ALIR in their Congolese strongholds in Walikale and Rutchuru during the months of October and November 2000. In May 2001, the Rwandan government forces launched another massive search-and-destroy operation in eastern Congo with the intention of “cleaning up the Kivus.”<sup>28</sup>

After the death of Laurent Kabila and the installation of his son, who showed a new willingness to implement the Lusaka Accords, the international community increased its pressure on the new president to end all support for Burundian and Rwandan rebel movements. This changed political situation, in combination with the relentless Rwandan army assaults, helped move the ALIR leadership to return to Rwanda. According to some ALIR combatants, the decision was more than just a reaction to these pressures and reflected as well the previously made commitment to go back to Rwanda. One witness said that ALIR had adopted the motto “Our country or death.”<sup>29</sup>

### **Conduct of ALIR Combatants**

According to several ALIR officers, they and their superiors ordered combatants to obey the rules of international humanitarian law. Two were sufficiently well-acquainted with this law to discuss specific provisions of it with Human Rights Watch researchers.

ALIR has a system of military justice, with each brigade having a prosecutor and a war council. One ALIR officer said that at least one brigade had also instituted a system of *gacaca*,<sup>30</sup> calling on an advisory group of combatants, drawn from all ranks, who often imposed more lenient penalties than those stipulated by regulations. Thus crimes that might otherwise be sanctioned by the death penalty were punished by beating the guilty up to 300 strokes.<sup>31</sup>

ALIR officers said that the force also had a set of religiously-inspired “commandments” that proscribed killing civilians, assaulting women, theft, and the use of alcohol and drugs, among other practices. Apparently even legitimate marriage was forbidden for the duration of the conflict. Soldiers were supposed to follow these “commandments” along with other usual military regulations and the provisions of international humanitarian law.

### **Targeting Civilians**

Whether in observance of international humanitarian law or religious precept or whether for political reasons, ALIR commanders reportedly ordered combatants not to kill or otherwise injure civilians. Adults and children of the ALIR force interviewed separately by Human Rights Watch researchers claimed without exception that ALIR combatants had been directed not to harm civilians. Several witnesses gave details of when and where such an order had been delivered. Two said, for example, that Colonel Ndege (a *nom de guerre*) delivered the order to protect civilians at a May 6 meeting of officers in Masisi. Another said he had received such an order in writing.<sup>32</sup> Junior officers said that they were responsible for passing this order on to their troops.<sup>33</sup>

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<sup>26</sup> Human Rights Watch interview, Kigali, August 30, 2001.

<sup>27</sup> Human Rights Watch interview, Ruhengeri, June 19, 2001.

<sup>28</sup> Human Rights Watch interviews, Ruhengeri, June 18-19, 2001.

<sup>29</sup> Human Rights Watch interview, Ruhengeri, June 19, 2001.

<sup>30</sup> Gacaca, a customary, community-based practice for resolving conflicts, is currently being transformed within the Rwandan civilian justice system into a hierarchy of popularly elected courts to try cases of genocide.

<sup>31</sup> Human Rights Watch interview, Ruhengeri, June 19, 2001.

<sup>32</sup> Human Rights Watch interview, Ruhengeri, July 9, 2001.

<sup>33</sup> Human Rights Watch interviews, Ruhengeri, June 18-19, 2001.

As of mid-August, at least ten civilian killings by ALIR combatants were reported in northwestern Rwanda. In one instance, ALIR combatants supposedly returned the fire of a patrol that they crossed at night, killing two civilians. According to one witness, they apologized to the survivors when they learned that they had fired on civilians.<sup>34</sup> In several other cases, ALIR combatants killed those whom they accused of alerting the Rwandan soldiers to their presence or those who refused to hand over goods which the combatants wanted to take.<sup>35</sup> On July 8, several ALIR combatants robbed and shot two women, a mother and daughter, in what may have been the consequence of a long-standing local conflict. The women were not seriously wounded.<sup>36</sup> On August 20, ALIR combatants reportedly shot and killed a park ranger when their paths crossed on Karisimbi volcano. The ranger was part of a routine patrol tracking gorillas.<sup>37</sup>

On June 29 the mayor of Ndiza district (formerly Nyabikenke and Rutobwe communes) was shot and a police commander accompanying him was killed. Several days later local authorities announced that two ALIR combatants, aged thirteen and twenty, had been captured and accused of the attack. According to the authorities, the two claimed that the shooting was an accident. They said that they had wanted to surrender but that the police officer fired and they had then fired back. If this account proves correct, it will be the only case thus far of ALIR attacks in the central province of Gitarama. Some local people noted the absence of other signs of ALIR presence in the immediate area and remarked that the shooting might have a connection to rivalries dating back to the election of local officials in March.<sup>38</sup>

There is no indication that any of the victims killed by ALIR combatants have been selected on an ethnic basis.

One witness said that men of his unit had killed civilians when they were raiding from a base in the forested national park of the Virunga volcanoes. When the group returned to the base and reported to the commanding officer, two men, Corporal Savimbi and Corporal Nirora were punished by being beaten with one hundred strokes each.<sup>39</sup>

ALIR combatants have reportedly been ordered not to rape women. As of mid-August, there had been one case of rape reported by ALIR combatants, that of a local official in the northern part of Ruhengeri province.<sup>40</sup>

### ***Looting of Property***

ALIR combatants have caused serious harm to residents of the northwest by looting, particularly food, clothing, and medicines. Several ALIR officers and combatants claimed that they had been ordered not to steal the personal property from the homes of civilians although they were permitted to forage for crops from the fields and for other materials as necessary to sustain themselves. If such was the order, combatants have violated it in numerous cases where they have stolen such goods as radios. ALIR combatants have not generally destroyed property, such as by burning down buildings, as rebels sometimes did in 1997 and 1998.

The pattern of looting was established by their first raid in late May in Buhoma district (formerly Nkuli and Nyamutera communes) when a company of seventy armed men emerged from the Virunga National Forest to steal from homes and shops. They abducted civilians, including two children aged twelve and fourteen, from Nyarutembe sector, to serve as guides and to transport the stolen goods but they reportedly released them the next day. The ALIR combatants clashed with Rwandan government soldiers about seven miles from where they had exited the forest, losing about half of their company in this first combat.<sup>41</sup>

On June 17, ALIR raiders completely harvested four fields of potatoes in Kagano sector without the consent of the owner.<sup>42</sup> According to one resident of Buhoma district, ALIR combatants visited his area every day in early July.

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<sup>34</sup> Human Rights Watch interviews, Ruhengeri, June 18 and July 9, 2001.

<sup>35</sup> Agence France Presse, "Au moins quatre civils tués en sept jours par des miliciens hutus rwandais," July 12, 2001.

<sup>36</sup> Human Rights Watch interviews, Ruhengeri, June 18 and July 10-11, 2001.

<sup>37</sup> IRIN-CEA Update 1250, August 23, 2001.

<sup>38</sup> Human Rights Watch interviews, Kigali, July 2 and Ndiza, July 3, 2001.

<sup>39</sup> Human Rights Watch interview, Ruhengeri, June 19, 2001.

<sup>40</sup> Human Rights Watch interview, Ruhengeri, July 9, 2001.

<sup>41</sup> Human Rights Watch interviews, Ruhengeri, May 23-24, 2001.

<sup>42</sup> Human Rights Watch interview, Ruhengeri, June 18, 2001.

Last night, they looted Dusabimana Theoneste. They took his radio and 450 pounds of potatoes. Elsewhere they took 900 pounds of potatoes and six chickens. In Rusenge cell which borders the forest, they are always there. They don't even knock on the door. They come at 7 p.m. If you haven't finished cooking, they wait and eat with you and then go to another house.<sup>43</sup>

From the forested Virunga volcanoes, their initial base, some groups shifted south to the Gishwati forest, the other important wooded area in the northwest. They generally moved during the night and early morning, but sometimes dared to travel in broad daylight.<sup>44</sup> Once established in Gishwati, the combatants raided homes, shops, and fields in the area. On the night of June 6-7, for example, they looted in Nyagisagara district (formerly Kibilira commune), which borders Gitarama.<sup>45</sup>

ALIR combatants also looted supplies from three health centers (Nyamutera, Shingiro, and Gasiza). At the Shingiro center, which also housed a special feeding center for malnourished children, the combatants took virtually everything, including a bed on which to transport a wounded fighter and the center's microscope. They took money, clothes, and bedding from the patients in the clinic and stole clothes and ate the food at the home of the director.<sup>46</sup> Military and civilian authorities knew at 1 a.m., just before the May 25 attack on the Gasiza health center, that the group was heading for that area. But when the ALIR force attacked the center, the district office, and the commercial center simultaneously at 5 a.m., there were not enough soldiers available to protect the health center. Approximately one hour after the attack began, Rwandan government soldiers arrived on the scene with an armored personnel carrier and began firing. Two civilians were hospitalized after being injured by fire from the armored personnel carrier, including a woman whose foot was shattered.<sup>47</sup>

ALIR combatants attempted to raid a fourth center, that at Busengo, but were driven off by Rwandan government soldiers.<sup>48</sup> According to a member of an advance ALIR unit known as the Commando for Research and Intensive Action (Compagnie de Recherche et Action en Profondeur), one of their objectives was to obtain supplies and equipment for treating the sick and injured who remained in the forest, whether in Rwanda and in the Congo. Another was to destroy military equipment and vehicles.<sup>49</sup>

## Ideology and Objectives

Members of ALIR interviewed by Human Rights Watch researchers said the goal of the movement was to overthrow the current government of Rwanda, which they described as repressive and abusive of human rights. Press accounts report similar assertions from other ALIR combatants, including the captured chief of staff, Colonel Habimana.<sup>50</sup> According to local authorities, ALIR tracts had been found saying that ALIR meant to free the country, to end dictatorship, and to eliminate injustice.<sup>51</sup> Several of the combatants now in Rwandan custody remarked that they had expected to win support from the local population, but had found that residents of northwestern Rwanda shunned any renewal of the conflict.<sup>52</sup>

Some expressed their political objective in ethnic terms. Several ALIR members talked of ending "Tutsi" rule and "liberating the Hutu."<sup>53</sup> As Habimana said, "We Hutu just want our power back."<sup>54</sup> But others avoided any ethnic references. One officer said that ALIR leaders had realized that killing on an ethnic basis was totally unacceptable (*faisait scandale*) to the international community and thus resolved to end the practice.

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<sup>43</sup> Human Rights Watch interview, Ruhengeri, July 10, 2001.

<sup>44</sup> Human Rights Watch interviews, Ruhengeri, May 23-24, 2001.

<sup>45</sup> Human Rights Watch interview, Gisenyi, June 7, 2001.

<sup>46</sup> Human Rights Watch interview, Ruhengeri, June 18, 2001.

<sup>47</sup> Human Rights Watch interviews, Cyanzarwe, May 24, 2001.

<sup>48</sup> Human Rights Watch interviews, July 9, 2001.

<sup>49</sup> Human Rights Watch interviews, Ruhengeri, June 18-19 and July 9, 2001.

<sup>50</sup> Human Rights Watch interviews, Ruhengeri, June 18-19, 2001; Radio Rwanda, Evening News, July 16, 2001; Vick, "In Rwandan Village, a Turn Against Hutu Rebels."

<sup>51</sup> Human Rights Watch interview, Gisenyi, May 23, 2001.

<sup>52</sup> Human Rights Watch interviews, Ruhengeri, May 23, June 19, and July 9, 2001; Vick, "In Rwandan Village, a Turn Against Hutu Rebels;" and Mungwarakarama, "Congratulations to the people of Ruhengeri for their role in protecting security."

<sup>53</sup> Human Rights Watch interviews, Ruhengeri, June 18-19, 2001.

<sup>54</sup> Smith, "Rwanda Warns of Hutus Preparing Second Genocide."

Another ALIR combatant attributed the rejection of ethnic hatred to Christian ideas, which some claim influences the thinking of an important number of ALIR leaders and combatants. According to the Rwandan press, ALIR leaders gave the codename “The Lord’s Oracle” (*Oracle du Seigneur*) to the recent military operation in Rwanda.<sup>55</sup> Some of those taken captive wore rosaries or other religious insignia, often inscribed with a Bible and an AK-47 assault rifle and the words “Safe in God.” Several children with such rosaries said they had received them from an ALIR spiritual advisor.<sup>56</sup> A military identification card taken from a captured ALIR combatant bore a stamp with the images of a Bible and a gun and a dove. Around the perimeter of the stamp were the words “justice, belief in God (*foi en Dieu*), unity and peace.”<sup>57</sup> An ALIR spiritual advisor told Human Rights Watch researchers that he—along with prayer groups, seers, and prophets—received spiritual messages which they communicated to military commanders after having separated them into those coming from God and those coming from the devil. He stated that ALIR combatants believe it is God’s will for Hutu refugees in the Congo to go home to Rwanda at any cost, a statement confirmed by others in separate interviews.<sup>58</sup> In a cache of ALIR documents recovered by the Rwandan forces, nearly half were prayers and religious songs.<sup>59</sup> Some ALIR combatants call their force the Army of Jesus, *Ingabo za Yezu* in Kinyarwanda.

#### IV. REACTION OF THE RWANDAN AUTHORITIES

The Rwandan government professes commitment to enforcing both domestic law and international humanitarian law. Rwanda ratified the Geneva Conventions, in particular Additional Protocol II relating to the protection of victims. Common Article 3 to the Geneva Conventions as well as the principles of Protocol II apply to this conflict and bind both parties involved in it.

The Rwandan military justice system has prosecuted a number of cases of grave human rights violations. But most convictions have been of ordinary soldiers or low-ranking officers. Senior officers have rarely been tried on such charges and if tried and convicted have generally received light sentences. Extremely serious allegations of war crimes by Rwandan government troops in the Congo, made by local and international human rights organizations, by the United Nations special rapporteur for the Democratic Republic of Congo, and by the secretary-general’s Investigative Team, have not been seriously investigated far less prosecuted by Rwandan authorities.

During the 1997-1998 rebellion in the northwest, the Rwandan army generally treated the local civilians as collaborators of the rebels. They killed thousands and forced hundreds of thousands of others into miserable relocation camps or into the bush where many died of illness and malnutrition. In the current conflict Rwandan authorities have adopted a different strategy. Brigadier-General Kabarebe reportedly told an audience in Ruhengeri that the army was doing its best to avoid violating the rights of citizens as it fought ALIR.<sup>60</sup> According to information available to Human Rights Watch in early December, Rwandan government soldiers have not engaged in reprisal attacks against local residents. The few cases reported thus far of locally resident civilians killed or injured by Rwandan government fire appear to have been accidental.

##### **Military Action**

The Rwandan army quickly reinforced the northwest after the May clashes, increasing the number of soldiers at large bases and establishing some new smaller posts. On several occasions when large numbers of ALIR were sighted, army units responded rapidly and inflicted heavy losses on them. In a major engagement on June 6, a force of several hundred ALIR combatants attempting to advance through Mutura and Cyanzarwe districts were stopped by Rwandan forces with armored personnel carriers and helicopter gunships. During the battle ALIR

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<sup>55</sup> Cyrille Kanamugire, “La mission secrète du PDR-UBUYANJA et de son Président Bizimungu,” Kinyamateka, no. 1580, July 2001.

<sup>56</sup> Human Rights Watch interviews, Gitagata, August 23, 2001; Reuters, “Captured Rwandan Hutu Rebel Officer Peter Habimana says his Congo-based force is strong enough to survive recent defeats,” July 15, 2001.

<sup>57</sup> Human Rights Watch interview, Gisenyi, May 24, 2001.

<sup>58</sup> Human Rights Watch interview, Ruhengeri, June 19, 2001; Smith, “Rwanda Warns of Hutus Preparing Second Genocide.”

<sup>59</sup> Human Rights Watch interview, Kigali, June 22, 2001.

<sup>60</sup> Radio Rwanda, Evening News, July 10, 2001.

suffered casualties but also apparently shot and disabled an Rwandan army helicopter, forcing it to make an emergency landing in a military camp. The Rwandan army reported that it killed 400 rebels and captured 150 that day.

On June 21, there were heavy clashes in the districts of Bugarula (formerly Cyabingo and Ruhondo) and Bukonya (formerly Ndusu and Gatonde). Local witnesses estimated that 500 ALIR combatants were involved, of whom twenty were killed along with fifteen government soldiers. They said an RPA bomb fell on a home in Munyana cell, Munanira secteur, of Bukonya district, killing the man who lived there and seriously injuring his wife. In another incident the same day, a woman was reported injured by Rwandan government fire in Muhaza secteur, Bugarula.<sup>61</sup>

In addition to cases in which local residents were injured or killed who were apparently not deliberately targeted, a number of apparent civilians traveling with ALIR were killed when Rwandan government troops fired on the ALIR group. From accounts of survivors, for example, it appears that civilians, including young women who were part of a prayer group, accompanied ALIR combatants who were engaged by government soldiers in the major clash at Cyanzarwe on June 5 and 6. At least eight young women and a number of children were killed there.<sup>62</sup> In late June, government soldiers gave chase to looters in Nyarwaya cell, Mutobo district and killed twenty-seven persons. One witness commented that the group may have included children and noncombatants who had accompanied the fighters to carry off the loot.<sup>63</sup>

Persons not part of an armed force who accompany combatants in roles such as porters, spiritual advisers, or general helpers are civilians—and are protected as such—so long as they do not themselves participate in hostilities. But civilians who voluntarily put themselves in close proximity to combatants have accepted a greater risk of harm and may suffer incidental injury or loss of life even if they are not targeted. General principles of humanitarian law require both parties to a conflict to accord civilians the greatest protection possible against the dangers arising from military operations. Troops should not shield themselves behind civilians; similarly, opposing forces should attempt to minimize the harm to civilians even should shielding take place. Judgments in such cases are complex.

Some local residents complained that Rwandan government soldiers failed to respond to their calls for help when looters arrived to raid their property. Army soldiers repulsed only one of four ALIR attacks on health centers. Families living near ALIR bases have suffered most. The people of Bisate sector adjacent to the Virunga forest, for example, had their homes and fields looted on four consecutive nights in mid-June.<sup>64</sup>

### **Treatment of Captives**

In past years the Rwandan army took relatively few enemy captives, but in another demonstration of a change in policy in the recent conflict they have taken captive or accepted the surrender of more than 1,800 persons. Many of them were combatants and others were civilians who had accompanied the troops.

In general, captives who are participating in solidarity camps at Mudende and Nkumba in the northwest appear not to have been ill-treated. But in three cases, unarmed captives have reportedly been summarily executed by Rwandan government forces. In late June six ALIR combatants were found hiding in the bushes shortly after a skirmish between their group and the RPA. The cattle herder who discovered them took them to the Rwandan government soldiers at Gikombe, between Karara and Rusengye cells in Kareba sector, Buhoma district. When RPA soldiers asked them what they were doing, they answered that they had just been waiting for the shooting to end to surrender. Four of the six were armed and handed over their weapons. An officer reportedly named Captain Mutabazi took one of these weapons and tried to shoot one of the ALIR combatants who had surrendered. The weapon did not fire, so the captain supposedly took a weapon from one of his guards and killed all six. Local people were ordered to bury the dead but initially refused. When the captain insisted, they buried the corpses in a mass grave in Rusengye cell in Kareba. The same captain was allegedly also involved in violence against members of the Local Defense Force, as described below.<sup>65</sup>

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<sup>61</sup> Human Rights Watch interview, Kigali, by telephone, June 29, 2001.

<sup>62</sup> Human Rights Watch, Ruhengeri, June 18, 2001.

<sup>63</sup> Human Rights Watch interview, Ruhengeri, July 10, 2001.

<sup>64</sup> Human Rights Watch interviews, Ruhengeri, June 18 and Kigali, June 22, 2001.

<sup>65</sup> Human Rights Watch interviews, Ruhengeri, July 10, 2001.

In another incident, Rwandan government soldiers reportedly killed seven unarmed ALIR combatants at a post between Nyabirehe, Mutobo district, and Musomba, Buhoma district. In the third case, members of the Local Defense Force supposedly executed two combatants who had surrendered at the Kanama district office.<sup>66</sup>

One of the children now in Rwandan hands says that he was beaten when captured in the Congo by Rwandan government soldiers and another said both children and adults were beaten after being caught in Rwanda on May 21. Otherwise none of the two dozen adults or children interviewed by Human Rights Watch researchers complained of ill-treatment and several said that they had been well cared for.<sup>67</sup>

Captives were initially held at military camps near where they surrendered or were captured. Within two weeks, most of these early detainees were transferred to Camp Muhoza, a military camp in Ruhengeri, where some 400 captives, including two women and fifty-two children, slept in two crowded rooms.<sup>68</sup> Food and medical supplies were insufficient. The most seriously wounded were eventually transferred to hospitals, although some of them received this kind of medical attention only days or weeks after they had been wounded and captured. In mid-July, some two dozen captives were being treated at the Ruhengeri hospital.<sup>69</sup>

The government subsequently transferred some 1320 adult and child captives to a “solidarity camp” at Mudende, Gisenyi run by the National Unity and Reconciliation Commission. The number of captives continued to swell and, in August, the government established another, makeshift solidarity camp for over 700 more at Nkumba, Ruhengeri. There they follow a “re-education” program meant to promote nationalism and RPF (Rwandan Patriotic Front) ideology and erase ideas of ethnic loyalty. In general, captives have been treated relatively well, although overcrowding and lack of basic supplies have at times been problems. Over 1300 participants in Mudende were housed in quarters supposedly meant for some 500, creating conditions of overcrowding that fostered the spread of disease.<sup>70</sup> In early August, one child and three adults died at the Mudende camp, apparently as a result of diarrhea.<sup>71</sup> After the solidarity camps, the captives will supposedly be free to go home. However, the RPA will most likely “reintegrate” most of them into its forces and deploy them along the front lines in Congo.

Rwandan authorities have encouraged captives to make contact with their families. The national radio broadcast names and other identifying information about the captives and authorities presented some of them at public meetings in the northwest and elsewhere in the country. Families came from considerable distances and were allowed to visit with their relatives and some captives were permitted to spend several days at home before returning to detention.<sup>72</sup>

### **Enlisting the Population**

In assessing the situation on June 30, 2001 Brigadier-General Kabarebe said that the effort against ALIR was 20 percent based on the military strength of the Rwandan government army and 80 percent based on the assistance of the local population.<sup>73</sup> To encourage that assistance, both local and national government officials, including the minister of defense and the minister of internal security, have held frequent public meetings (called *sensibilisation*) throughout the northwest. In some cases, they have reportedly paid local people who helped capture ALIR combatants and they have bestowed ample public praise on others.<sup>74</sup>

Authorities have also repeatedly reminded people of the sufferings of previous years of war and, using the well-worn proverb about how the grass suffers most when elephants fight, they have warned them of the consequences of encouraging ALIR forces. Local residents do indeed remember vividly the misery and deaths of 1997 and 1998 and seem to have generally heeded official orders to shun the ALIR combatants.

In some areas, people have interpreted the official warnings as direct threats. One local official who attended a number of meetings led by Rwandan army officers commented:

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<sup>66</sup> Human Rights Watch interview, Ruhengeri, July 10, 2001.

<sup>67</sup> Human Rights Watch interviews, Gisenyi, June 8, 2001 and Ruhengeri, June 18-19, 2001.

<sup>68</sup> Human Rights Watch interviews and field notes, Gisenyi, June 8, 2001; Ruhengeri, June 18-19, 2001.

<sup>69</sup> Human Rights Watch interviews and field notes, Gisenyi, June 8, 2001; Ruhengeri, June 18-19 and July 9, 2001.

<sup>70</sup> Radio Rwanda, Evening News, July 16, 2001.

<sup>71</sup> Human Rights Watch interview, Gisenyi, by telephone, August 14, 2001.

<sup>72</sup> Human Rights Watch interviews and field notes, Gisenyi, June 8, 2001; Ruhengeri, June 18-19 and July 9, 2001.

<sup>73</sup> Bar, “Winning with words : Rwanda battens down against cross-border foes ”

<sup>74</sup> Human Rights Watch interview, Ruhengeri, June 18, 2001.

The military tell the people that the insurgency is their fault because it is their children who are the Rebels. These threats are made very often. The people are very intimidated. They just want to survive. . . . We are civilians. Politics are not our business. We live off our fields. We haven't ever gone to school. How can the military see us as political opponents?<sup>75</sup>

Rwandan authorities have also held meetings elsewhere in the country to urge residents to be vigilant in watching for any sign of ALIR activity in their areas.<sup>76</sup>

Authorities have called on people to do more than just stay alert. In many communities, residents are obliged to patrol at night and on occasion thousands have been mobilized to search local fields or the Gishwati and Nyungwe forests for signs of ALIR combatants.<sup>77</sup> Even in the eastern province of Kibungo, distant from the troubled northwest, authorities warned "severe sanctions" would be imposed on any citizen who did not participate in nightly patrols.<sup>78</sup> In some cases, civilians have been obliged to assist the military in other ways. People who reside near the military post in Burambi sector of Bukamba district (formerly Kidaho) are often required to supply water to Rwandan army soldiers. During the dry season, they had to walk six miles round trip to Lake Bulera to fetch the water. In the sector of Shingiro, Bukonya district, residents are obliged to provide food for the members of the Local Defense Force.<sup>79</sup>

For the past several years, young people have been called upon to serve in the Local Defense Force. Some do so willingly, others only under duress. They ordinarily receive two to three months training by Rwandan government soldiers and work under their supervision. They live at home and are supposed to protect their local communities, for which they receive no salary. Some members of the LDF are under eighteen years of age.<sup>80</sup> Usually some but not all LDF members have firearms when on patrol. On June 8, the Governor of Gisenyi province announced that more weapons would be distributed to local LDF members and that they would be deployed to patrol along the Gishwati forest.<sup>81</sup> LDF members have engaged in skirmishes with ALIR combatants, sometimes alone, sometimes in the company of Rwandan government soldiers. They have killed members of ALIR and several have been themselves killed in exchanges of fire.<sup>82</sup> Their service has lightened the burden on the Rwandan government army, both in the northwest and in the Congo. Many of the early LDF members have been subsequently transferred or recruited into the regular army and sent to fight across the border.<sup>83</sup>

Members of the Local Defense Force ordinarily follow the orders of Rwandan government soldiers, but on July 7, several LDF in Kareba sector refused to execute the command to send local people to their homes at about 5:30 in the evening. They say that there was no apparent reason to impose a curfew at that hour. According to witnesses, the soldiers had been drinking and got into a scuffle with the LDF members who refused to follow their orders. One of the soldiers threatened the young auxiliaries with his weapon. Captain Mutabazi, mentioned above, reportedly intervened and ordered the soldiers to beat the LDF members, which they did. One of the LDF was so seriously injured that he required medical attention. This incident, following a week or more after the shooting of

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<sup>75</sup> Human Rights Watch interview, July 10, 2001.

<sup>76</sup> Human Rights Watch interviews, Ruhengeri, May 23, 2001 and Gisenyi, May 24-25, 2001, Herve Bar, "Winning with words : Rwanda battens down against cross-border foes," Agence France Presse, June 30, 2001 ; Radio Rwanda, Evening News, May 21, June 12, and July 7, 2001, Morning News July 8, 2001.

<sup>77</sup> Human Rights Watch interviews, Ruhengeri, May 23 and Gisenyi, June 8, 2001.

<sup>78</sup> Radio Rwanda, Evening News, July 7, 2001.

<sup>79</sup> Human Rights Watch interviews, Ruhengeri, May 25 and June 18, 2001.

<sup>80</sup> See Human Rights Watch, "Rwanda : The Search for Security and Human Rights Abuses," vol. 12, no. 1, April 2000. Rwanda is a party to Additional Protocol I of the Geneva Conventions, which prohibits at article 77 the recruitment of children under the age of fifteen and requires that all feasible measures be taken to ensure that those under fifteen not take part directly in hostilities. Rwanda has ratified the Convention on the Rights and Welfare of the Child, which provides similar prohibitions at article 38. Rwanda has signed, but not ratified, the African Charter on the Rights and Welfare of the Child, which requires states parties to refrain from recruiting children, defined as persons under the age of eighteen, and to take all necessary measures to ensure that no children participate in hostilities. By recruiting children for Local Defense Forces, Rwanda violates these international conventions and standards.

<sup>81</sup> Human Rights Watch interviews, Gisenyi, June 8, 2001, and Ruhengeri, June 19, 2001.

<sup>82</sup> "A Gisenyi, Les Infiltrés ont tué un 'Local Defense'," *Umuseso*, No. 47, June 25-July 1, 2001.

<sup>83</sup> Human Rights Watch interviews, Ruhengeri, May 25 and July 9-10, 2001.

the surrendered ALIR combatants, caused an outcry among the local people. Three days later, Captain Mutabazi was reportedly transferred to Mudende.<sup>84</sup>

### **Child Soldiers**

ALIR officers interviewed by Human Rights Watch researchers recognized that international humanitarian law prohibited recruiting children under the age of fifteen for military service and using them in hostilities.<sup>85</sup> One even cited the higher limit of eighteen years of age provided for by the Optional Protocol to the Convention on the Rights of the Child.<sup>86</sup> Several said that their commanding officers had prohibited the recruitment of children, in one case by three written orders. One mentioned having seen another officer punish a soldier for having used a child as a porter.<sup>87</sup> But orders against the recruitment and use of children were not generally obeyed: in early August 280 children were in Rwandan custody, after having been part of the ALIR forces. Fifty-six of those children were Congolese and have since been handed over to the Governor of North Kivu and installed in a youth center in the Congo.<sup>88</sup>

At least several dozen child soldiers accompanying ALIR combatants have been killed in combat since May 2001.<sup>89</sup> The number may be far higher. Three of fourteen children seen by a Human Rights Watch researcher in a Gisenyi detention center on June 8 were suffering from bullet wounds.

Like the adults in ALIR, the Rwandan children included some who had been in the Congo since 1994 and who had suffered through the attacks and dispersion of the refugee camps. Others had fled to the Congo with refugees in 1997 or 1998. One fourteen-year-old orphan from Gisenyi said that he was never part of ALIR. His aunt and grandmother were killed during the 1997 fighting in Giciye in Rwanda and he has no other family. He had been living in a makeshift refugee camp in a forest in Walikale. One day in May 2001, he and another boy went out to search for food and came back to find that the other residents of the camp had left. Alone in the forest, they met Rwandan government soldiers who accused them of being part of ALIR. According to the child, the soldiers refused to believe their claims that they were refugees and beat them. The soldiers took the boys to detention in Goma and then to Rwanda. The child thought he would be turned over to UN refugee officials and was surprised to find himself in military detention.<sup>90</sup>

The youngest children seen by Human Rights Watch researchers were ten and eleven years old. Some who were older were extremely small in size probably due to malnutrition and frequent disease. One who looked about seven years old was in fact twice that age. He explained, "I am small because I haven't eaten well."<sup>91</sup> All were dirty and ill-clad. One excused his appearance saying there had been no water that morning to wash his face. Most appeared completely exhausted. During the two days that Human Rights Watch researchers were conducting interviews at the camp where the children were detained, dozens of children simply stood or sat passively in a nearby field. Several fell asleep in the sun.

The young captives engaged in none of the banter or high-spirited jostling characteristic of children of this age. Even sitting in a group, most seemed solitary and unconnected to others. Many were orphans. Others did not know if their parents or other family members were alive, and if they were alive, where they might be. One child who had had no news of his father for three years rediscovered him at the military camp where both were held captive. At first, the father did not recognize him. When another small child was asked where in Rwanda he came from, he replied with the names of his parents and of a place in Kigali-rural. He added that he was not sure of this information but that was what others in the forest had taught him.<sup>92</sup>

Most of the smaller children had been attached to a particular combatant who fed them and for whom they worked. But they often knew this person only by his rank, not by his name. One child proud of his gift of a blue

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<sup>84</sup> Human Rights Watch interview, Ruhengeri, July 10, 2001.

<sup>85</sup> Article 4(3) (c-d), Protocol II to the Geneva Conventions, which applies to all forces in a noninternational armed conflict.

<sup>86</sup> General Assembly Resolution 44/25 of November 20, 1989, 44 U.N. GAOR Supp (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990. The Optional Protocol to this convention establishes eighteen as the minimum age for recruitment or use in hostilities by nongovernmental actors as well as by governmental forces.

<sup>87</sup> Human Rights Watch interviews, Ruhengeri, June 19, 2001.

<sup>88</sup> Human Rights Watch interview, by telephone, Gisenyi August 14, 2001.

<sup>89</sup> Human Rights Watch interviews, Gisenyi, June 8, 2001 and Ruhengeri, June 18-19, July 9-10, 2001.

<sup>90</sup> Human Rights Watch interview, Gisenyi, June 8, 2001.

<sup>91</sup> Human Rights Watch interview, Ruhengeri, June 18, 2001.

<sup>92</sup> Human Rights Watch interview, Ruhengeri, June 18, 2001.

and orange tee shirt spoke of the donor as “the sergeant.” Many did not know the names of other children with whom they had spent days or weeks, as if they expected the connections to be so brief as to make learning names futile. Asked to identify other child soldiers from his unit who had been killed in combat two weeks before, one eleven-year-old said that he no longer remembered who they were.<sup>93</sup>

### **Recruitment of children**

Some of the children were abducted by ALIR combatants; they were usually taken from their homes in the course of raids and pressed into service immediately to transport the booty. One Congolese child was taken this way from his home in Kinigi, Bunyana, North Kivu as recently as early June 2001.<sup>94</sup> Other children followed the troops in search of food and protection, often after their parents had died or they had become separated from their families. Another child fled Rwanda with his mother in 1998 and lived with her in the forest on the other side of the volcanoes that mark the border with the Congo. One day when he was out seeking food and firewood, Rwandan government soldiers came and forced his mother to return to Rwanda. He came back and found her gone and decided to go to a nearby ALIR camp. After spending some time with the combatants, he fell ill and they left him with a Congolese family to recover. They later returned to take him away again to use him as a porter.<sup>95</sup> As this account illustrates, combatants could often find other solutions for needy children than incorporating them in their ranks but ordinarily chose instead to keep them in order to exploit their labor.

### **Training of children**

Almost all of the children interviewed by Human Rights Watch researchers had been taught how to fire weapons. One had refused to learn because he “didn’t want to spill blood.”<sup>96</sup> One fourteen year-old said that he was severely beaten when he refused to learn to shoot but in the end was not forced to do so.<sup>97</sup> A thirteen-year-old child said that he did not learn to fire weapons because he was judged too young. This was unusual: children as young as eleven learned to shoot. Most learned informally in small groups in the camps where they lived, usually ten children together. Only one said that he did three months of regular military training with fifty-six other children at Kingingo camp in the forest. In addition to learning how to handle several weapons, he learned tactics of self-defense and military regulations. According to the child, who is only eleven years old, the training ended one morning and the children departed together for Rwanda that same afternoon.<sup>98</sup>

The children interviewed by Human Rights Watch researchers varied in their understanding of what the war was all about. Several could articulate the political goals also cited by adult combatants: to overthrow a repressive government and end injustice. Others spoke in more blatantly ethnic terms, saying that Tutsi were more “cruel” than other people. One said he had been taught that “Hutu and Tutsi are different ethnic groups and there will never be good relations between them.” Another said he heard commanding officers saying that Tutsi kill and imprison people in Rwanda. Others said simply that they did not know or were still waiting to find out what the war was all about.

### **Service**

It appears that in general ALIR did not use children younger than sixteen years old in combat. Both children and adult combatants indicate that younger children were not officially registered on ALIR roles. The advance unit known as the Commando for Research and Intensive Action, however, seems to have integrated younger children in its ranks, perhaps because they were expected to be useful in gathering intelligence, one of the objectives of that unit. Some seventeen and eighteen year olds apparently served as regular soldiers; according to one officer, he had three such children among his eighty-one combatants.<sup>99</sup>

ALIR used younger children to fetch water, do other domestic chores, and to transport loads, some of them extremely heavy. One child who spent approximately one year with ALIR remembers having moved camp ten

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<sup>93</sup> Human Rights Watch interviews, Ruhengeri, June 18-19, 2001.

<sup>94</sup> Human Rights Watch interviews, Gisenyi, June 8 and Ruhengeri, June 18-19, 2001.

<sup>95</sup> Human Rights Watch interview, Ruhengeri, June 18, 2001.

<sup>96</sup> Human Rights Watch interview, Ruhengeri, June 18, 2001.

<sup>97</sup> Human Rights Watch interview, Gitagata, Kigali-rural, August 23, 2001.

<sup>98</sup> Human Rights Watch interviews, Gisenyi, June 8 and Ruhengeri, June 18-19, 2001.

<sup>99</sup> Human Rights Watch interviews, Ruhengeri, June 18-19 and July 9, 2001; Kigali, July 24, 2001.

times in the Congo before coming to Rwanda.<sup>100</sup> According to one young child, they also were ordered to shout and otherwise make noise to distract and frighten opponents during battle. One witness who saw the arrival of the first combatants on May 20 said that there were ten children carrying empty pots among the group of seventy. According to accounts of battles in the Congo, children sometimes bang on pots to create a diversion.<sup>101</sup>

Some children complained that ALIR combatants beat them severely if they did anything wrong or even if they were angry for some other reason. They said that some children had died of such beatings. Others said that they had been warned that anyone trying to escape would be caught and killed.<sup>102</sup>

### **A Step Towards Reintegration: “Like flowers that had been watered”**

Fortunately the majority of children from ALIR now in the hands of Rwandan authorities are not hardened soldiers. Although they have suffered great privation and seen much death and misery, most have actually been in combat only two or three times. Unlike the tragic children of Sierra Leone or the Lord’s Resistance Army in northern Uganda and southern Sudan, they have not been trained to commit nor have they committed atrocities.

In mid-August, Rwandan authorities moved the children to the Gitagata center south of Kigali where they will spend a year being “re-educated” and attending school or learning a trade. According to a government announcement on August 13, the center will also be providing services to hundreds of street children recently rounded up in the capital and other towns as well as to children younger than fourteen years old who have been convicted of crimes.<sup>103</sup>

Approximately one month after the first children were taken into custody, UNICEF began to supply food, clothing, and medicine for the children and continue to provide assistance to the Gitagata center.<sup>104</sup>

A Human Rights Watch researcher who visited the children at Gitagata in late August found them eating regularly and sleeping in beds with bedding. They had access to fuller medical care than was available in camps where they were previously housed. Educational, counseling, and psycho-social services were being planned by international humanitarian agencies. These services had not yet begun, but a performing arts group was present singing, dancing, and playing the drums with the children. As one observer commented, the children “looked like flowers that had been watered.”<sup>105</sup>

By early December, the families of more than one hundred of the children had been located and were ready to reintegrate their sons, but the government insisted that the boys remain at Gitagata. Only one child, the only girl out of more than 200, was allowed to go home. She claims to have been a refugee and never to have participated in the ALIR forces. Shortly after arriving at Gitagata, she was harassed by boys participating in the camp. In late August, after strong urging from UNICEF agents, Rwandan authorities allowed her to rejoin her mother in Gisenyi.

Most of the children come from northwestern Rwanda. If they have any remaining relatives, they are likely to live in that area, far from Gitagata. This distance will complicate regular contact between children and family members, which is essential to properly prepare for their reintegration into communities. UNICEF is urging the government to provide for family visits and other activities that will make it easier for the children to reintegrate into life with their families after leaving the camp.

An estimated 400,000 children in Rwanda are orphans. They live in child-headed households, in foster families, as live-in domestic servants, or on the streets. Many of them are gravely abused and exploited. The challenge for the Rwandan government and the international community will be to find durable solutions for these newly arrived needy children and for the others who will doubtless follow them if the war continues.

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<sup>100</sup> Human Rights Watch interview, Gisenyi, June 8, 2001.

<sup>101</sup> Human Rights Watch interview, Ruhengeri, May 23, 2001.

<sup>102</sup> Human Rights Watch interviews, Gisenyi, June 8 and Ruhengeri, June 18-19, 2001.

<sup>103</sup> Radio Rwanda, Morning News, August 13, 2001.

<sup>104</sup> Human Rights Watch interview, Kigali, June 28, 2001.

<sup>105</sup> Human Rights Watch field notes, Gitagata, August 23, 2001.

## V. ACKNOWLEDGEMENTS

This report was researched and written by the Africa Division staff of Human Rights Watch. The report was edited by Michael McClintock, deputy program director; and reviewed by Wilder Tayler, legal and policy director. The report was translated into French by Anne Fonteneau. Invaluable production and coordination assistance was provided by Jeff Scott, associate for the Africa Division; Maria Burnett-Gaudiani, assistant for the Africa Division, Patrick Minges, publications director; Jennifer Gillespie, publications intern, and Fitzroy Hepkins, mail manager.

Human Rights Watch recognizes with appreciation funding for work on Rwanda from NOVIB.

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