

[EMBARGOED FOR 20 OCTOBER 1994]

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RWANDA

Reports of killings and abductions by the Rwandese Patriotic Army, April - August 1994

20 OCTOBER 1994 SUMMARY AI INDEX: AFR 47/16/94

DISTR: SC/CC/CO/GR

Amnesty International has received numerous reports of human rights violations committed by the Rwandese Patriotic Army since armed conflict began in Rwanda in 1990 and particularly since April 1994. Although it is not appropriate to make any comparison between the horrendous scale of massacres committed by forces loyal to the former government between April and July 1994 with those committed by the Rwandese Patriotic Army (RPA), Rwanda's new national army which until July 1994 was the armed wing of the Rwandese Patriotic Front (RPF), hundreds, possibly thousands, of defenseless people have been killed by the RPA and its supporters.

These violations have included hundreds of deliberate executions, as well as abductions or "disappearances" of captured combatants and unarmed civilians suspected of supporting the former government. Many of the killings took place in a series of arbitrary reprisals on civilian members of the majority Hutu ethnic group, some before widespread massacres started in areas under the former government's control on 6 April 1994. There were also sporadic deliberate and arbitrary killings as the RPA took control of new areas and uncovered evidence of genocide, committed mostly against members of the minority Tutsi ethnic group whose members form the

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majority of the RPA, and took revenge on Hutu. Some of the killings by the RPA occurred during or after a process of "screening" people returning to their homes. There have also been reports of civilian supporters of the RPF being allowed to kill opponents. In addition to these killings, many prisoners held by the RPA have been subjected to a particularly painful form of tying with the victims arms tied above the elbows behind the back sometimes resulting in permanent injury.

These violations appear to have gone largely unreported. The Rwandese Patriotic Front (RPF) has closely monitored and controlled movements of foreigners in areas under its control. Journalists and representatives of humanitarian organizations rarely talked to Rwandese citizens under RPF control without an RPF official being present. This meant that before the new government came to power in mid-July 1994 very limited information about abuses by the RPA could be gathered or made public by independent observers.

In August 1994, a month after the RPF and others proclaimed a new government, Amnesty International representatives visited Rwanda to hold talks with government and security officials, and to collect information about human rights violations which have occurred before and after the new government came to power. President Pasteur Bizimungu and other government officials assured the organization's representatives that the government was determined to bring an end to impunity for human rights violators in Rwanda. During their visit, Amnesty International's representatives received reports of serious human rights violations by the RPA, particularly those committed since April 1994. Amnesty International representatives have also interviewed Rwandese asylum seekers in neighbouring countries, and found substantial evidence of killings and other abuses by the RPA.

Amnesty International is concerned that the authorities are not known to have conducted independent and impartial inquiries to establish the full truth about these allegations with a view to identifying those responsible and bringing them to justice. Immediate action is required so as to ensure that members of the security forces and government supporters are not led to believe that they can continue to violate human rights with impunity. This will ensure that the cycle of violence and other human rights abuses is broken. Amnesty International is calling on the international community to assist the Rwandese authorities to accomplish this urgent task. Amnesty International has made ten specific recommendations to the Rwandese Government, calling for independent and impartial inquiries into all reports and allegations of human rights abuses by the RPA and for perpetrators to be brought to justice. The Rwandese Government should also implement United Nations and other safeguards to prevent a recurrence of human rights violations.

KEYWORDS: EXTRAJUDICIAL EXECUTION// DISAPPEARANCES / IMPUNITY// ETHNIC GROUPS // RELIGIOUS OFFICIALS - CATHOLIC I / TORTURE/ILL-TREATMENT / RESTRAINTS / DOCTORS / TEACHERS / MILITARY AS VICTIMS / PRISONERS OF WAR / DISPLACED PEOPLE / WOMEN / CHILDREN / JUVENILES / FAMILIES / MILITARY // ARMED CIVILIANS / ARMED CONFLICT / GOVERNMENT CHANGE / MISSIONS / UN / PRISONERS' TESTIMONIES /

Rwanda: Killings and abductions by the RPA

This report summarizes an 13-page document (5,649 words), *Rwanda: Reports of killings and abductions by the Rwandese Patriotic Army, April - August 1994* (AI Index: AFR 47/16/94), issued by Amnesty International on 20 October 1994. Anyone wanting further details or to take action on this issue should consult the full document.

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the Rwandese Patriotic Army,
April - August 1994



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RWANDA

Reports of killings and abductions by the Rwandese Patriotic Army, April - August 1994

1. Introduction

The Rwandese Patriotic Army (RPA)¹, Rwanda's new national army which until July 1994 was the armed wing of the Rwandese Patriotic Front (RPF), has the reputation of being much better organized and disciplined than the security forces of the former government² it overthrew in July 1994. Soldiers and militia of the former government are reported to have killed 500,000 or more members of the minority Tutsi ethnic group and its opponents from the majority Hutu ethnic group between April and July 1994. Given the horrendous scale of massacres committed by forces loyal to the former government, there could never be any comparison between those massacres and other human rights abuses committed by the RPA³. Nevertheless, this fact should not be allowed to prevent the truth about alleged RPA abuses from being uncovered and, where appropriate, action being immediately taken to bring those responsible to justice and to prevent such abuses from recurring. Although it is generally unclear whether human rights abuses by the RPA are ordered or condoned by top government and security officials, it is incumbent on them to take action to prevent the abuses and to ensure that those responsible are brought to justice.

Reports of abuses by the RPA have already been exploited as political propaganda by supporters of the former government. This report may also be exploited for partisan

¹. The RPF/RPA was formed and is dominated by exiled members of the minority Tutsi ethnic group. They and, or their parents fled to neighbouring countries such as Uganda in the wake of massacres of Tutsi by Hutu before and after independence in 1962.

². The former government and its security forces were dominated by members of the majority Hutu ethnic group.

³ Former government security forces and militia are believed to have carried out massacres of 500,000 or more members of the Tutsi ethnic group and members of the Hutu ethnic group opposed to the government and the killing of Tutsi since 6 April 1994 when the plane carrying Rwanda's President Juvénal Habyarimana and Burundi's President Cyprien Ntaryamira was shot down. Amnesty International has published numerous reports of the massacres and other human rights abuses which have occurred in Rwanda since the war in Rwanda began on 1 October 1990. More recently, on 23 May 1994, the organization published a report about the massacres which began on 6 April 1994 entitled, Rwanda: Mass murder by government supporters and troops in April and May 1994.

propaganda by some of the very people who were responsible for genocide between April and July 1994. However, Amnesty International considers it unacceptable to

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allow killings and other human rights violations by the RPA to pass in silence with the risk that they could escalate and continue unchecked.

Amnesty International has known for several years that the RPF closely monitored and controlled movements of foreigners in areas under its control. Journalists and representatives of humanitarian organizations rarely talked to Rwandese citizens under RPF control without an RPF official being present. This ensured that before the new government came to power on 19 July 1994 very limited information about abuses by the RPA could be gathered or made public by independent observers. However, Amnesty International has received numerous reports of human rights abuses committed by the RPA since the war in Rwanda began in October 1990. These have included hundreds of deliberate and arbitrary killings⁴ or possible extrajudicial executions⁵, and "disappearances" of captured combatants and unarmed civilians suspected of supporting the former- government. There have also been reports of civilian supporters of the RPF being allowed to kill opponents. In addition to these killings, many prisoners held by the RPA have been subjected to a particularly painful form of tying known in Uganda as kandoya⁶ or "three-piece-tying", with the victim's arms tied above the elbows behind the back. Kandoya sometimes results in permanent injury and constitutes a form of cruel, inhuman or degrading treatment, prohibited under the terms of international human rights agreements.

In August 1994, several weeks after the RPF and others proclaimed a new government, Amnesty International representatives visited Rwanda to hold talks with government and security officials, and to collect information about human rights abuses which have occurred before and after the new government came to power. President Pasteur Bizimungu and other government officials assured the organization's representatives that the government was determined to bring an end to impunity for human rights violators in Rwanda. During their visit, Amnesty International's representatives collected testimonies regarding allegations of serious human rights violations by the RPA, particularly those committed since April 1994. Amnesty International also interviewed Rwandese asylum-seekers in neighbouring countries and found substantial evidence of severe ill-treatment and attempted execution by

⁴.Deliberate and arbitrary killings" are those committed by armed opposition groups in violation of the internationally recognized norms of humanitarian law, including executions and other killings of prisoners and non-combatants.

⁵.An extrajudicial execution is an unlawful and deliberate killing carried out by order of a government or with its acquiescence. In the case of Rwanda, killings by the RPA are considered as extrajudicial executions from the time RPF members became government officials on 19 July 1994.

⁶.This manner of tying can be used as a method of restraint, but also be used deliberately to inflict pain and coerce prisoners during interrogation. After protests against its use in Uganda in 1986, Uganda's President Yoweri Museveni banned the practice by Uganda's National Resistance Army (NRA) in 1987. Its use by NRA soldiers nevertheless continued to be reported subsequently.

the RPA, in addition to numerous testimonies about killings and other abuses which were so consistent in dates, places and names of victims as not to be dismissed as anti-RPA/RPF propaganda. Amnesty International is concerned that the authorities

are not known to have conducted independent and impartial inquiries to establish the full truth about these allegations with a view to identifying those responsible and bringing them to justice.

Amnesty International is now making public some of the information it has collected in order to draw the attention of the Rwandese authorities and the international community to them. These allegations are very grave and require immediate action so as to ensure that members of the security forces and government supporters are not led to believe that they can continue to violate human rights with impunity. This will significantly contribute to ensuring that the cycle of violence and other human rights abuses is broken. Amnesty International is calling on the international community to assist the Rwandese authorities to accomplish this urgent task. Amnesty International is also urging the international community to deploy human rights monitors in Rwanda who could investigate any further reports of abuse over the coming months. Evidently it is also vital that objective information be available on the public record about the human rights situation in Rwanda so that refugees can make an assessment based on sound information of whether their safety will be guaranteed or not when they return home.

Amnesty International submitted the concerns contained in this report to the Rwandese authorities at the start of October 1994.

2. Deliberate and arbitrary killings by the RPA

Reports received from Rwandese eye-witnesses and others suggest that hundreds - possibly thousands - of unarmed civilians and captured armed opponents of the RPF have been summarily executed or otherwise deliberately and arbitrarily killed since countrywide massacres and other acts of violence flared up after the death of former President Juvénal Habyarimana on 6 April 1994. Many of the killings took place in a series of arbitrary reprisals mainly against groups of Hutu civilians, some of which occurred in some cases before 6 April, but mainly afterwards in the northeast. There were also sporadic deliberate and arbitrary killings as the RPA took control and, uncovering evidence of genocide, took indiscriminate revenge on unarmed Hutu civilians. There were also deliberate executions carried out in the course of "screening" There have also been reports of revenge killings by Tutsi supporters of the RPF.

Many of these killings by the RPA, which appear to have gone largely unreported, appear to have taken place in northeastern Rwanda in mid-April 1994. Others have occurred in southern and western Rwanda once the RPA took control of these areas in May and June 1994. There are also reports that the RPA, as well as RPF supporters, were responsible for numerous killings of unarmed civilians in August and September 1994 in southeastern Rwanda. Some corpses of the victims were reported to have been dumped in the Akagera river which flows along the border between Rwanda and Tanzania. The floating of corpses in the Akagera river is reminiscent of the hundreds or even thousands of bodies of people reportedly massacred by former government forces and militia in May and June 1994, which floated downstream to Lake Victoria.

In mid-September the United Nations High Commissioner for Refugees (UNHCR) said that it had received dozens of testimonies from refugees who had fled from the

area, alleging that the RPA had carried out numerous killings, forcing many people who had returned to the area to flee. The UNHCR suspended repatriation of refugees from neighbouring countries. A controversy soon arose when some other UN agencies expressed or implied doubt over UNHCR findings. The United Nations Assistance Mission for Rwanda (UNAMIR) sent several dozen soldiers to monitor the situation. The Rwandese Government denied that its soldiers had been involved in any massacres and agreed to cooperate with a UN investigation team which was reported to have begun its work in early October 1994.

2. 1 Deliberate and arbitrary killings in northeastern Rwanda

Amnesty International representatives received numerous disturbing reports of deliberate and arbitrary killings in April and May 1994 of unarmed civilians by units of the RPA in northeastern Rwanda. Witnesses reported that such killings took place at Nyabwishongwezi and Kagitumba in Byumba prefecture's Ngarama district (commune). At both locations the killings reportedly took place at public meetings to which local people had been summoned by the RPA. RPA soldiers were reported by eye-witnesses to have used guns, grenades, bayonets and hoes to kill their unarmed victims. Accounts by the eye-witnesses portray a striking consistency of dates and places of the killings.

⁷The RPA has been recording the identities and places of origin of people returning from places inside Rwanda or from neighbouring countries where they had fled as a result of the war. There have been reports that returnees suspected of involvement in the massacres of RPA supporters or sympathizers have been arrested or even killed during or after the screening process.

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Several dozen witnesses reported that members of the RPA arrived in Kagitumba on 12 April 1994. At first the fighters were reportedly very friendly to the local population and promised that the RPA was determined to protect the local people who were then summoned to a public meeting at Gishara. On 13 April unarmed civilian men, women and children gathered at Gishara in Kagitumba. RPA officials reportedly began addressing the crowd and suddenly without provocation or warning they opened fire on the crowd and threw grenades at the crowd. It is unclear how many people were killed. However, from accounts of eye-witnesses, dozens are likely to have been killed in the incident.

One 36-year-old man present told Amnesty International representatives that RPA fighters seemed friendly at first, only to open fire on civilians without warning or provocation. He said most of the people in Nyabwishongwezi had only arrived there recently, having fled from other parts of Rwanda. Other inhabitants of Nyabwishongwezi were Rwandese nationals who had recently been expelled from Tanzania where they had been living for some years. Government soldiers had withdrawn from the area several weeks earlier. When RPA forces occupied the area in February 1994 the local population first fled but was convinced by the RPA to return. The witness explained that in March the RPA called the first public meetings during which RPF officials told people that they had nothing to fear. At one such meeting in April the RPA fired a rocket and threw grenades into the crowd. Others were shot and killed, while others sustained severe injuries. The RPF continued to deny that any killings had occurred in Kagitumba. But people did not believe them and continued to flee from Nyabwishongwezi. RPA fighters reportedly started a man-hunt for the Hutu, killing many using bayonets and guns. More extensive killings reportedly occurred on 15 April. The witness said he saw RPF soldiers hunting for civilians in the fields. He said that among those killed were his 30-year-old wife, Jovans Nakabonye, who was shot. The others, including his 12-year-old daughter, Felicita Busingye, were bayoneted to death. Those killed included a four-year-old child known as Yankunda.

One 56-year-old survivor of the killings at Gishara in Kagitumba and in Nyabwishongwezi narrated how his family and friends were slaughtered by the RPA. He said he and others were summoned to a public meeting on 13 April 1994 at Gishara. He said, "We had been told that men, women and children must attend. They said they would kill hippos for us and needed some representatives from among us to go hunting with the soldiers. Twelve of us were taken behind a house of "tailleur" (tailor) Muziga and they said they wanted to talk to us. They asked us to indicate who among us knew how to shoot or was a soldier. We said none of us knew how to shoot and that all soldiers had left. All of a sudden we heard a grenade explosion". He said many people were killed including his wife, Anastasia Mukamurigo, his 10-year-old son Nkwaya, and 20-year-old daughter Mukazaza. Others killed by the grenade and gunshots included

Azaria Ukuyemuye, a director of Nyabwishongwezi primary school, and his wife, Anne Maria, and a Roman Catholic nun known as Helène from Muyanza parish in Byumba. The witness then fled from Kagitumba to Nyabwishongwezi. On 16 April 1994 RPA forces came to the area while he was at the home of Sinamenye, in Rwantanga village in Nyabwishongwezi. Sinamenye's house was surrounded by six RPA soldiers, two of whom entered the house asking for the home owner and identity

papers. They confiscated the papers and told Sinamenye to go to a soldier at the entrance to collect valid papers. The soldier assaulted him with a bayonet and he fell. They then shot and killed him. The soldiers told Sinamenye's son, Bampora, to walk away and shot him in the back. The survivor said he was one of the few who managed to run away from the scene of these killings.

2.2 Deliberate and arbitrary killings in southern Rwanda

Amnesty International representatives who visited Burundi in July 1994 received reports of both deliberate executions and cases of cruel, inhuman or degrading treatment to which civilians from southern Rwanda said they had been subjected by RPA soldiers after they took control of Bugesera in southeastern Rwanda. The witnesses, some of whom had themselves narrowly survived execution and bore the marks of blows to their heads, had fled to northern Burundi from the area of Mututu in Butare prefecture's Muyira district and from parts of rural Kigali prefecture.

Towards the end of May 1994 RPA soldiers were reported to have carried out numerous arrests of Hutu who had returned to their homes in the Mututu area from Burundi. Virtually all those arrested were subjected to "three-piece-tying"⁸. In one incident a unit of about 10 soldiers and armed Tutsi civilians who had recently returned from exile are reported to have arrested and tied up all adult men and teenage boys in Mututu. They were first held in the compound of one Rutekeleza before being killed. Those executed included Leodomir Kazadi whose head was reportedly smashed with a blunt weapon, possibly a hoe. Other victims were reportedly killed in the same way. These and other killings caused many people in the area to flee to Burundi. There were claims that some of those who tried to escape were shot as they tried to cross River Akanyaru on the border with Burundi.

⁸ In August 1994 the Rwandese vice-president and Minister of Defence, Major General Paul Kagame (a former senior officer of Uganda's NRA), told Amnesty International representatives that "three-piecietying" had been abolished and those found responsible would be punished. However, this form of tying was reported to be still in evidence in August with detainees bearing wounds around the elbows caused by ropes or flex used.

Around early June 1994 about 100 men, women and children were reportedly arrested by the RPA in the same area and detained in a compound for about a day. They were then moved towards Muyira district when the eye-witness who spoke to Amnesty International representatives and at least six of his close relatives managed to escape. All bore scars caused by "three-piece-tying". The witness and others returned to the area after the RPA had left only to find that dozens of those who had remained in the custody of the RPA had been killed. Bodies were still tied and heaped in an open pit in the compound of one Gakwayiro, near the Mahwa river. All the victims, including the witness' neighbours, Senama and Kareje, were male adults and youths.

A woman formerly resident in Burenge, in rural Kigali prefecture's Ngenda district, testified that she and many others had been hiding in sorghum fields after the RPA took control of the area, only returning home when they heard that the RPA had stopped killings. They handed themselves over to the RPA and were taken to a "screening" centre at Rutoncle. On the second day young men were taken away and her husband was taken away on the third day. A man who had been taken away with her husband reportedly returned and reported that those taken away, including her husband, had been tied up, hit on the head and killed, and that their corpses were being thrown into the river. She alleged that some of the women detainees were taken away by RPA soldiers and raped: she thought they were killed afterwards. She tried to escape with her child strapped to her back but was subsequently recaptured with several other women escapees by RPA soldiers. The soldiers killed two other women with blows to the head and also killed her child. She was hit on the head with a nail-studded club but survived. The scars caused by blows, in particular by nails, were clearly visible.

2.3 Deliberate and arbitrary killings in western Rwanda

Around 5 June 1994 four members of the RPA killed 13 Roman Catholic priests, including the Archbishop of Kigali, Vincent Nsengiyumva, and three other bishops, at Byimana, a few kilometres south of Kabgayi Roman Catholic church near Gitarama. The RPF subsequently declared that the combatants had been assigned to the bishops as their bodyguards. On 9 June RPF leaders announced that one of the killers had been shot dead by fellow soldiers as he fled and that the other three had escaped. RPF leaders explained that the combatants seemed to have carried out the killings because they suspected the priests of complicity in the killing of members of their families, including some of the Tutsi who had fled to Kabgayi.

A priest who survived the killings gave a different version of the incident. He said that the RPF took control of Kabgayi on 2 June, arrested the priests and took them to a mission at Byimana. On 5 June some of the soldiers who had been guarding the priests entered the room where the priests were being held and opened fire. The surviving priest escaped through a door at the end of the room. The next day he was found by RPA soldiers who told him that the killings had been an accident. The soldiers reportedly detained him, insisting that he accepted the soldiers' version of the killings. He was released when he said he would agree to the RPA's version and he escaped.

Members of the government told Amnesty International representatives in August that the three escapees had never been found. The RPF's explanation that its soldiers

had killed the priests to avenge the killing of their relatives appeared to be guesswork rather than based on any statement made by any of those involved. It is not clear whether any formal investigation or judicial inquiry had been carried out: indeed, the priest's testimony above suggests that evidence was deliberately suppressed.

People suspected of killing RPF supporters appear to have been deliberately executed by the RPA. For example, a returning refugee was killed on 27 August 1994 at a checkpoint at the edge of the United Nations (UN) "safe zone" by RPA soldiers. The circumstances suggest that returning refugees may have been extrajudicially executed or that the soldiers may have used excessive lethal force in breach of international human rights standards. According to the report, the RPF soldiers stopped a convoy of five British army trucks carrying approximately 200 returning Hutu refugees at a checkpoint 40 kilometres east of the border town of Kibuye as they were crossing from the UN "safe zone" into territory controlled by the Government of Rwanda. One of the passengers fled and was reportedly pursued by approximately 15 RPA fighters. Witnesses heard five bursts of automatic gunfire and said that when the soldiers returned they said that they had killed the man who fled. Three other men in the convoy were detained.

Amnesty International subsequently wrote to the Rwandese authorities seeking clarification about the circumstances of this killing and the identities and whereabouts of those detained and called on the RPA to issue standing orders about the circumstances in which soldiers could use firearms, which would prevent such killings. Amnesty International also wrote to the United Nations seeking clarification about a statement reportedly made by the spokesman of the UNAMIR suggesting that RPA soldiers were justified to shoot the fleeing man. The organization expressed concern that if correctly reported, the spokesman's statement was inconsistent with the UN's own fundamental international standards on the intentional use of lethal force. The organization had not received a response from the Rwandese Government by the start of October 1994. A senior UN official replied in early September 1994, saying that the UNAMIR spokesman had been misquoted, and that his exact words were: "This man was fleeing and, in these situations, if one runs, he can expect that someone will shoot". However, the UN official did not explain whether UNAMIR had investigated the killing to determine whether the man had been extrajudicially executed or not. The official added that Rwanda: Killings and abductions by the RPA⁹ UNAMIR had initiated an investigation concerning the other three persons arrested, but had not obtained any specific information about their whereabouts.

3. Abductions and "disappearances" by the RPA

There have been numerous reports of abductions and "disappearances" carried out by the RPF since April 1994. There are fears that those who were abducted or "disappeared" may have been killed and their bodies secretly disposed of.

Amnesty International has received reports that a medical doctor known as Dr Canisius, and former head of Byumba Hospital was abducted in May 1994 by the RPF. He was apparently accused of being a member of the Interahamwe (predominantly Hutu militia loyal to the former government) and had expressed his fear for his life to some of his friends prior to his abduction. He and his wife and children were allegedly taken away by the RPF and they were never seen again. There have been unconfirmed reports that Dr Canisius and his family were killed and

buried in a mass grave in Byumba. Some of his colleagues have inquired about him from the RPF but the authorities have not revealed any information about the fate of the doctor and his family.

Amnesty International representatives visiting Rwanda in August 1994 were informed that several hundred soldiers who were left at a school complex known as Groupe scolaire in Butare "disappeared" soon after the town fell to the RPA at the start of July 1994. Part of the complex had been turned into a make-shift hospital by former government forces. The representatives learned that former government soldiers had been severely wounded or disabled in battle and were left behind by their retreating colleagues. Amnesty International found in the abandoned make-shift hospital one decomposed body of a soldier whose head had been smashed allegedly by RPA soldiers before death.

There were further reports of "disappearances" in July 1994 of about 600 people from a camp for the displaced at Rango, several kilometres south of Butare. Amnesty International representatives were told that the RPA was thought to have killed and buried those who had "disappeared" in mass graves in a valley next to the Groupe scolaire in Butare. However, Amnesty International's representatives were prevented from going to the valley by RPA soldiers manning a roadblock on the road leading to the valley on the grounds that it was a military security zone. As a result, neither the "disappearances" nor the mass graves could be confirmed by Amnesty International.

4. Recommendations to the Rwandese Government

The RPF and the new Rwandese Government have usually denied that their combatants have carried out serious human rights violations. In some instances they have acknowledged that abuses have occurred but explained that they were not committed as part of RPF or government policy. Government officials told Amnesty International representatives visiting Rwanda in August 1994 that two RPA soldiers had been executed by official order in mid-1994, one for murder and another for rape. The authorities said the soldiers were tried by the RPA military court in accordance with the RPA Operation Code of Conduct. The authorities said they were holding in custody more than 60 RPA soldiers accused of criminal offences.

While welcoming government action to bring those responsible for human rights abuses to justice, Amnesty International is concerned that the RPA violated the ultimate fundamental right to life in order to punish persons accused of human rights abuses. It is unclear whether their offences had been the subject of any independent and impartial investigations. Furthermore, those convicted had, according to RPA officials, no right of appeal, although the decision to carry out the sentence had to be made by the RPA High Command.

For government action and statements to be taken seriously by the people of Rwanda, particularly members of the security forces, it is essential that immediate action be taken in response to the allegations of human rights violations by the RPA described in this report. To this effect Amnesty International is recommending the implementation of its 14-Point Program for the Prevention of Extrajudicial Executions and for the Prevention of "Disappearances"⁹. It is also recommending:

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4.1 In addition to accepting responsibility for carrying out impartial investigations into past killings of civilians and captured armed opponents, it is urgent that the new government set up a commission of inquiry with specific responsibility to investigate reports of human rights violations both in areas under the RPF's control before July 1994 and in the whole country since then. The commission of inquiry should be composed of people known for their independence and impartiality and should be asked

⁹. Amnesty International has developed a 14-Point Program for the Prevention of Extrajudicial Executions, published in March 1993, AI Index: POL 36/02/93, and another one for the Prevention of "Disappearances", adopted by Amnesty International in December 1992, to call attention to the official steps needed to end these abhorrent human rights violations. The programs consist of a series of detailed measures which should be taken by all governments. Amnesty International believes that the implementation of these measures is a positive indication of a government's commitment to stop extrajudicial executions and "disappearances" and to work for their eradication.

4.2 The investigating body should be given powers to summon any witnesses, regardless of their position in the government or the security forces, to testify. Its terms of reference should include making recommendations on any action to be taken against those responsible and prevent a recurrence of the abuses. The findings of the inquiry should be made public as soon as it has been completed. The findings should then be submitted to a competent, independent and impartial court of law to try those found by the inquiry to have been involved in perpetrating the abuses.

4.3 The international community, particularly governments and the United Nations, should assist the Rwandese Government with the human and material resources the Rwandese authorities require to carry out these investigations in accordance with international standards, just as it should be assisting with investigations into the crimes against humanity committed before July 1994 mostly by soldiers and supporters of the former government. Furthermore, the international community should assist the Rwandese Government to build a competent, independent and impartial judiciary to protect and promote human rights. The international community must not make excuses for or turn a blind eye to human rights violations committed by the RPA or other institutions or officials of the new government on the grounds that they are not "as serious" as those committed by its predecessor.

4.4 The government should take immediate steps to avoid a recurrence of the killings of civilians and captured armed opponents in which members of the security forces have been implicated. These steps should include training in international standards and explicit instructions made publicly to all security personnel to the effect that firearms may only be used with lethal intent when strictly unavoidable and in order to protect life. All killings by the security forces must be the subject of an inquiry to establish if this standard has been respected or violated. Members of the security forces responsible for unlawful killings should be brought to justice in legal proceedings which satisfy international minimum standards.

¹⁰ By Resolution 1989/65 on 24 May 1989 on "Effective prevention and investigation of extra-legal, arbitrary and summary executions", the UN's ECOSOC called on all governments to take into account and respect a series of Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. The Principles give some guidance on procedures for investigation and suggest that if the established investigative procedures (for example of the Procuracy) are inadequate, governments should establish independent coin missions of inquiry.

Amnesty International is requesting the Rwandese Government to make public the identities of RPA soldiers in custody and details of their cases. Amnesty International demands that the soldiers be given prompt and fair trials and that in no case should anyone of them be sentenced to death or executed. The organization also requests the Rwandese authorities to reveal the identities of those of its combatants and others who have been executed and the offences of which they were convicted.

4.5 All allegations of extrajudicial executions and of similar deliberate and arbitrary killings before July 1994 by security personnel should, as a matter of course, be the subject of an impartial, independent and thorough inquiry. The inquiry should establish the reasons for and circumstances of the killings, make its conclusions public, and recommend action to be taken against the security personnel who have either ordered or carried out the killings. Failure by the authorities to open an inquiry into killings of this sort is likely to be interpreted by observers and other members of the security forces as indicating government approval or condonement of violence by security personnel against civilians.

4.6 The names of all those taken into custody and any subsequent transfers or releases should be recorded and the Ministry of Justice notified. In the absence of any functioning court or legal procedures similar to habeas corpus, this will bring an end the current practice whereby government officials or private individuals must at present simply request the Minister of Defence for information about their whereabouts and wait indefinitely for a response. This provides no effective safeguard for detainees who may be at risk of "disappearance" or ill-treatment.

4.7 The Rwandese Government should use the United Nations Code of Conduct for Law Enforcement Officials and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials as basic texts for the training of security personnel in human rights, in addition to training about the basic humanitarian standards contained in the Geneva Conventions. The Code of Conduct for Law Enforcement Officials stipulates that law enforcement officials (whether police or military) should respect and protect human dignity and defend and safeguard human rights. In addition, members of the security forces should receive training in international human rights standards and in the provisions of national legislation both concerning the use of firearms and force, and concerning detention procedures and the treatment of prisoners.

4.8 The authorities should prohibit the security forces from ill-treating any citizen, including political opponents, and should investigate all allegations of such behaviour,