

RWANDA

THE SEARCH FOR SECURITY AND HUMAN RIGHTS ABUSES

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INTRODUCTION

Rwandan authorities count security as their first priority. They must, they say, do whatever is necessary to avoid another genocide like that which preceded their coming to power. The Rwandan government has an army of over 50,000 troops, a national police force, thousands of communal police officers, additional thousands of Local Defense Force members, and citizen patrols that operate during the night in many communities.¹ Many government employees, students, and other civilians have learned to shoot at “solidarity camps” and the authorities plan to have most of the population similarly trained. In the last three months, the government has called on Rwandans and some foreigners resident in Rwanda to make a special payment beyond ordinary taxes to help defray the high costs of “security.” All of these forces, training programs, and financial contributions are meant to protect a small nation with a population of some seven million people.²

Yet with all this focus on security, ordinary citizens are attacked and killed and others “disappear” without explanation. In some cases, the security forces have failed to protect citizens; in others, they have perpetrated the very abuses which contribute to the current atmosphere of insecurity in the country. Rwandans who disagree with government policies are likely to be counted among the “negative forces” that threaten national security. Among those so labeled, one important Tutsi leader was assassinated. Others fearing for their lives have fled Rwanda. Scores of ordinary citizens have been jailed without regard for due process and sometimes held incommunicado for months. Such abuses, long perpetrated against Hutu, now increasingly trouble Tutsi, particularly Tutsi survivors of genocide who express opposition to the government or to the dominant party, the Rwandan Patriotic Front (RPF).

RWANDAN GOVERNMENT DEMANDS SECURITY

Between April and July 1994, the Rwandan government, army (Forces Armées Rwandaises, FAR), and militia, carried out a genocide that killed more than half a million Tutsi, a minority people who formed some 10 per cent of the Rwandan population. The authorities, who were part of the Hutu majority, also massacred thousands of other Hutu who opposed them and their extermination campaign. Defeated by the largely Tutsi Rwandan Patriotic Army (RPA), the military branch of the RPF, the genocidal authorities fled the country. From bases in neighboring Zaire (now the Democratic Republic of the Congo, DRC), they re-organized and began incursions against the new government established by the RPF.

Arguing the need to cut short this threat, the current Rwandan government has twice sent its army to invade the Congo, where its troops now occupy a resource-rich territory some ten times the size of Rwanda itself. General Paul Kagame, president and minister of defense of Rwanda, has repeatedly asserted that RPA troops must stay in the Congo so long as any ex-FAR soldiers or Interahamwe remain there.

The numbers of former FAR soldiers and militia have been considerably diminished by losses suffered in 1994 and since. In addition to those killed in battle, some 15,000 former FAR soldiers have been integrated into the RPA according to General Kagame. Insurgents active against the Rwandan government are now estimated at between 15,000 and 20,000 combatants. Rwandan authorities and foreign observers generally call these combatants Interahamwe, which was the name of the largest militia involved in the genocide. But a substantial number of the current combatants are recent recruits and belonged neither to the former Rwandan army nor to the Interahamwe militia as it existed at the time of the genocide. The distinction is important because incorrect use of the term implies that all those now fighting the RPA participated in the genocide.

In 1997, ex-FAR and Interahamwe who had returned from the Congo and who had strengthened their forces by recruiting inside Rwanda, conducted a major insurgency in the northwestern prefectures of Gisenyi and Ruhengeri. In suppressing this uprising, as in the first Congo war, RPA troops killed tens of thousands of unarmed civilians, a slaughter which Rwandan authorities sought to justify by their need for security.

¹In a recent interview, General Paul Kagame spoke of 50,000 troops. European military experts evaluate the number as far higher, perhaps as high as 75,000 soldiers.

THE INSURGENTS OR ABACENGEZI

By late 1998, the RPA had pushed the insurgents, generally called *abacengezi*, back across the border into the Congo but it continued to depict them as a major threat requiring a continued Rwandan presence in the Congo.

After a year of relative calm, several groups of insurgents appeared once more in the northwestern prefectures of Gisenyi and Ruhengeri in late 1999. They requisitioned food from local farmers in Nkuli commune and they engaged in brief skirmishes with PA troops in the communes of Kidaho and Nyamutera.

They launched no major attack, however, until December 23, 1999, when a group of armed assailants killed thirty-one Tutsi civilians, many of them women and children, and left four more wounded at the settlement of Tamira, in Gisenyi prefecture. The assailants, wearing military uniforms, arrived at about 10 p.m. and first encountered two Tamira residents who were patrolling to protect the settlement. They killed one. As the other fled, the assailants began attacking houses in the southeastern corner of the settlement. They moved along the first three of the neat rows of houses, leaving some undisturbed. At others, they called out the names of the victims. When residents of the houses did not open their doors, the assailants forced their way in. One of those targeted was Butera, a local official known as the *responsable*, whose mandate covered Tamira as well as part of the surrounding area. Another was in charge of the settlement itself and a third was treasurer of a local agricultural cooperative.³

At the home of Jean-Damascene Ntaganda, the settlement head, the assailants broke down the door and shot Ntaganda's mother and three of his children. They pushed into a second room in the small house and shot both Ntaganda and his wife. Only Ntaganda and one of his children survived. In another small home, a woman hid paralyzed with fear behind a chair as two assailants discussed the fate of her three month old son, Jacques Shyaka. One hesitated to kill the baby, but finally did so after the second said, "Kill him." At another house, the attackers killed Nsindiro his wife and their four children, aged four to fourteen.⁴

The assailants shot all the victims at close range and threw one grenade into a house.⁵ In the space of fifteen to twenty minutes they attacked some fifteen houses. At the sound of a whistle, they broke off the slaughter and fled. As they retreated toward the border, they captured two cattle herders and took them along, perhaps to serve as guides, but later released them.⁶

³Human Rights Watch interviews, Nkuli commune and Mutura commune, January 13 and 31, 2000; Gisenyi, January 14, 2000; Mutura commune, February 24, 2000.

⁴Human Rights Watch interviews, Tamira sector, Mutura commune, January 13 and February 24, 2000.

⁵One spent shell found at Tamira was identified as a 5.56x45mm cartridge, such as would be used in a standard NATO weapon, like a M16; another was a 7.62x39mm cartridge, such as would be used in a standard Warsaw pact weapon, like an AK47. Place of origin was not readily recognizable for either, but one or both might have come from Albania. Analysis by Human Rights Watch Arms Division.

⁶Human Rights Watch interviews, Mutura commune, January 13 and 31 and March 3, 2000. *Human Rights Watch*, April 2000, Vol. 12, No. 1(A).

Local authorities, both civilian and military, as well as residents of Tamira, portrayed the assailants as abacengezi who had come from across the border, which is about one hour distant by foot. It is not clear how assailants from the Congo would have known the names of those whom they attacked. Some victims asserted that the assailants must have had collaborators within the settlement itself while others say that Hutu from neighboring communities supplied this information.⁷

Soldiers stationed at two military posts, each just over a mile from Tamira, presumably heard the sounds of gunfire from the start of the attack, but they arrived by vehicle only thirty to forty minutes later, some ten to fifteen minutes after the assailants had finished the massacre and departed. They apparently gave chase to the killers the next morning and reportedly located their camp in the forest that abuts the nearby frontier. According to a RPA officer, they killed four of the men found at the camp and chased the others into the forest.⁸

All the victims were Tutsi who migrated from the Congo after the RPF established its new government in 1994. Some forty of the 222 families in the settlement are Tutsi who survived the genocide in Rwanda, but none of them was attacked. Many Tamira residents have husbands, sons or brothers who currently serve in the RPA, a circumstance which makes the lack of protection by RPA troops even harder to understand.⁹

THE "INGABO Z'UMWAMI" OR ARMY OF THE KING

Since mid-1999, Rwandan authorities have identified a new threat to security: the "army of the king". The king or *umwami* of Rwanda, Kigeli V Ndahindurwa, was overthrown by the Hutu-led revolution which began in 1959 and was driven into exile in 1961. Resident for a long time in Kenya, the fifty-nine-year-old former ruler has more recently led a quiet life in a suburb of Washington, D.C. He has disavowed any link to an armed resistance group and insists that he would return to rule Rwanda only if a majority of Rwandans wanted the monarchy restored and expressed this wish, perhaps through a national referendum.¹⁰

General Kagame has welcomed the return of the king as a private citizen but has threatened to crush any who attempt to restore him to power by force of arms. According to an account published in the Rwandan press in December 1999, Kagame stated in reference to a supposed "army of the king," "Whoever will come (by [the] gun) will definitely die. . . . We are ready."¹¹

Between November 15 and 20, 1999 local authorities in Nyamirambo, a section of the capital city, Kigali, detained more than 200 young people on the charge of being part of the "army of the king". They arrested the young men on the streets, where they had supposedly been awaiting transport to take them to places where they would receive military training. The young men were detained in the local lockup for two days and then handed over to the Department of Military Intelligence (DMI), which reportedly released them after they had confessed to unspecified crimes.¹²

⁷Human Rights Watch interviews, Mutura commune, January 13, 2000.

⁸Todd Pitman, "Rwandan Insurgents Spark Fear with New Massacre," Reuters, December 28, 1999.

⁹Human Rights Watch interviews, Nkuli commune and Mutura commune, January 13 and 31, 2000.

¹⁰Interview with King Kigeli V Ndahindurwa, broadcast on BBC, February 28, 2000.

¹¹"More Students Leave for Exile," *Rwanda Newslines*, no. 05, December 24, 1999-January 2, 2000, p. 32.

Unlike previous opposition groups identified solely with Hutu, the monarchists include both Hutu and Tutsi. Kigeri Ndahindurwa is Tutsi but by custom the king represented all Rwandans, not just those of one ethnic group. Many of his Tutsi supporters are genocide survivors who find that the current government fails to satisfy their demands for justice and assistance. These Tutsi deplore the lack of progress in prosecutions for genocide as well as the prosperity of government officials grown rich from corruption while many survivors—particularly widows and orphans—struggle in abject misery. A growing number of survivors resent the government attempt to justify military operations abroad by the supposed need to protect them from further genocide. Other Tutsi, who returned from exile in Burundi or the Congo, have found their hopes for rapid success blocked by the predominance of those who returned from Uganda. Some Tutsi soldiers of the RPA, both survivors of the genocide and those from Burundi and the Congo, say they have no wish to fight the war in the Congo. They want that conflict settled by negotiations, even if this means coming to terms with the insurgents.¹³

The multi-ethnic nature of the monarchist group poses a major challenge to authorities who previously could discredit opposition groups for being composed only of Hutu and for including persons implicated in the genocide. Now both the RPF and the government are themselves increasingly criticized for being dominated by Tutsi. Although they continue to talk about the multi-ethnic sharing of power, about nationalism, and about reconciliation, the RPF and the government have progressively excluded all the major Hutu leaders who once participated in power. Since the start of the year, the RPF and its political allies have engineered the replacement of Pierre-Celestin Rwigema as prime minister by Bernard Makuza. Although both are Hutu of the same political party (Democratic Republican Movement, MDR), Rwigema had an independent base of power, which he had expanded during his five years as prime minister, while Makuza, who returns from an ambassadorial post abroad, has no significant base of his own. Similarly, the RPF, acting with the National Assembly, forced the resignation in March of President Pasteur Bizimungu, the one Hutu who had been included in the inner circle of power since the early days of the RPF. After a brief period of indecision, the Rwandan Supreme Court named General Kagame as interim replacement for Bizimungu. The government and the assembly voting together then selected Kagame to serve as president for the remaining three years of the transitional period. The other candidate for president, also a Tutsi, was Charles Murigande, currently the secretary-general of the RPF.

DEPARTURE OF ASSEMBLY SPEAKER SEBARENZI

Joseph Kabuye Sebarenzi was a Tutsi who had grown up in Rwanda. Although originally a member of the RPF, he was identified more with Tutsi survivors of genocide than with those who had come from outside the country. This identification was strengthened when Sebarenzi moved from the RPF to the Liberal Party, the political group most associated with survivors of the genocide. Elected speaker of the National Assembly, Sebarenzi fought to establish some autonomy for that institution and particularly to hold government ministers accountable for alleged corruption, including powerful members of the RPF. It was apparently this commitment to good government which won Sebarenzi approval among ordinary people, Hutu as well as Tutsi.

On December 19, 1999 the Liberal Party was scheduled to elect a new president. In the face of indications that Sebarenzi would be chosen, the current president Pio Mugabo postponed the vote, supposedly at the direction of General Kagame. Had Sebarenzi been chosen, his standing would have been further heightened, thus improving his chances in the contest for the national presidency which is supposed to take place in several years.¹⁴

¹³Human Rights Watch interview, by telephone, March 27, 2000.

¹⁴Human Rights Watch interviews, Kigali, February 11, 2000; by telephone, March 27, 2000, Vol. 12, No. 1(A)

In early January, the majority of the members of the National Assembly forced Sebarenzi's resignation. Fellow politicians initially charged him with misconduct specific to his responsibilities within the Assembly, but they later accused him of broader and graver offenses, including organizing the survivors of genocide against the government, supporting the king, disseminating music cassettes by a singer named Sankara that talked of the return of the king, and encouraging soldiers to leave Rwanda purportedly to join the "army of the king". Several weeks after Sebarenzi's forced resignation, General Kagame reportedly said on Radio Rwanda that there was "credible evidence" of his association with "royalists" and his distribution of tape cassettes that were contrary to government policy. After his resignation, Sebarenzi feared assassination and fled to Uganda and then to Europe and the United States.¹⁵

Sebarenzi's departure, widely discussed out on the hills as well as in the circles of the urban elite, underlined both the increasingly important split between the RPF and survivors of genocide and the dissatisfaction of Rwandans of all ethnic groups with the current government.

SILENCING THE PRESS

Among the numerous comments about Sebarenzi's departure on the radio and in the press was a special issue of the journal *Imboni*, issued by its editor Deo Mushaidi, who was then also president of the Rwandan Journalists Association. To explain why he had written with such remarkable candor on this sensitive matter, Mushaidi referred to a recent statement by General Kagame calling on journalists to be daring when they worked for the interest of the country. He expressed the hope that the accusation leveled at Sebarenzi, that of belonging to the "army of the king", would not become the present-day equivalent of the label *ibytso* or accomplice of the RPF, once used by the former government to attack all dissidents. He went on to discuss the flight of Rwandans from the country and Sebarenzi's supposed role in encouraging their departure. He wrote:

Everyone knows that some of the Rwandans who are afraid are taking the path of exile. Before, it was Hutu leaders who fled and it was said that they were fleeing the Tutsi government. And today why do the Tutsi flee their fellows? They say that Sebarenzi helped some soldiers to flee. Who then is facilitating the flight of the civilians? After Sebarenzi's own departure, has the number of those fleeing diminished? And, what are they fleeing? That is the problem and it concerns us all.¹⁶

As soon as the contents of the special issue of *Imboni* became known, it disappeared from the market.¹⁷ Mushaidi's daring in the name of national interest, like that of fellow journalist Jason Muhayimana, aroused considerable hostility among members of an RPF task force that met to talk about it in mid-March. Following the meeting, well-informed friends advised them too to take the path of exile. Mushaidi's removal as president of the journalists association soon after reinforced the message. Mushaidi, a Tutsi who had returned from exile in Burundi, and Muhayimana, a Tutsi who had grown up inside the country, left Rwanda the first weekend in April. Soon after Rwandan authorities reportedly issued warrants for their arrest on charges of "embezzlement."¹⁸

In early April, another journalist of *Imboni*, Jean-Claude Nkubito, was said to fear returning to Kigali and to have decided to stay in Nairobi where he had gone to attend a conference. Segahutu Murashi, the first owner and editor of *Imboni* and more recently the Rwandan ambassador to Uganda, was prevented from taking his place as a newly named member of the National Assembly while authorities looked into his role in the publication of the special issue on

¹⁵Human Rights Watch interviews, by telephone, March 27 and April 16, 2000; IRIN Central Africa News, March 6, 2000.

¹⁶Deo Mushaidi, "Ou Nous Conduisent-ils le renversement et l'Exil de Sebarenzi?" *Imboni*, Special number, February 2000, pp. 2-3.

¹⁷Human Rights Watch interview, February 29, 2000.

¹⁸Human Rights Watch interview, by telephone, April 3, 2000.

Sebarenzi's departure. In explaining this decision, the forum for political parties talked of the "slanderous and obscene statements that appeared in 'Imboni' news magazine, smearing government and condoning the practice of defilement and rape. . . ." ¹⁹

¹⁹ Human Rights Watch, quoting the April 3 report of the Rwandan news agency, April 5, 2000. 1(A)

As part of their efforts to ensure favorable treatment in the press, authorities also called in two journalists who write for *Rwanda Newsline*. They questioned the two, Shyaka Kanuma and Ibra Asuman Bisiika, about their writings critical of General Kagame.²⁰

A French journalist working for Agence France Presse wrote an article about divisions among the Tutsi in which he quoted Sebarenzi. He and another French journalist were then denied entry to a ceremony on April 7, 2000 commemorating the sixth anniversary of the genocide. They were told that their accreditation had been revoked and that they might have to leave the country. After protests by diplomats and other international journalists, the authorities agreed to permit the journalists to remain but warned them that their future reports on Rwanda would be closely scrutinized.²¹

On several other occasions, authorities have expressed disapproval of Rwandans who are thought to have delivered information critical of the government to foreigners. In some cases, they have delivered warnings privately. In another, an official criticized the Association for the Defense of Human Rights and Public Liberties (ADL) for having published a report on villagisation that might lead to foreign criticism of the program. In another case, the authorities briefly detained a Rwandan in February, 2000 for having sent an electronic mail message outside the country which contained information critical of the authorities.²²

FORCED RETURN OF PERSONS IN FLIGHT

Sebarenzi's departure on January 22 appears to have motivated Rwandan authorities to seek out other Rwandans who had fled the country and to force them to return. One such person was a forty-year-old soldier Innocent Byabagamba whom Sebarenzi was supposed to have helped leave Rwanda some months before. A Tutsi genocide survivor who held a university degree in chemistry, Byabagamba had joined the RPA and served in the external security division of the Ministry of Defense. Initially a strong supporter of the RPF, Byabagamba was increasingly disillusioned by what he judged to be its political mistakes. Someone who knows him well commented, "He is a man of God and couldn't bear the things that were happening. He saw the injustices and he told them the truth."²³ After having expressed his opinions to several RPA officers, he learned on a Friday in September 1999 that he was to be assassinated two days later. He then fled to Burundi. According to several accounts, Byabagamba was accompanied by eight to ten other RPA soldiers.²⁴

On or about February 2, Byabagamba was arrested in Bujumbura, Burundi, whether by Rwandan or Burundian soldiers is unclear. He was taken to the Special Research Bureau (Bureau Special de Recherche) in Bujumbura. From there Rwandan soldiers took him by force back to Rwanda on February 4 or 5 and detained him at the DMI. He was reportedly tortured in Burundi, after his return to Rwanda, or in both places.

²⁰Ibid.

²¹Human Rights Watch interviews, by telephone, April 10, 2000.

²²Human Rights Watch interviews, by telephone, March 10 and April 12, 2000.

²³Human Rights Watch interview, by telephone, February 26, 2000.

At about that same time, a Rwandan businessman named Etienne (Toto) Nzaramba based in Burundi was arrested in Rwanda by soldiers in civilian dress. They ordered him to help them find Francois Rukeba, a Rwandan civilian then living in Burundi. When Nzaramba denied knowing how to locate Rukeba, the soldiers beat him and used electric current to torture him. After two days, they took him to Burundi by helicopter, where they found Rukeba. Three Rwandan soldiers then took Rukeba and Nzaramba to the BSR where they tortured Rukeba until he signed a confession saying that he together with Sebarenzi, Byabagamba, the singer Sankara, and several others were collaborating with the king, Kigeli Ndahindurwa, to overthrow the government of Rwanda. Rukeba and Nzaramba were also returned to Rwanda against their will and detained by military intelligence. Another civilian, Janvier Rugema, was also taken by force in Burundi and returned to Rwanda against his will by Rwandan authorities. Nzaramba was released, but Byabagamba has been charged with desertion and the other two are accused of assisting him to desert the RPA.²⁵

Benjamin Rutabana, a former RPA soldier, and Lieut. j.g. Bertin Murera, an officer in the special intelligence services, were also arrested by Rwandan soldiers in Tanzania and were beaten and returned to Rwanda against their will. Rutabana, a former soldier who had been demobilized after having been injured in combat, was an extremely popular singer. His best known song, "Afrika," castigated Europeans in general and the Catholic Church in particular for having introduced the divisions between Hutu and Tutsi that culminated in the genocide. A faithful rendition of RPF ideology on the question, the song was frequently aired as a music video on Rwandan television. It was so closely identified with Rutabana that "Africa" became his nickname. Just before Sebarenzi was removed, Rutabana became afraid for his own life and reported to family members that he was being followed.²⁶

Lieutenant Murera was said to have been assigned to kill Rutabana but would not do so because they had been in comrades in arms. Instead the two supposedly fled together on January 17. They first sought refuge in Burundi, where they are reported to have requested refugee status with the U.N. High Commissioner for Refugees (UNHCR). But, afraid of being taken by the RPF, they continued on to Tanzania where they again registered with the UNHCR and took rooms at the Central Community Hotel. There they were arrested on February 4 by men purporting to be Rwandan policemen, who told Tanzanian authorities that the two were wanted for having robbed and killed an Indian businessman.²⁷ The Rwandans took Rutabana and Murera back to Rwanda by force. At the border, the detainees reportedly showed signs of having been beaten.

Gasana Ndoba, the president of the National Human Rights Commission of Rwanda, brought these cases to the attention of General Kagame and succeeded in getting authorization to visit the five, who are still detained. Apparently as a result of the intervention by the commission, the detainees have been moved from the DMI to regular military prisons and their cases have been transferred to the military justice system. UNHCR officials are also said to be following the case of the two who had been registered with the UNHCR before being returned to Rwanda by force.²⁸

STOPPING THE FLIGHT ABROAD

²⁵Human Rights Watch, interviews, Kigali, March 7, 2000; by telephone, February 28, 2000, April 16, 2000; *Imboni*, Special Issue, February, 2000.

²⁶Human Rights Watch interviews, Kigali, February 11 and 14, 2000; *Imboni*, Special Issue, February, 2000.

²⁷Ibid.

²⁸Human Rights Watch interviews, Kigali, February 28, March 7, 2000.

Government officials and RPF leaders have for some time shown their displeasure with the flight of Rwandans from the country, particularly when those departing are important politicians, journalists, and soldiers or former soldiers. Agents of military intelligence or other services have pressured family members and friends, whether inside Rwanda or abroad, to provide information on the whereabouts of those who left. In some cases, those thought to have assisted others to flee are then threatened, harassed, or imprisoned. One woman whose brother fled without her knowledge was troubled by having windows broken and things stolen from her house; when she reported the problems to the police, they refused to help her. Another who had unwittingly helped a friend prepare her departure was harassed for weeks by threatening phone calls and by being followed by young thugs. She eventually left the country herself. After Sebarenzi's departure, his brother was arrested and detained for a day.²⁹

One such case has become particularly well-known, in part because Daniel Ngenzi, the person accused of helping others to flee, is a widely respected Tutsi businessman in Kigali. On the morning of August 31, 1999, Captain Fred Muhire of the DMI came to see Ngenzi at his place of business in central Kigali. Ngenzi, who was out of his office at the time, was called back by an employee. After a brief private conversation, Ngenzi left with Muhire and then "disappeared." For some time his whereabouts was unknown until a relative was able to learn that he was being held at the DMI. When Human Rights Watch researchers visited the DMI office on October 7, 1999 to inquire about the case, Captain Muhire received them himself and stated that he knew nothing about Ngenzi's arrest or where he might be held. He did promise to inquire into the case and the next day telephoned the Human Rights Watch researchers to announce that he had located Ngenzi and that he was indeed being held by the DMI.

Ngenzi had been arrested supposedly because he had driven a young soldier across the border to the airport in Burundi. There the young man boarded a plane for Canada, where he was to study. Ngenzi was charged also with having helped another young man, a former soldier, to make preparations to leave Rwanda the year before.

Following the intervention by Human Rights Watch, by the National Human Rights Commission, and by many of Ngenzi's highly placed friends, he was moved from the DMI to official military custody and his case was transferred into the regular military justice system. Rwandan law permits civilians charged with treason and similar crimes to be tried in military courts. Ngenzi was arraigned at the end of October and was ordered detained for one month, an order which has long since expired. He is still in jail, seven months after his arrest, and may face charges of having recruited soldiers for the king's army.³⁰

On March 10, 2000 political party leaders met with General Kagame to suggest ways to end the flight of people into exile and on March 15 Radio Rwanda announced that the government had "taken measures" to stop people from fleeing the country.³¹

ASSASSINATION OF ASSIEL KABERA AND MURDER OF ANTOINETTE KAGAJU

On Sunday evening, March 5, 2000 Assiel Kabera, an advisor to President Bizimungu, was gunned down just after arriving home in his car. The assailants, three men in military uniform, executed the assassination quickly and in a professional manner. They shot Kabera three times before getting into a waiting vehicle, which had Congolese registration plates, and speeding away. Although the Kabera home is in a part of the city where a number of high ranking officials reside and which consequently has a substantial number of military guards, no one intercepted the assassins as they fled the scene of the crime.

²⁹Human Rights Watch interviews, Kigali, June 12 and July 3, 1999; February 11, 2000; by telephone, February 26, 2000.

³⁰Human Rights Watch interviews, Kigali, October 7, 14 and 16, 1999; December 12, 1999; Mulindi, December 18, 1999; February 11, 2000; by telephone, January 8 and 10, February 2 and 27, 2000.

³¹Human Rights Watch in Kinyarwanda, Radio Rwanda, March 10 and March 15, 2000. April 2000, Vol. 12, No. 1(A)

Kabera, an influential Tutsi genocide survivor, was from the prefecture of Kibuye in western Rwanda. Kabera had worked closely with Sebarenzi, who was also from Kibuye. The two served as officers in Solidarité-Kibuye, an organization meant to benefit their home region. After Sebarenzi had fled, Kabera had told relatives he was afraid for his life. The regional tie to Kibuye had been important too in the cases of the men brought back to Rwanda by force. The singer Rutabana was from Kibuye and Nzaramba, another of those detained and beaten, was interrogated about his ties to the region.³²

Kabera's two brothers have played important roles in the community of genocide survivors, one as an executive for the national fund for genocide victims. The other, Dr. Josue Kayijaho, has served as vice-president of Ibuka, the most important national organization for genocide survivors. After Kabera's assassination, Dr. Kayijaho tried to leave Rwanda for a brief stay in Belgium. Authorities refused to allow him to board his plane and confiscated his ticket and passport. After a protest by the U.S. ambassador to General Kagame and after being escorted to the airport by the Belgian ambassador and the Swiss chargé d'affaires, Dr. Kayijaho was permitted to leave Rwanda a week later. The executive secretary of Ibuka, Anastase Murumba, has also been publicly berated by politicians close to the government, and has left the country.³³

Authorities sought to dispel any idea that the Kabera killing was politically motivated. The day after the assassination, Joseph Bideri, head of ORINFOR, the National Information Office, issued a statement linking the killing to the murder a week earlier of Antoinette Kagaju. Ms. Kagaju had been released from prison shortly before. After nearly two years in detention, she had been acquitted of the charge of having murdered her husband in 1998. Ms. Kagaju was also gunned down at the entry to her home, along with a relative named Valens Gasumizi. Except for the apparent involvement of military officers in both cases, these killings seem not to have been tied to the Kabera assassination.³⁴ In a press release issued two days after the assassination, the National Human Rights Commission condemned the killings of Kabera, Kagaju, and Gasumizi (as well as that of Samuel Sargbah, described below) whether they "were motivated by theft or any other criminal motive." It did not raise the possibility of a political motive for any of the killings. There was of evidence of theft reported in any of these cases.³⁵

KILLINGS BY RPA SOLDIERS OR FORMER SOLDIERS

In addition to the cases described above, Samuel Sargbah, a Liberian employee of the World Food Program, was murdered in Kigali on March 5. Sargbah was found dead in his car with four bullet wounds to his head. Although reasons for the killing remain unclear, the way it was executed suggest that the killers, thus far unidentified, were soldiers or former soldiers. Sargbah had recently instituted new measures to end pilfering of food stocks, a practice from which several RPA soldiers were benefitting.³⁶

³²Human Rights Watch interviews, by telephone, March 27 and 28, 2000.

³³Human Rights Watch interview, by telephone, March 28, 2000; *Imboni*, Special Issue, February, 2000.

³⁴Ibid; Shyaka Kanuma, "Kabera's Death Raises Suspicions over Growing Assassinations," *Rwanda Newline*, March 20-26, 2000.

³⁵Communiqué No. 0001/2000 de la Commission Nationale des Droits de l'Homme, le 07 mars, 2000.

In December 1999, soldiers took Nzabonimpa, a forty-year-old man from Kasonga cell, Muhira sector, Rubavu commune, Gisenyi, and transported him to an illegal place of detention known as MILPOC described below. He had been accused at different times of involvement in the genocide and of having collaborated with the insurgents. He was supposedly confined with four other persons in a kind of ditch until mid-February. Then after having been warned that they were to be killed the following day, Nzabonimpa and the four others escaped during the middle of the night of February 13 to 14. He was caught again by soldiers and shot near the Nyundo bishopric. The soldiers left him where he fell, expecting him to die soon. When they found him still alive later in the afternoon, they put him in their pickup truck, telling people that they were going to transport him to the hospital. Instead they beat him to death en route. In a similar case that took place in early January in the commune of Ruhondo, several soldiers apprehended Jean Damascene Gatabazi, originally of the commune Nyamutera, who was accused of being a bandit. He was supposedly part of a group that robbed local people using two firearms, one of which worked, the other of which was used only to scare people. The soldiers took Gatabazi to the Mukungwa hydroelectric power station and beat him severely. He was transferred to the communal lockup where he died almost immediately as a result of the beating.³⁷

On the evening of February 11, soldiers reportedly from the military post of Gasura shot and killed thirty-five-year-old Shirubute in Gihira sector, Giciye commune. They shot the man, who was coming back from his work of making charcoal, because they supposedly took him for a rebel infiltrator from the Congo. In a similar case a week later, soldiers reportedly from the Rambura post shot and killed an unidentified man in the woods below the Rambura School for Social Workers.³⁸

Soldiers who have been demobilized but retained their weapons have committed abuses, including murder, in northwestern Rwanda. According to local people, it was two former soldiers who killed a young man just a short distance from the center of Ruhengeri town on the night of December 12, 1999. Seventeen-year-old Jean-Pierre Niyonzima and Anicet Dukuzumuremyi were patrolling to protect their neighborhood and encountered armed men whom they did not recognize. When they asked the men to identify themselves, the others fired, killing seventeen-year-old Jean-Pierre and seriously wounding Anicet. Jean-Pierre, son of a local official, had been doing patrols for only about two weeks.

The conviction of local people that soldiers or former soldiers were the killers grew in the days after the crime, fueled by the failure of military authorities to get in touch with Jean-Pierre's family and to undertake any investigation. In response to the comments that soldiers or former soldiers were guilty, a military officer identified as Lieutenant Gasana called together people of the area and ordered them to sit tightly squeezed one against the other in a local sorghum field. He told them to remove all their clothing above the waist and told women to also remove the scarfs which they wore on their heads. He then berated them for saying that soldiers or former soldiers had killed Jean-Pierre. He stated instead that insurgents were responsible and told the crowd that such violence was how the insurgents repaid people for feeding and sheltering them. Local people were shocked and angered at being thus humiliated, particularly by a soldier who had previously been known for good relations with the community. The practice of forcing people to sit or stand tightly packed together has frequently been used by the RPA as a way of demonstrating control over people. This tactic of deliberate humiliation is known by the Swahili term of *songamane*.³⁹

On January 10, 2000, the prefect of Ruhengeri met with government employees to exhort them to contribute financial support to the army (see below). A respected older man, a former burgomaster, took the occasion to complain both about the obligation for citizens to do nightly patrols, which left them too exhausted to work well during the day, and about the humiliation of the population by Lieutenant Gasana.

³⁷ Human Rights Watch interviews, Kigali, January 17 and March 20, 2000.

³⁸ Human Rights Watch interview, Kigali, March 20, 2000.

³⁹ Human Rights Watch interviews, Ruhengeri, February 8 and 24 and March 3, 2000.

On February 6, Lieutenant Gasana once more assembled the people of several sectors of Ruhengeri town and its immediate area. He took to task the former burgomaster for his statement at the January 10 meeting with the prefect and elicited a public apology from him.⁴⁰

MILITARY JUSTICE SYSTEM

The military justice system, which has received substantial support from foreign donors like the United States and the United Kingdom, opened files on 843 cases during 1999. It carried out 295 trials, with fifty-eight soldiers acquitted, twenty-eight sentenced to death, and 207 sentenced to prison terms ranging from one month to life in prison. It is unclear how many of these cases involve former FAR soldiers charged with genocide, how many concern RPA soldiers accused of violations of human rights, and how many represent charges of common crime or infractions of military discipline.⁴¹ As of this writing, authorities had not yet announced the arrest of any suspects in the cases described above.

THE LOCAL DEFENSE FORCE

The organization of citizens to protect their own communities dates back ten years to the period before the genocide when the Habyarimana government established groups of civilians to assist soldiers against incursions of the RPF. When the current government was established in 1994, there was initially no system of local police. To remedy this lack and to protect against remnants of the genocidal forces in several parts of the country, authorities created the Local Defense Force (LDF), a kind of citizens' militia. In 1995, the Minister of the Interior ordered these forces disbanded, both because regular communal police were working again and because some of the LDF members had themselves been guilty of abuses against other citizens.

With the insurgency of 1997-1998, the government once again organized the Local Defense Force, groups of young people (virtually all male) who received two or three months training by soldiers. In some communities, the young people recruited for these forces were "friends of the soldiers," who had been spending their time at military posts, performing various services for the soldiers, such as fetching water or doing the laundry, in the absence of any more regular employment. Others had previously shunned contact with the RPA. They joined the LDF only under pressure or at the direct order of local administrative officials who themselves had been required to provide a certain number of recruits. Most of the LDF are between the ages of eighteen and thirty, but in some communities in the northwest where most adult males have been killed or are absent, children as young as fourteen have been pressed into service. They are often called "the young ones" or even *Kadogo*, the local term for child soldier. In October 1999, some five thousand LDF members had been trained. Continuing programs have since added thousands more to the number. Communes in the northwest each have between 150 and 250 LDF members, the number varying with the size of the local population and the state of development of the program.⁴²

The LDF members live at home and work in their own communities without pay. In most communes, each group of ten to twelve members has two or three firearms, which are supposedly stored in a central place and are taken by the LDF only when they go on patrol. In fact, some members of the LDF keep their arms at home and carry them whether they are on duty or not. In some communes, the members have received magenta uniforms while in others they have no distinctive dress.⁴³

⁴¹Rwandan Patriotic Army, Department of the Auditorat Militaire, Annex B, Annual Report, 1999.

⁴²Human Rights Watch interviews, Kigali, October 8, December 10, 1999; Nkuli, November 17, 1999; Cyeru, December 7, 1999; Ruhengeri, February 8 and 24, 2000.

At the height of the insurgency, LDF members assisted regular soldiers as scouts. Since the start of the second war in the Congo, some of them have been sent to fight alongside soldiers there. In one area, more than two-thirds of the men trained in a group of some thirty LDF have gone to fight in the Congo since 1998. None had previous experience as soldiers and many were forced to do the training and go to the Congo against their will. Once in the Congo, they were dispersed among various units and so lost touch with each other. Only one is known to have returned to Rwanda and this was after he was injured in combat. As soon as he had recovered from his injuries, he was sent back to the front. At various times, most recently in February 2000, more young men have been recruited, in part to replace those who have been sent to the Congo.⁴⁴

In theory, the LDF members are meant to provide added security to their home communities, but in some cases, they commit abuses against the people whom they are supposed to serve. In a recent case in Byumba, LDF members are said to have killed three women traders. In other cases, members of the LDF are reported to have killed one person in Mutura commune and another at Rambura, both in Gisenyi prefecture. In Byumba, five members of the LDF shot four people, killing two of them in a cabaret in Kivuye. In yet another instance, five members of the LDF of Kayove commune, including two with firearms, raided a home in Nyambyumba commune where they shot a woman. Several cases of rape have been reported committed by LDF, one in the commune of Nkuli.⁴⁵

In a number of cases, members of the LDF have wounded or killed other LDF members. Sixteen-year-old Baranabe Habanabakize, who had been a member of the LDF for about a year, was shot and killed by other LDF in Jenda sector as he returned home from a wedding celebration on February 9, 2000. His companion, Misi Rutegamingi, also sixteen and also a member of the LDF, was shot and seriously wounded. In this case, other LDF, who reportedly did not know the two, had opened fire because they saw Misi was carrying a firearm and did not believe their claim to be civilians. In another shooting that took place on January 3, 2000, one LDF member named Nkweto killed another named Vincent in Kigarama sector, Ruhondo commune, reportedly because Vincent talked too much about LDF thefts from civilians. At the end of January, another young LDF member, Gaspard Ndagijimana, was shot just outside Ruhengeri town, in the sector Gahondogo, commune Kigombe. The assailants have not been identified but may have been men from his own LDF group. Gaspard, who had been an unwilling recruit to the LDF, survived the shooting but had to have an injured leg amputated.⁴⁶

In many communes in Byumba, Ruhengeri and Gisenyi prefectures, members of the LDF have beaten local people and extorted or stolen goods from them. Occasionally they commit these abuses in the company of regular soldiers; at other times, they use their own firearms to force compliance with their demands. But where the victims are women or the elderly, the young LDF members do not need firearms to get what they want; they just threaten to beat them with large, stout sticks. One widow complained that the LDF in her area stole the fabric she had bought to make clothing. Others complain of being robbed of a bicycle or of being forced to give free beer to young men of the LDF. In other communes, LDF are accused of appropriating food deliveries from the World Food Program meant for the needy.⁴⁷

Accountability for Members of the Local Defense Force

⁴⁴Human Rights Watch interviews, Kigali, December 10, 1999; Ruhengeri, February 24, 2000.

⁴⁵Human Rights Watch interviews, Gisenyi, December 8, 1999; Kigali December 11, 1999; Nkuli, November 17, 1999; Byumba, February 12, 2000; Nyarutovu, February 25, 2000; by telephone, April 12, 2000; *Resolutions et Recommandations de la Tenue de la 9ème Assemblée Générale de la Ligue Rwandaise pour la Promotion et la Défense des Droits de l'Homme, "LIPRODHOR," 20/03/2000.*

⁴⁶Human Rights Watch interviews, Ruhengeri, February 8 and 24, 2000.

⁴⁷Human Rights Watch interviews, Ruhengeri, November 17 and December 7, 1999, February 8, 24, 25, 2000; Byumba, February 12, 2000; Gisenyi, December 8, 1999.

The LDF are organized under the authority of the Minister of Local Administration and Social Affairs. They are supposed to be under the orders of local civilian officials within the communes and subject to supervision by a military officer at the level of the prefecture. In some communities, the LDF who abuse their authority have been quickly called to account, usually following complaints by local people to the officials at sectoral or communal level. Some LDF have been disciplined by being taken to military posts for beatings, others have been dismissed from the force and, in the most serious cases, some have been arrested. In the case of the killings at Kivuye, described above, two of the assailants have been tried and found guilty. One has been sentenced to death and the other to life in prison. But where local officials unquestioningly support the LDF or are themselves intimidated by its members, they have ignored complaints by the population and the abuses continue.⁴⁸ In some cases, local authorities claim that abuses committed by the LDF were actually the work of insurgents, just as RPA authorities, in the case of the killing of Jean-Pierre Niyonzima, described above, asserted that the killers must have been insurgents, not demobilized soldiers.

ARBITRARY DETENTIONS, TORTURE AND ILL-TREATMENT

Persons Accused of Supporting Insurgents or the Congolese Government

Even after the risk of insurgent attack was considerably reduced in late 1998, RPA soldiers continued to arbitrarily arrest persons accused of association with insurgents and sometimes to torture them, supposedly in an effort to obtain information. Soldiers detain these persons on their sole authority, without following any formal procedure. They may hold them for months, sometimes shifting them from one illegal place of detention to another, and without giving any notification to anyone of the detainee's whereabouts or the reasons for his or her detention. Except in cases where others have witnessed persons being taken away by soldiers, family and friends have no way of knowing that they are in the hands of authorities or where they are being kept.

Given the importance of the RPA presence in the Congolese town of Goma, just across the border from Gisenyi, RPA soldiers find it easy to shift detainees from one side of the border to the other, thus making it more difficult for family or friends to trace them. The RPA detained one person whom they suspected of connections with the Congolese government for a period of six months without charge, moving the prisoner back and forth from the Congo to Rwanda to the Congo and then again to Rwanda as it pleased them. RPA soldiers moved a group of fifteen persons, some of whom had been detained in Goma, across the border to Gisenyi in mid-September 1999. Some detainees were shifted as many as three times to different locations in Gisenyi during a three month period of detention. One detainee was transferred to a place of detention that was once a chicken coop because his family suspected that he was at a better known place of detention and had made inquiries there.⁴⁹

RPA soldiers confined some of the Rwandans taken at the border or in the Congo in a place known as Bureau II in Goma. The facility was clearly under the command of soldiers. In addition to Rwandan civilians, it also housed military prisoners. According to a person imprisoned there several months ago, Bureau II held eight civilian detainees in one room and ten in another, as well as an unknown number of soldiers in a third room.⁵⁰

RPA soldiers accused the Rwandan civilians of being insurgents and subjected some of them to torture in an effort to obtain information or confessions from them. One detainee told Human Rights Watch researchers that he was hung upside down by his ankles every day; he showed marks on his ankles that had apparently been caused by the pressure of being so suspended. Former detainees also said that soldiers burned several detainees with an electric coil used for heating water and forced others to take hold of an electric wire.⁵¹

⁴⁸ Ibid.

⁴⁹ Human Rights Watch interviews, Gisenyi, December 8, 1999; Kigali, December 11, 1999 and February 17, 2000.

⁵⁰ Human Rights Watch interviews, Gisenyi, December 8 and Kigali, December 11, 1999.

⁵¹ Human Rights Watch interviews, Gisenyi, December 8, 1999; Kigali, December 11, 1999 and 2000, Vol. 112, 2000.1(A)

Soldiers of the RPA and of its ally, the Rassemblement congolais pour la démocratie (Congolese Union for Democracy, RCD), detain Congolese in Goma at a place called “Chien Méchant” or “Vicious Dog.” There too they reportedly beat prisoners accused of links with the Congolese government and torture them with electric current. According to one detainee, there were twenty-one prisoners at “Chien méchant” in mid-1999. Two were women and were subjected to repeated sexual advances by soldiers. After one such incident, three RPA soldiers beat one of the women who had refused to have sex with them.⁵²

RPA soldiers have imprisoned civilians in at least two illegal places of detention in the town of Gisenyi.⁵³ One is a structure formerly used as a chicken coop, located between the veterinary hospital and the police brigade. Another, known as MILPOC, is a pleasant yellow stucco house located on the palm-lined street along the shore of scenic Lake Kivu. The house is next door to a hotel and just behind the prefectural offices. Once a United Nations office and still displaying the blue-and-white U.N. sign over the door, MILPOC is now in the hands of the RPA. When Human Rights Watch researchers entered the compound in early December, 1999 and tried to mount the stairs to the building, they were intercepted by several RPA soldiers who informed them that it was a military facility.

Like the Bureau II in Goma, MILPOC houses detained RPA soldiers as well as civilians. Someone who knew the building well prepared the sketch below. It indicates that there were two rooms, each about three meters square, set aside for male detainees and another far smaller room where women and children were confined. Military prisoners were confined in a room apart from the civilians. Military guards lived in an adjacent small house and a small kitchen building was located behind. According to a former prisoner, the number of civilian detainees, about forty in September and October, increased to seventy-eight by late November or early December, 1999. Two former burgomasters were among the number, as were two women, one of them elderly, and six children aged between ten and fifteen years old.

According to former prisoners, RPA soldiers interrogated some of the detainees in the main room that was used for meetings or in their office. During these sessions, they sometimes beat the detainees with sticks or with the butts of their rifles. A professor named Habimana was supposedly so seriously beaten that he went crazy.⁵⁴

Detainees had no beds or furniture and were obliged to sleep on the cement floor. In the men’s rooms, the floor was flooded with several inches of water when soldiers used the shower in the bathroom next door. Civilian detainees were not allowed to use the shower. One prisoner was given water with which to bathe twice in two and a half months of confinement. In order to prevent their presence from becoming known, detainees were instructed to remain seated or squatting below the level of windows and to never speak in a voice that could be heard outside the house. The windows in the room which housed the women were boarded up and the only light came through a piece of plastic on the roof. Detainees were fed once a day, usually beans or corn, which they ate from empty tin cans. Most detainees were not allowed to use the toilet outside, except some women who were allowed to do so at night. Otherwise they used buckets in their rooms. In the men’s rooms, the buckets were emptied once every three days. Detainees suffered frequently from intestinal illnesses and from diseases of the skin but received no medical attention. One detainee who was ill was just propped up outside under a tree in the inner courtyard where he remained, even in the rain. When the witness who saw this left MILPOC, the detainee was still leaning against the tree, but he did not know if he were still alive.⁵⁵

⁵² Human Rights Watch interviews, Gisenyi, December 8, 1999; Kigali, December 11, 1999 and February 17, 2000.

⁵³ According to the Military Prosecutor, the military prison at Mulindi, near Kigali, is the only place where the military can legally detain civilians. Human Rights Watch interview, February 9, 2000.

⁵⁴ Human Rights Watch interviews, Gisenyi, December 8, 1999; Kigali, December 11, 1999 and February 17, 2000.

⁵⁵ Human Rights Watch interviews, Gisenyi, December 8, 1999; Kigali, December 11, 1999 and February 17, 2000. 1 (A)

In another part of the northwest, witnesses report that soldiers from a nearby military post took four farmers from their homes in Ruhengeri prefecture in October 1999. Both soldiers and their officers at this post beat the detainees, accusing them of supporting the insurgents. After local civilian officials came to the post to vouch for their conduct, the detainees were permitted to leave. One had been so badly injured by the beating that he was hospitalized for more than two months. Human Rights Watch researchers were able to examine his injuries and to see that he had suffered permanent damage to his arm as a result of the beating. In another similar case, a civilian was detained by soldiers near a military camp from the end of September until sometime in December 1999. Another man who works in the town of Ruhengeri was arrested at the end of December and held in the military camp until late February. He was accused of supporting the insurgents. He received little to eat during his imprisonment but was not otherwise mistreated.⁵⁶

Many of those charged with supporting the insurgents deny the accusation and say that they were falsely accused by soldiers, local officials, or others in their communities with whom they had problems in the past.⁵⁷

Persons Accused of Supporting the King

The largely Hutu population of northwestern Rwanda bitterly fought the extension of royal power over their region at the start of the twentieth century and rapidly joined the revolution to overthrow the monarchy in 1959. Yet supporters of the king are now found in that region, including some who previously backed or who still back the insurgency.

Several persons resident in the area told Human Rights Watch researchers that they believe the insurgents who attacked Tamira in December 1999 were part of the “army of the king.” In the national news broadcast on Radio Rwanda on December 21, Kagame was reported to have deplored the presence of troublemakers who were recruiting people to leave the country and join the “army of the king.” He asked local authorities in Ruhengeri and Gisenyi particularly to help eliminate this problem.⁵⁸

Even before this directive, local authorities in the northwest had been calling people to meetings to warn them not to support the king and to tell them specifically that insurgents might return to Rwanda and claim to be fighting for the king. RPA soldiers delivered even sterner warnings not to show any interest in the return of the king.

Several informants told Human Rights Watch researchers that many people see the king as an alternative to the current government. As one said:

People can't talk about the king out loud. They talk, but not out loud because if they [the authorities] catch you, they would put you in prison.⁵⁹

Other informants confirmed this information by recalling a warning delivered at the Mahoko market in Kanama commune, Gisenyi. They said that on a market day in December, an RPA officer known as Effendi (Sergeant) Zachary said that:

You had better be careful, because when two elephants fight, it is the grass that gets killed.... If you dare side with the king, you risk serious trouble. Prison will not be good enough. We are going to make you suffer like we did the last time.... We will use bullets and, when we run out of bullets, then we will come at you with machetes.⁶⁰

This was presumably a reference to a previous massacre at Mahoko market in 1997.

⁵⁶Human Rights Watch interviews, Ruhengeri, February 8 and 24, 2000 and Gisenyi February 25, 2000.

⁵⁷Ibid.

⁵⁸National news in Kinyarwanda, Radio Rwanda, December 21, 1999.

⁵⁹Human Rights Watch interview, Gisenyi, March 3, 2000.

⁶⁰Human Rights Watch interviews, Gisenyi, March 3 and 8, 2000.

An elderly woman from a nearby commune told Human Rights Watch researchers that she had heard of soldiers at Mahoko market listening to conversations among people and threatening them if the talk seemed to be about the king. "They have total control," she said.⁶¹

In addition to cautioning people not to talk about the king, civilian and military officials have warned them about lodging any people from other communes or prefectures because "they might have been sent to stir up support for the king." An informant reported that a local official had refused to allow a medical worker to establish a health center in her community because he feared the man might have brought royalist ideas with him.⁶²

Government officials went beyond warnings in the commune of Ndusu and detained some forty people who were accused of supporting the king. On December 17, 1999 soldiers arrested three teachers, Daniel Gahinda, Christophe Kagiraneza and Eugene Nkurikiyinka, and detained them at the Ndusu communal lockup. On December 29, the accused persons denounced dozens of others at a public meeting conducted by the burgomaster of Ndusu and Lieutenant j.g. Kagaba. Nineteen were arrested at the meeting or soon after. They were detained for three days and all except two released. The two who remained, Joel Rutamujuje and Pierre-Célestin Kagaba, along with the original three were taken from the communal lockup in a RPA pickup truck on February 4, 2000. They were transported to an unknown destination, perhaps to the police brigade in the town of Ruhengeri. In the days following the first arrests, other persons were detained for periods ranging from a few days to a month.⁶³

The matter was considered so serious that the prefect summoned local officials and people to a meeting on February 8 at which officials again described a popular organization in support of the king. They told the people that the inquiry was continuing.

The majority of the detainees were teachers. A number of them supposedly belonged to a self-help association, a common mechanism for people trying to maximize the benefit from the limited capital available in a desperately poor economy. They supposedly had each contributed five thousand Rwandan francs to the group. One of the accused also operated a small bar at his home where others often came to drink. According to local people, it was circumstances such as these which were taken as proof of the existence of an association in support of the king. The people of the commune denied the report. As one later told Human Rights Watch, "We know nothing about the king. These are just stories that fall on us from above."⁶⁴

In the commune of Kayove, Paul Uwanzavugaye was reportedly detained in the communal lockup for four days in mid-February for having spoken about the king.

Out on the hills as in the capital, the king has become a symbol of potential opposition to the government. Although most who talk of such a ruler are referring to Kigeli V Ndahindurwa, an actual person who could conceivably return to Rwanda, others in the northwestern prefecture of Gisenyi talk of a mythical ruler Kabandana. Clearly there is some support for a return to a monarchy but it is difficult to evaluate its extent. In some cases, authorities—whether national or local—and even private citizens have falsely accused political or personal enemies of being monarchists, thus possibly giving the impression that loyalty to the king is more widespread than it actually is.

Detention for Unspecified Reasons

⁶¹ Human Rights Watch interviews, Gisenyi, March 3, 2000.

⁶² Human Rights Watch interviews, Gisenyi, March 4, 2000.

⁶³ Human Rights Watch interviews, Gisenyi, March 3 and 4, 2000.

A well-known political leader, Bonaventure Ubalijoro, was released on April 20, 2000, after more than a year in detention. has now spent more than a year in detention. Ubalijoro, formerly president of the MDR, the largest political party in Rwanda was initially arrested on unspecified charges and was subsequently said to be under investigation for crimes ranging from embezzlement to involvement in the killing of Tutsi in 1963. His attorneys tried for months without success to obtain information about the charges against him. He was finally released without trial and without further clarification of the reasons for his arrest, which appears to have been motivated more by politics than by concern for justice.⁶⁵

Ordinary citizens, too, continue to suffer from detention for unspecified reasons. A pharmacist was taken into custody by authorities in Kigali and held officially incommunicado for more than eight months in 1999. He was walking home with his wife in the early evening. They were stopped by two men in civilian dress who had gotten out of a car with private license plates and had insisted that he must go with them, purportedly to help in an urgent medical case. When the pharmacist tried to refuse, one of the men threatened him with a firearm and he then agreed to go with them. His wife watched as the car sped away and then crashed, an accident caused by the pharmacist as he tried again to resist being taken away. The wife immediately went to the police station and reported the abduction and the accident, but the police refused to investigate before the next morning. By the morning, the cars involved in the accident had been towed away, supposedly by the police. But when relatives and friends of the pharmacist sought information about the abduction from the police, they were told that the authorities knew nothing of the case.

Despite frequent and public appeals to many civilian, military and police officials, including to the president and vice-president, those concerned about the man's "disappearance" could learn nothing. Only after three weeks did they receive a message smuggled out of a police brigade in Kigali letting them know that the pharmacist was detained there. He had at first been taken to the headquarters of the police intelligence division (*Services de Renseignements de la Gendarmerie*) located in a private house in Remera and was later transferred to solitary confinement in the police brigade. About six months after his abduction, the Ministry of the Interior finally acknowledged that he was confined at the Remera police brigade. Three months after that the pharmacist was released without charge and without explanation.⁶⁶

ABUSE OF POWER

Hutu have suffered for years from arbitrary detention and abuses by authorities for various reasons and now, increasingly, Tutsi survivors of genocide are subject to the same ill-treatment. On Saturday morning December 11, 1999, a young Tutsi woman genocide survivor was at home feeding her baby when she received a telephone call from someone asking directions to her house. The person purported to have a letter for her. Shortly after a young man, subsequently identified by the nickname Kazungu, arrived in a car with darkened windows and Ugandan license plates. Dressed casually in a jogging suit, he carried a two-way radio, a usual accouterment of one of the RPA elite. He asked her to accompany him to the national radio station to clear up some questions. She refused at first but eventually agreed to go with him after he threatened to have police come and take her by force.

Upon arrival at Radio Rwanda, Kazungu sought to intimidate the young woman into confessing that she had brought a news release falsely reporting the death of a local pastor to be broadcast on the radio. When she denied knowing anything of the affair, he threatened to beat her, to publicly humiliate her on television, and to have her arrested. She persisted in her refusal. Kazungu left the premises after having instructed two national policemen guarding the entry to keep her there. When family and friends arrived to try to free her, Kazungu threatened them as well and reportedly asked the national policemen to rough them up.

⁶⁵ A hearing scheduled for April 6 did not take place because of the absence of the judge, the second time such an absence has forced a postponement in the case. Human Rights Watch interview, by telephone, April 10, 2000.

⁶⁶ Human Rights Watch interviews, Kigali, March 20, 2000.

After several hours, Kazungu took the young woman to a police station where at Kazungu's insistence the officer in charge began the procedure for arresting her. Kazungu declared the arrest was necessary because the pastor whose death had been wrongly reported had complained to the station and was planning to sue it. When the young woman was able to have the pastor come to the police station to deny the whole affair, she was released, but she had to return several times after for hearings conducted by the police.

This abduction was tied to a conflict over property between two factions of a church to which the young woman belongs. The group opposed to hers had paid or persuaded Kazungu, a current or former RPA soldier now employed by Radio Rwanda, to abduct and intimidate her in hopes of winning some advantage in this dispute. In this case, the young woman escaped at little cost beyond a day of fear and distress. But she told Human Rights Watch researchers that she found the incident eerily similar to when people came to take her away during the genocide. The case illustrates the extent to which ordinary Rwandans, whether Tutsi or Hutu, are vulnerable to abusive treatment by soldiers or those who have ties with soldiers. The young woman has submitted a complaint to the National Human Rights Commission of Rwanda concerning this case.⁶⁷

Many cases of abuses by soldiers or civilian administrators result from disputes over property. One man who lived outside the capital came to Kigali in March 1999 seeking to reclaim several houses which had been occupied by others without payment since 1994. One of the houses was inhabited by an RPA officer. As soon as he began proceedings to reclaim his property, the man was picked up and taken to the DMI where he was kept for three months. During that time he was interrogated about his property holdings, among other things. In a similar case two women came to Kigali in October 1999 to reclaim houses owned by the family in the section of Nyakabanda. A local official who lived in one of their houses accused them of genocide and they were arrested and held for nearly three months. Shortly after their arrest, the husband of one of the women was sought out and arrested in Gisenyi on a complaint from Kigali. The women were released near the end of 1999 and have succeeded in regaining possession of their houses, but the man of the family remains in prison in Gisenyi.⁶⁸

⁶⁷Human Rights Watch field notes, December 11, 1999.

⁶⁸Human Rights Watch interviews, Kigali, January 17; Gisenyi, February 1, 2000. April 2000, Vol. 12, No. 1(A)

The Arusha Accords, a peace agreement which forms part of the fundamental law of Rwanda, declared that persons who had fled Rwanda ten or more years ago or their descendants would not have their former property restored to them but would be granted land elsewhere by the government. Yet those who returned from abroad following the RPF victory in 1994 have displaced others from lands which they claim were theirs some four decades ago. Despite promises by the government to enforce this provision of the Arusha accords, many repatriates, particularly those who have connections in the government or the military, refuse to return the land and houses which they occupy and some have even appropriated more property in recent months. In the commune of Kidaho, a schools inspector used his authority to have four cultivators beaten and detained for several days in the communal lockup in order to force them to cede their lands to him. Subsequently the burgomaster and local police commander required him to return the lands, but only after the current harvest is in. Another schools inspector similarly appropriated the fields of five cultivators in the Maya sector of Nkumba commune. In Kidaho commune, an RPA soldier obliged eight cultivators to cede fields to his mother. A group of twenty-five cultivators in Kidaho commune wrote the prefect of Ruhengeri on February 19, 2000 asking his help in having fields returned to them which had been taken by two women and a man who were grandchildren of a chief in the area under the colonial administration. When faced with a similar situation where a group of local people had been required to sign over their fields to soldiers, the prefect of Ruhengeri promised to create an ad hoc commission to examine the problem.⁶⁹

SOLIDARITY CAMPS

Rwandan authorities organized “solidarity camps,” now known as *ingando*, to convey political lessons to refugees who had followed the genocidal government into exile and who returned en masse in late 1996 and 1997. The camps were meant to promote ideas of nationalism, to erase the ethnically-charged lessons taught by the previous government, and to spur loyalty to the RPF. Salaried employees who wished to return to public or private employment and young people who wanted to return to school ordinarily had first to complete a training session at such a camp.

With the increasing focus on national security, the authorities have once more begun requiring groups of people to attend the camps. Although all the camps are known by the same term and all are apparently funded by the National Commission on Unity and Reconciliation, those attended by people from most regions of Rwanda differ from those attended by people from the northwestern prefectures Ruhengeri and Gisenyi.

At camps of the first kind, officials, community leaders, students, and the general population ordinarily learn to shoot, wear military uniforms, and are subject to a quasi-military discipline. They are taught to accept RPF lessons about the past and the future of Rwanda. These camps generally last for one month. Local administrative officials and students preparing to enter the National University of Rwanda have attended the camps, as will soon officials of the judicial system and even staff of non-governmental organizations.

Camps of the second kind are meant to provide political education for people from regions in which the insurgency was strong or for people who have returned recently from the Congo. One camp was said to house “infiltrators who had been taken from Masisi” and other regions of the Congo, suggesting that the camp participants had actually been captured in the Congo and then brought back to Rwanda, whether willingly or not. In one such camp held at the end of 1999 and in early 2000, people detained by soldiers in the illegal MILPOC facility were transferred for education at the camp. In these camps, participants do not learn to shoot. More than forty of the participants in a recent camp in Ruhengeri were, however, pressed to join forces departing to fight in the Congo. These camps last longer than those for the official elite, generally three months. During this time those who are cultivators are unable to attend to their crops. A substantial number of participants attend because they feel obliged to do so or because they have been told by authorities that they must. There is no law requiring attendance.⁷⁰

⁶⁹Human Rights Watch interview, Kigali, March 20, 2000.

⁷⁰Human Rights Watch interviews, Gisenyi, January 31, 2000; Ruhengeri, February 24, March 2,3 and 4, 2000; Kigali, February 11, 2000.

When some 2,000 participants in a camp that had lasted three months at Cyuve were dismissed, they were sent home with a warning not to talk about the king. They were informed that some forty people had been arrested on charges of supporting the king in Ndusu and that they should take care not to make a similar mistake.⁷¹

A number of Rwandans have commented upon the different nature of the two camps. Some of those from the northwest fear that the military training given to elites and students elsewhere in the country is meant to prepare them for eventual war with people from the northwest, a contest which will be unequal because the people of the northwest will not have been trained in how to shoot. Regardless of how baseless others may judge these fears to be, people of the northwest take them seriously.

"CONTRIBUTIONS" IN SUPPORT OF THE MILITARY

Forced to limit military spending to remain within the guidelines set by international financial institutions, the Rwandan authorities decided to request “voluntary contributions” in support of the military. To set an example, members of the National Assembly pledged to contribute three months salary. Despite the claim that no one was forced to contribute, superiors in government bureaucracies dictated the sums to be provided by their subordinates. In the Ministry of Justice, employees were informed of a scale of expected contributions according to annual salary. But in most government services, as well as in certain other private sectors, salaried employees were told to provide the equivalent of one month’s salary. For some government employees, such as teachers, the contribution could be made in installments over a period of two to five months.⁷²

Local administrative officials made it clear to farmers, who make up 90 percent of the population, that they too had little choice but to contribute, although there was greater flexibility as to the amount and terms of payment than was the case for salaried employees. In some places cultivators are required to provide 200 or 300 Rwandan francs (360 francs equals approximately US\$1) for each person in the household over the age of sixteen and to pay in cash. In some other places, cultivators have been permitted to contribute produce. Finding cash for the “contribution” may pose serious problems for the currency-poor cultivators. As it is, many are unable to send their children to school (for which they normally must pay 300 francs per semester) or to buy medicines for the sick. Institutions such as churches have been asked to contribute as have some foreigners resident in the country. In at least one commune, residents had already been obliged to pay another “contribution” of 100 francs to support the Local Defense Force.⁷³

Because the “contribution” was supposedly voluntary, some authorities initially stated that there would be no receipts delivered. Many people are reluctant to pay unless they are given a receipt because they fear being charged with non-compliance, being made to pay repeatedly, or seeing their money go to purposes other than that for which it was given.⁷⁴

Some Rwandans have expressed concern that the money may be used to buy arms that might someday be turned against them just as contributions to the war effort in 1992 and 1993 may have bought weapons used to strike down Tutsi and members of the Hutu political opposition during the 1994 genocide.

WHERE IS THE INSECURITY?

Rwandan authorities insist that the country continues to face grave threats of attack from abroad and serious dangers from “negative forces” within. Military action in the eastern Congo, like the December 1999 attack on Tamira, shows that armed opposition groups, however labeled, do pose a continuing threat to security. Similarly it is clear that there is considerable popular dissatisfaction with the current government among Rwandans. But many Rwandans feel that their greatest risk now is not from insurgents or internal dissidents but from the very authorities supposedly charged with protecting them.

Government officials, soldiers and political leaders make accusations that are false or at best unsubstantiated and they easily accept similar accusations made by those whom they favor. They are quick to arrest but then often fail to investigate the charges and bring the accused to trial. The prevalence of false accusations and the delay in resolving such charges contributes to the sense of insecurity among ordinary people. Hutu have long been subject to such abuses and now Tutsi survivors of the genocide increasingly suffer from them as well.

In the recent past, Rwandans have wrongly accused personal or political enemies of having participated in the genocide or of supporting the insurgency; now they may also charge them with favoring a return of the king. Rwandans also accuse others of corruption. Such charges may be better founded, since many have wrongly enriched themselves,

⁷²Human Rights Watch interviews, Gisenyi, January 31, 2000; Ruhengeri, February 8, 2000; Byumba, February 12, 2000.

⁷³Human Rights Watch interviews, Gisenyi, January 31, Ruhengeri, March 2, 3, 4, 2000.

but the pattern of accusation, whether of political leaders or dissident journalists, suggests that political reasons underlie at least some of these charges.

Just as it is difficult to assess the extent of the threat from insurgents so it is difficult to evaluate the extent of political dissent within the country. But whatever the domestic or external threat, the government must not use it as pretext for violating the rights of Rwandan citizens.

INTERNATIONAL ASSISTANCE TO THE RWANDAN GOVERNMENT

Despite unresolved questions about massive killings of civilians in the Congo and in northwestern Rwanda and its continuing poor human rights record, the Rwandan government enjoys substantial international support. During 1999, about 45 percent of its budget was paid for by foreign aid. The World Bank, the United Kingdom, and the Netherlands continue to be major donors, and Austria, Denmark and Norway have all indicated their intention to increase aid to Rwanda. On April 7, 2000, the sixth anniversary of the start of the genocide, the Belgian prime minister went to Rwanda and apologized for his country's refusal to try to stop the killings. He pledged renewed assistance to Rwanda, including an immediate \$3 million for health services. Several weeks before, the European Commission announced an aid program to renew cooperation with the Rwandan government without making any reference to the need for improvements in the situation of human rights in Rwanda.

Although the United States is not a major donor, it has appeared firm in its political support for the Rwandan government. Although U.S. officials insist that they show no special favor to Kigali, their continued military assistance program, though small, and their silence about human rights issues suggest continued tolerance for the unsatisfactory performance of the Rwandan government.

Still burdened by guilt over their failure to intervene to halt the genocide, international actors have not questioned the Rwandan government's assessment of its own security needs or its judgment on how those needs might best be met. Themselves anxious to see stability in this troubled region and determined to avoid a new genocide, they have concurred in subordinating human rights to supposed security needs. However well-intentioned this policy, it has left unsupported the voices calling for reform within Rwanda and thus lessens the likelihood for improvement. At the same time, making exceptions for Rwanda in the name of security weakens the effect of calls for improvements in other countries, particularly in the immediate region. .

RECOMMENDATIONS

To the Rwandan Government:

- Ensure that all members of the Rwandan Patriotic Army and the Local Defense Forces respect the right to life and security of civilians and cease immediately all types of abuses against civilians.
- Ensure that the justice system investigate and prosecute more effectively soldiers, former soldiers and members of the Local Defense Forces accused of human rights abuses. Establish a single, effective system for ensuring accountability from the Local Defense Forces.
- Enforce an end to the practice of illegal detentions of Rwandan citizens. Release or bring promptly to trial those currently detained without regard to due process. Close irregular places of detention such as the MILPOC facility in Gisenyi.
- Ensure freedom of speech, association, and the press, as guaranteed by the Rwandan constitution.

To the Donor Community:

- Suspend military assistance or training programs to the RPA until abuses against civilians have been investigated and those responsible for past abuses have been brought to justice.
- Ensure that decisions on development assistance are made after weighing the human rights record of the Rwandan government, particularly as it concerns the protection of human life, the effective functioning of the justice system, and the guarantee of free speech, free association and free press.
- Make prompt and effective use of public and private diplomacy to condemn human rights abuses by the RPA and insurgent forces and to press for accountability for such abuses.

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