

# RWANDA

## TALKING PEACE AND WAGING WAR HUMAN RIGHTS SINCE THE OCTOBER 1990 INVASION

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## **Introduction**

The government of Rwanda recently claimed to be at the "forefront" of defending human rights; in an effort to prove its point, it has signed at least nine international instruments guaranteeing these rights. In spite of the rhetoric, the reality is far less reassuring. For years the government has discriminated against the Tutsi minority and, under pressure of a guerilla war that began fifteen months ago, it has recently committed a wide range of serious human rights violations against thousands of its citizens.

In 1959, the Hutu, who form the majority of the Rwandan population, rose up against the minority, the Tutsi, who had ruled them for centuries. After several years of violence, the Hutu established firm control of the state and drove 150,000 Tutsi into exile. Themselves once the victims of long-term discrimination, the Hutu now turned this policy against the 150,000 Tutsi who remained in the country, restricting their opportunities for higher education and employment.

Tutsi exiles tried many times over the years to invade Rwanda, but they first posed a serious threat to the government on October 1, 1990, after the military arm of the Rwandan Patriotic Front (RPF) sent a large and well-armed force across the frontier from Uganda. They initially fought along the northern and eastern frontiers, but after several months they confined their attacks to the northern area.

Immediately after the war began, the government arbitrarily arrested more than 8,000 people, largely Tutsi, and held most of them for months without charge. In October 1990 and again in January and February 1991, local officials incited Hutu to attack their Tutsi neighbors. More than six hundred Tutsi died in these attacks and scores more were wounded and lost all their belongings.

These abuses drew sharp protest from the international community, both from representatives of human rights organizations and from members of the diplomatic corps. At the national level, officials have responded to this criticism by taking certain steps, for example, releasing prisoners. The government has also permitted representatives of human rights organizations to observe trials, visit prisons and investigate accusations of violations. At the local level, however, officials have continued to commit abuses and, indeed, intensified them in several communes in the last several months.

Africa Watch gratefully acknowledges the invaluable assistance provided by the following Rwandan human rights associations: The Rwandan Association for the

Defense of Human Rights (ARDHO); The Rwandan Association for the Defense of Human Rights and Public Liberties (ADL); The Association of Volunteers of Peace (AVP); and Kanyarwanda. These groups continues to provide timely and essential information on the human rights situation in Rwanda.

Shortly before the war started, President Juvénal Habyarimana announced a series of measures intended to promote democracy. He created a commission to study possible reforms to be instituted over a period of several years. The war has hastened the pace of change: multiple political parties, for example, have moved from the realm of discussion to reality within a few months' time. The conflict has, on the other hand, made it possible for officials to attempt to hinder the process of opening up the political system under the pretext of war-time exigencies.

Two Africa Watch representatives visited Rwanda in November, investigating conditions in nine of eleven prefectures. The findings of Africa Watch include the following:

- \* According to Rwandans living near unpopulated stretches of the country, authorities dump the bodies of unknown victims in the bush; representatives of Africa Watch found bones, skulls, hair, and clothing at three sites they visited.
- \* In early November 1991, local officials in the commune of Murambi incited and led Hutu to attack Tutsi and, to a lesser extent, members of opposition political parties; one Tutsi was killed, scores injured and hundreds forced to flee.
- \* In October 1991, local police in two communities detained 24 people who have not been seen since; others arrested at this time were severely beaten before being released without charge.
- \* In several dozen cases, local officials arrested and transferred civilians to military camps where they are detained, without charge, and often subjected to abuse. These detainees are held incommunicado, in some cases for months at a time, and have no access to legal counsel. Four detainees known to be at a military camp in Kigali in September have since disappeared as has another person confined at a camp in Gisenyi.
- \* Soldiers abuse the rights of civilians, often with no fear of consequences; violations range from harassment to theft, rape, and murder.
- \* Despite the government's announced transition to democracy, it continues to harass opponents of the former single party and to attack journalists who publish

articles or cartoons critical of the government; in late November and December 1991, at least six journalists were arrested and one was severely beaten. At least four went into hiding and are still in hiding.

Africa Watch found that the RPF has also committed human rights violations:

- \* The invading RPF has attacked civilian targets, such as a small hospital and a refugee camp. It has killed, injured and kidnapped hundreds of civilians and pillaged or destroyed their property.

### **Background to the Conflict**

Rwandans form a single nation, speak one language and share a common culture. They are divided into two principal groups: Hutu, who comprise about 85 percent of the population, and Tutsi who make up about 14 percent.<sup>1</sup> Originally separate peoples from different parts of Africa, they came together through centuries of sharing the same territory. The Hutu supported themselves primarily by growing crops and settled on the lands best suited for cultivation.<sup>2</sup> The Tutsi, who lived largely from their herds of cattle, occupied the pasture lands that lay interspersed among the crop lands. Hutu and Tutsi exchanged produce, dairy products and labor with each other.

The Rwandan state began to take shape under a ruler known as the *umwami* in the 16th century. Within two centuries it had grown to one of the most powerful forces in central Africa. The state depended on the military and the military flourished through its control of cattle. In this system, the Tutsi, who owned most of the cattle, came to dominate the Hutu, who had little cattle. Drawing on the resources of an increasingly powerful state, the Tutsi ruler and his officials were able to demand more and more of the Hutu, in some places obliging them to deliver both labor and produce as tribute. Tutsi, however, never exercised a total monopoly of power: they respected the autonomy of Hutu who headed large lineages and those said to have important spiritual gifts. In addition, the Tutsi ruler who led Rwanda to the height of its power at the end of the nineteenth century gave many major posts to Hutu and rewarded them richly with cattle. Hutu who acquired many cattle would over time become known as Tutsi while Tutsi who lost their cattle and turned to cultivation eventually became known as Hutu.

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<sup>1</sup> Hutu are properly called Abahutu and Tutsi are properly called Abatuutsi. Rwanda's third population group is the Twa (Abatwa) who form about one percent of the people. Twa, the descendants of hunters and gatherers and potters, are scorned and discriminated against by both Hutu and Tutsi.

<sup>2</sup> Hutu often raised goats and occasionally some cattle.

Hutu and Tutsi originally looked different from each other, but the physical distinctions have been blurred by intermarriage. Although Hutu are said to be short and stocky and Tutsi to be tall and thin, people of one appearance or the other are found in both groups. Rwandans themselves cannot always tell whether fellow Rwandans are Hutu or Tutsi; sometimes they are sure only after ascertaining the person's lineage. The gap between the two groups widened during the colonial era when administrators froze each person's classification by noting it on government records. Since colonial times, all Rwandans have been forced to carry identity cards that specify whether they are Hutu or Tutsi. Once the RPF drew attention to this discriminatory practice, the President of Rwanda announced in November 1990 that new identity cards would be issued without this classification. To date, however, the old cards have not been replaced and the census taken in August 1991 continued to record group classification for each Rwandan.

Germany established control over Rwanda in 1897 and relinquished it to Belgium after World War I. From 1919 to 1962, Belgium administered Rwanda and neighboring Burundi as a single colony (Ruanda-Urundi), first as a Mandated Territory under the League of Nations and then as a Trust Territory under the United Nations.

Both the Germans and Belgians were impressed by the strength and sophistication of the Rwandan state and recognized the efficiency and cost-effectiveness of ruling it through the existing structures. They enabled the state to expand control over formerly autonomous regions, largely populated by Hutu. At the same time, they created a total monopoly of power for the Tutsi, removing Hutu from all responsible positions.<sup>3</sup> The colonialists also reserved all opportunities for higher education for Tutsi, except in seminaries where Hutu were allowed to study for the priesthood.

Quick to take advantage of the backing offered by the colonial administration, the Tutsi increased their exploitation of the Hutu. They re-interpreted old customs in new ways so that tax payments and tribute obligations multiplied. They used new burdens imposed by the colonial administration, such as the obligation to cultivate cash crops, to increase their own power. They turned the new system of European-style courts into vehicles for redefining old institutions, such as clientage.<sup>4</sup> What had once

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<sup>3</sup> The colonialists also removed women from positions of power.

<sup>4</sup> Clientage was a system whereby "clients" (sometimes incorrectly called "serfs") gave their labor or part of their crop to the "patron" who provided them protection and usually the use of one or more cattle. The ruler Mutara Rudahigwa ended clientage in 1954.

been an unequal but moderately reciprocal relationship between Hutu and Tutsi was transformed into a blatant and rigid system of Tutsi domination.

In the 1950s, the Belgians began to change their policy of favoring Tutsi, in part because of pressure from the United Nations which formally exercised supervision over Rwanda through the Trusteeship Council. They increased educational opportunities for Hutu, opened positions for them in the higher administration and introduced a modified electoral system for local and provincial councils. These changes were enough to frighten Tutsi but not enough to reassure Hutu: as independence approached, each group feared the Belgian departure would leave them at the mercy of the other.

In July 1959, the situation changed suddenly with the unexpected death of Mutara Rudahigwa, the ruler who had been in power for nearly three decades and who represented stability and moderation. Conservative Tutsi carried out a coup d'état that put Kigeri Ndahindurwa, Rudahigwa's young half-brother, in power. This action, ratified by the Belgians, polarized the political scene: parties identified with exclusively Tutsi or Hutu interests grew, while moderate ones that encompassed people of both groups lost popularity.

In November 1959, activists of a pro-Tutsi political party attacked a Hutu sub-chief who was a key figure in an all-Hutu political party. Hutu groups rose up to take revenge by killing Tutsi officials and Tutsi officials subsequently unleashed reprisals against the Hutu under their jurisdiction. The Belgians intervened, but only after several hundred people of both groups had been killed. The colonial administration, which had named only ten Hutu sub-chiefs before the uprising, now quickly replaced about half of the 594 Tutsi chiefs and sub-chiefs with Hutu. The all-Hutu party won a resounding victory in elections in June 1960 and, by January 1961, Hutu leaders felt strong enough to declare the monarchy ended. The ruler, Kigeri Ndahindurwa, fled to Nairobi, where he still lives. In July 1962, the Belgians withdrew and Rwanda became an independent republic.

Once firmly in power, many Hutu officials harassed and threatened Tutsi, confiscating their cattle and driving them off their lands. Tens of thousands left their homes, first for refugee camps, then for resettlement elsewhere in Rwanda. Tens of thousands more fled the country altogether. In 1961, some of these exiles began raiding Rwanda from their host countries. They launched ten major attacks between 1961 and 1966. Each attack set off reprisals against Tutsi left in the country, some of them spontaneous, some incited by Hutu officials. In the worst such case, following a Tutsi guerrilla attack from Burundi on December 21, 1963, Hutu killed an estimated 10,000 Tutsi, about half the total of 20,000 said to have been killed during the period of violence from 1959-1966. With each episode of violence, more Tutsi left Rwanda, approximately 150,000 of them by 1964. There are now between 400,000 and 500,000

Rwandans living outside the country, most of them in neighboring Zaire, Uganda, Tanzania and Burundi.

With the halt in guerilla attacks in 1966, open violence against Tutsi declined, but the government continued to discriminate against them, particularly in education and employment. In 1973, Hutu began attacking Tutsi again in incidents that may have been orchestrated by the military. The unrest enabled General Habyarimana, who was then Minister of Defense, to take control in a coup d'état, pledging stability and national unity in a new Second Republic. Originally hailed as a popular and honest leader, he lost support after years of increasingly repressive rule. Rather than achieving national unity, his rule exacerbated existing divisions. He established a policy of "balance" (équilibre) intended to ensure a fair distribution of resources and opportunities to Hutu and Tutsi throughout the country. In reality, however, he continued the discrimination against Tutsi and added to it discrimination against Hutu from regions other than his own. The "blessed region," as Rwandans sarcastically refer to his home area of Bushiru in the northwest, has received a disproportionate share of national resources for development, while people from that area and immediately adjacent ones have received most of the important positions in government and many of the limited places in high schools and the university. These policies have caused growing dissatisfaction, especially in the last two years when a combination of drought in central and southern Rwanda and worsening economic conditions generally have brought increased suffering to other parts of Rwanda.

### **The October 1990 Crisis**

On October 1, 1990, the military arm of the RPF invaded Rwanda from Uganda with roughly seven thousand soldiers, thus beginning a war that continues to pose a serious threat to the government. Current estimates of their troop strength range from roughly 3,500 to about 10,000.

The refugee problem is central to the current conflict. Many of the exiles have been permanently resettled in the host countries, but others live in uncertainty along the frontiers. Some want to return to Rwanda, but others, who are stateless and have no documents, merely want their status regularized so that they may have some security and, for example, cross the frontier to visit. Tutsi exiles have sometimes faced discrimination and attacks within the host countries. In Uganda between 1982 and 1984, for example, the Ugandan government sought to divert attention from its own failings by making scapegoats of the Tutsi refugees. Gangs of youths were permitted to attack them and drive them across the border into Rwanda. Later, the Ugandan government itself expelled tens of thousands of Tutsi. Several thousand of these refugees were re-

settled in Rwanda, but many decided to return to Uganda.<sup>5</sup>

When the current President of Uganda, Yoweri Museveni, was fighting for power, he created the National Resistance Army (NRA), which came to include a significant number of Rwandan refugees. Several thousand of these soldiers deserted the NRA to swell the ranks of the RPF when it invaded Rwanda, bringing with them NRA arms, equipment and supplies.<sup>6</sup> Because of this and because the RPF continues to launch attacks from across the Ugandan frontier, Rwanda has accused Uganda of actively aiding the RPF. Opponents of Museveni within Uganda have also criticized his close ties with Rwandan refugees and many Ugandans have denounced Rwandans for taking jobs from Ugandans.

### **Massive Arrests**

Immediately following the RPF invasion in 1990, civilian and military authorities arrested and detained, without charge or trial, thousands of citizens who were suspected of sympathizing or collaborating with the rebels. Arrests occurred throughout the country although the majority took place in and around Kigali, the capital. The government denies that the arrests were focused on Tutsi. However, their claim is belied by the fact that roughly 75 percent of those arrested were Tutsi, including many Tutsi community leaders such as priests, intellectuals, and businessmen. Some Tutsi were arrested because of family relations with individual rebels. Because the government believed the Ugandan government was aiding the RPF, it also arrested several hundred Ugandans.

According to the government, over 2,500 persons were arrested within two weeks of the invasion. By mid-November 1990, the International Committee of the Red Cross (ICRC) had registered over 4,500 detainees in 25 places of detention. In mid-April 1991, the government acknowledged that it had arrested 8,047 persons since the invasion and that 48 remained in detention. The number of arrests may have in fact

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<sup>5</sup> A February 1991 issue paper for the United States Committee for Refugees (USCR), *Exile from Rwanda: Background to an Invasion*, recounts how George Kabanda, a 51-year-old cattlekeeper and Tutsi Rwandan, has been a refugee three times in his life. In 1964 he fled Rwanda to escape a massacre by Hutu civilians and settled in Uganda. In 1983 he was chased from Uganda to Rwanda after Ugandan soldiers killed his wife and two sons and took his herd of 120 cows. In November 1990 following the RPF October invasion, he fled back to Uganda, frightened once again of massacre by Hutu civilians or Rwandan government troops. His story is not atypical.

<sup>6</sup> Over half of the first invaders of the RPF were deserters from the NRA.



reached 10,000. Diplomatic representatives in Kigali and international human rights organizations began protesting the arbitrary arrests in early October. Partly as a result of this pressure, the government between October 1990 and February 1991 released about 3,000 people who had never been charged with a crime. Most of the other detainees were released between late March and early April 1991 in response to continuing external pressure.

Twenty of the detainees were convicted in early 1991 in trials that did not meet international standards. In January 1991, thirteen peasants from the east were tried without legal counsel before the State Security Court (la Cour de Surêté de l'Etat). One was charged with "threatening state security" for allegedly having recruited people to join the RPF. The others were charged with joining the RPF and with having failed to inform authorities of RPF recruitment efforts. One was sentenced to death, eleven received prison terms ranging from two-and-a-half to twenty years, and one was acquitted. In February, two other sets of defendants were tried: a group of eight, most of whom were intellectuals, were charged with "threatening state security". A group of four, including a minor of ten years of age, were accused of having cassettes of RPF music. Several of these defendants complained that they had been beaten or forced to make confessions; two Rwandan lawyers representing some of the defendants were intimidated by anonymous telephone threats into withdrawing before the end of the trial. Of those tried in February, seven were sentenced to death, one received a ten-year prison term, three were acquitted, and one remained in jail pending further investigation. After a presidential pardon was issued in April 1991, all of the death sentences were commuted to life imprisonment.

### **Conditions of Detention**

Many of the thousands detained immediately after the war were abused by police or soldiers at the time of their arrest and during their incarceration. Some ex-detainees told Africa Watch that they were confined for weeks or months in dark punishment cells. Many others report being severely beaten or tortured, particularly at the military camps. At least several dozen died. One ex-detainee told Africa Watch that he saw a fellow prisoner crack under the pressure in October 1990 and ask the guards to shoot him. He was shot on the spot. In some cases, next of kin received no notification when prisoners died and so have been unable to dispose of their property. Authorities confiscated property from those arrested and from other Tutsi who were abroad; they also encouraged local crowds to pillage their homes.

Conditions of detention were deplorable throughout the country, especially in the early weeks. One priest detained in Kigali reported that 50 prisoners were forced into a room designed for ten. The bodies of those who died were not removed from the cells for hours or even days after their death. One man detained at the Kigali military camp told Africa Watch that he and fellow prisoners received no food or water for eight days. When one of these prisoners asked for food, a guard replied, "No one told us to feed you." Water and sanitary facilities were so limited that people had to wait in line for hours to have a chance to drink or to use the toilet. In Kigali Central Prison, for example, there were 1,500 prisoners for one toilet and they had to pay to use it. Prisoners received little or no medical attention, even when ill or seriously wounded by beatings from authorities. Three died of dysentery contracted in the prison in the southern town of Butare:

- \* Paul Gatera, president of the Chamber of Commerce in Butare
- \* Everiste Kamugunga, a businessman
- \* Zéthyryn Kagiraneza, a secondary school teacher

In most prisons, those arrested for political reasons were confined together with those convicted of ordinary crimes. The common prisoners were allowed to beat and humiliate the political detainees. According to one Tutsi imprisoned for five months without charge:

Life in prison was harder and more humiliating than you can imagine. The other prisoners made us dance and sing from sunrise to sunset. I remember that one particular song praising the bravery of our troops was compulsory and we didn't dare sing it off key. To sing and dance for our fellow prisoners was not the worst though...we were constantly harshly treated by them and the administration of the prison didn't care...Those who could pay, paid in order to get fewer kicks. Those like me who were penniless, we put ourselves under the protection of the Almighty. He failed some of us.

Dozens of former detainees have been dismissed from their jobs in both the public and private sectors while others have had their passports confiscated, although they have never been charged with a crime. Among government employees who lost jobs are five persons who worked at the Commercial Bank of Rwanda and one person who worked at the Ministry of Agriculture. Ex-detainees who held government jobs and received salary while in detention are now being required to repay the amount received during their imprisonment.

Several ex-detainees described their ordeal in interviews with Africa Watch. A man who was detained for nearly six months had this to say:

I was taken first to the Presidency where the officials asked the soldiers who brought me, "Him too?", because I don't look like a Tutsi. The military said "Yes" because my identity card says I'm Tutsi. About 40 minutes later I was taken to Gikondo military camp where I stayed five days. I'd say about 80 percent of the people there were tortured. Each night two men and two women were randomly chosen and taken out and tortured. In the beginning they cried but then we'd only hear the sounds of the whipping sticks. I must say that I was among the very lucky--I was never beaten.

The conditions in [Kigali] prison were deplorable...We ate poorly, but we ate--beans and a little gruel. On average, people lost at least 20 kilos. I myself lost 10 kilos. Another person there lost 32. The first few months we didn't have any medicine. I saw a couple of people die.

According to one Tutsi woman:

When the radio announced that Tutsi were attacking, I thought it was a joke. I later saw that the situation was more serious than I thought. At about 3:30 in the afternoon, four military came to get me at my house. They asked my older brother for his identity card and told him to ask everyone else to come out. They asked to see my identity card and asked where I had been the three times before when they had come to get me. I was taken to a military camp in Kigali where they asked me where I had travelled recently and who I had seen there.

Before being taken to prison I was held at the Brigade where I was beaten on the soles of my feet. Two people died in the prison cell next to me. Several soldiers began to beat the corpses. When I said they're dead already, then they began to beat me really badly. To see someone beat a dead body, that's really outrageous.

The Hutu who were arrested were arrested by mistake. Once the international community intervened, they started to release the Hutu and those taken because they had no papers. About four days after I arrived, a woman came with wounds in between her legs. The other women prisoners and I took care of her. She had been beaten at the State Security Court. Two pregnant women at the prison lost their babies because they had been beaten. Three gave birth.

A woman, who was detained with her sister, her cousin, and a friend, described their experiences:

On October 3rd, some soldiers went to the home of my neighbors, searched it

and shot at it before they left. That same day and the next, military came to my house between 5:00 and 6:00 in the morning. They made everyone get up, even the little boys. They pointed their guns at me. They searched the house and went through our belongings. This happened especially to Tutsi houses...There wasn't a Tutsi house that was not searched in this way.

On the 6th, the soldiers came back to get everyone in my house. They discussed whether they should take our domestic worker who was Hutu and from Gitarama (the south) and finally decided to leave him and my sister's boy. My sister was very upset and said that if she was going to die, she wanted her boy with her. They said no and left the boy there.

As we got into the truck, the soldiers beat us with clubs and kicked us. We were bleeding and almost lost consciousness. We were taken to a gendarmerie where we met up with five men who had been arrested. All the time we were told we would be killed. They put scarves on our eyes and made us stand against the wall. Then they argued among themselves whether they should kill us or let us live. They decided to let us live.

Then we were taken to Muhima. It seemed to me that the whole country was there. There were people there who had been arrested since the 2nd. My sister kept worrying about her son who had been left behind and a particular soldier wanted to release her so she could see about him, but he finally said he was sorry--his orders were to keep her. When we arrived at Muhima, they tried to register us but they were so excited they did nothing. Things were in total chaos. There were a lot of people crying. People were being hit, kicked and struck with clubs. It was awful.

We were then taken to the Brigade at Gikondo where the police harassed my sister for having Belgian nationality. They said she was an accomplice of the RPF. We were told to sit down somewhere and await the decision of the authorities. They tried again to register us but got nowhere. One said we should be killed. The others said no. I saw a lot of people that I knew. All of Kigali was there. They threatened to starve us to death and told us to lie down in excrement. They put the mouths of some of us in it. There was no food, drink or water. We felt like we were already dead. That was the general feeling. There were a lot of us. There was not enough place to even sit down. We thought about death a lot. We were always worried about my sister's little boy whom we had left behind. We worried that he had been killed or put out on the street. He didn't even speak Kinyarwanda because he was born in Belgium. My sister did nothing but cry. At Gikondo there was a man who was tied to a tree like a goat and shot. He finally

died 2 days later after suffering horribly. We heard his cries.

A man from the north commented:

I was picked up on October 2nd in the morning. I didn't even know war had broken out. About six soldiers told me to get in the car. They told me the commandant wanted to speak to me. I knew them all because our town is very small. Everyone knows everyone else. I cracked jokes in the car. I didn't know what was going on. They took me to the local prison. "Are you arresting me or am I to see the commandant?" I asked. They just told me to enter the cell. In the cell I kept asking myself what was going on. I thought maybe this had something to do with my job. It was very dark in the cell and there was nowhere to sit except on the floor. After about 30 minutes, the cell was opened. I thought it would be the commandant but instead it was another man I knew. After about 30 more minutes, a woman was put in the cell. Emotions weighed on us heavily. We didn't know what to do or say.

Around 5:00 p.m., the cell was opened and we were handcuffed and told that we were going to be taken to another military camp in Kigali. I said, "Listen. We are hungry. You handcuff us. Who said we must go to Kigali? What is going on? You said I'd see the commandant."

When I arrived at Gikondo military camp in Kigali, a lieutenant I knew told me I was liable to be killed. "What?" I said. "You didn't know Rwanda was attacked?" he asked. I told him, "Look, my dear friend. I was born here. I work here. I did my studies here. Why would I be suspected of attacking Rwanda?" He told me this was no joke and that I must stop laughing.

### **Massacre of Tutsi at Kibirira**

At the same time that arrests were taking place in urban areas, local authorities incited Hutu in the rural region of Kibirira in the northwestern prefecture of Gisenyi to attack their Tutsi neighbors. More than 300 Tutsi were killed in October 1990, many others were wounded, and several thousand had to flee their homes. In addition, hundreds of Tutsi homes were looted and burned, crops destroyed and livestock stolen.

After the killings had drawn international attention, the government dismissed the *sous-préfet* and the burgomaster from office.<sup>7</sup> The government jailed these officials,

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<sup>7</sup> The *sous-préfet* is roughly equivalent to a deputy governor and the burgomaster to mayor. Both officials are appointed and dismissed by the President.

along with a number of others accused of responsibility for the attacks, but released them all soon afterwards. The local prosecutor told Africa Watch that the cases are still being investigated and that shortage of staff made it difficult for him to assemble the information necessary to bring them to trial. In the meantime, the former *sous-préfet* has died and the former burgomaster has been given a new government job as a medical assistant in the same community.

### **Massacre of the Bagogwe**

At the end of January 1991, the RPF captured the important northern town of Ruhengeri.<sup>8</sup> They held it for only a day, but that was long enough for them to open the prison and release hundreds of prisoners, many of them confined since the beginning of the war.<sup>9</sup> When the RPF withdrew, some of those freed followed them, but others returned to their homes only to be re-arrested or killed by authorities. One priest interviewed by Africa Watch saw authorities kill nine such people, all of them unarmed.

Just as the first RPF attack in October 1990 was followed by the Kibirira killings, the brief RPF success at Ruhengeri set off a wave of attacks against the Bagogwe, a subgroup of Tutsi who live in northwestern Rwanda.<sup>10</sup> In late January through February 1991, police, military, civilian officials and ordinary people launched a series of assaults that left more than 300 Bagogwe dead and many others injured and deprived of property. These killings were widely discussed by Tutsi in the capital, but became known abroad only in August 1991 after the RPF held a news conference denouncing the deaths. The Minister of Justice then ordered an investigation that has not yet resulted in any indictments.

A mob killed another of the Bagogwe in August. An eyewitness told Africa Watch that two national police officers were among the attackers. The local prosecutor has detained three men in connection with the case, but has not brought them to trial. He told Africa Watch that he had not been able to question the police officers, who have since been sent to the front line, and so could not proceed with the trial.

Local authorities generally refused to permit Bagogwe survivors to move to

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<sup>8</sup> With a population of roughly 50,000, Ruhengeri is the third largest town in Rwanda.

<sup>9</sup> There were approximately 1,300 prisoners, of whom several were long-term political prisoners and over 100 were prisoners arrested after the October 1990 invasion.

<sup>10</sup> The Bagogwe have lived largely on the margin of Rwandan society, rarely marrying outside of their group.

other areas, perhaps because they want to avoid publicizing the attacks.<sup>11</sup> Unable to leave for safer regions without the necessary travel papers, Bagogwe women and children are frequently threatened and have been refused protection by local officials. A widow of a man killed in January 1991 explained to Africa Watch:

For five months we could not sleep through a single night. Each time people came to shout insults at us and to throw rocks on the roof and against the door. My daughter and I started spending the nights in town while my son slept outside near the house, to keep watch on it.

In July 1990, the daughter complained about the attacks to a local official and was arrested the next day, supposedly for having a radio transmitter to send messages to the RPF. After the mother pleaded for her daughter's release, she herself was arrested. The two women were confined in a small room at the Ruhengeri military camp for three days, where they received no food or water; they were released three days later. A priest told Africa Watch that the widow of the man killed in August lives in constant fear and that he has had to intervene several times to protect her from attacks.

In December 1991, soldiers killed one and arrested seven Bagogwe men. The arrested men were taken to the Bigogwe military camp where they were beaten and confined without charge for several weeks. They are:

- \* Rwagize
- \* Sebatimbe
- \* Muhigirwa
- \* Safari
- \* Sebushari
- \* Rududu
- \* Segalisha

After the Rwandan Association for the Defense of Human Rights learned of this and lodged a protest, six of the seven were transferred to a prison and charged with buying grenades in the Bigogwe military camp. The other man has disappeared.

### **Attack at Murambi**

On the night of November 7/8, 1991, Tutsi families were attacked in their homes

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<sup>11</sup> In Kibirira, as well, local authorities refused to permit survivors of those attacks, discussed above, to leave the area.

in the Rwankuba sector of Murambi commune. Unlike the killings at Kibirira or the massacre of the Bagogwe, this attack was not associated with any dramatic developments in the war. About 500 people fled the attacks -- 170 to Kiziguro parish, about 20 kilometers away, and the others to the homes of friends or family members elsewhere. During the course of the attacks, one 85-year old woman was killed, three girls were repeatedly raped, at least a dozen adults were injured by machetes or were severely beaten, and dozens of homes were pillaged.

The authorities have blamed the attacks on efforts by the newly-recognized political parties to win followers in the region. But according to many of the victims, the burgomaster Gatete and his subordinate, the communal councillor Bizimungu<sup>12</sup>, both Hutu, provoked the incident and the latter led many of the attacks. Survivors commented that as the aggressors attacked them with machetes and sticks, they insulted the victims for being Tutsi.

A priest at the local parish told Africa Watch that tension had been growing in the community for weeks preceding the attack. On October 10, sixteen Tutsi men were summoned by the burgomaster of Murambi and sent to his superior, the *sous-préfet*. The latter says he saw them but sent them on to the capital. The men have disappeared. Both Hutu and Tutsi in the area took this disappearance as a sign that local officials had become openly hostile to Tutsi. At the end of October and beginning of November, Hutu and Tutsi frequently traded insults and threats. According to the priest, Hutu began saying, "It's time to finish the work of Kibirira," referring to the commune discussed above where Tutsi had been massacred the previous year. Just days before the attack, the communal councillor was asked at a public meeting what could be done to ensure the security of the people of the sector. According to eyewitnesses, he replied that each person should look after his or her own security.

On November 6, a group of people which, according to eyewitnesses, included the councillor himself, threw large rocks at the roofs of nearly a dozen houses owned by Tutsi. The house of one family was severely damaged and its belongings pillaged. The following morning, five Tutsi went to complain to the burgomaster. It is not clear what happened during the meeting, but three of the five men were arrested and held for five days. News of the arrest heightened the fears of the Tutsi.

On November 7, four young Tutsi girls were sufficiently frightened to seek refuge at the parish of Kiziguro. A government employee with relatives in Murambi told Africa Watch that he learned of the unrest at mid-day and repeatedly tried to warn prefectural authorities that violence was imminent. These authorities, superior to the

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<sup>12</sup> The communal councillor is an elected local official.



local officials, failed to take any action. That night the attacks began just before midnight and continued into the morning. According to several eyewitnesses, the councillor led the attacks. Africa Watch learned of the following cases:

- \* An 85-year-old woman was chased from her home by an angry mob. She tried to hide behind a bunch of corn stalks against the back fence of the courtyard. She was pulled out and stabbed to death with a spear. The blood was still visible in the dirt several days later when Africa Watch representatives visited the site.
- \* Several men attacked the home of a 60-year-old Tutsi woman who was a respected elder in the community. A group of them beat her with sticks and cut her left leg with machetes. They destroyed her house and took all of her belongings. The elderly woman explained that she was treated so viciously "because I am Tutsi" and that the attackers told her "since you are the queen of all the Tutsi of the area, you have to die and all your family with you." She was able to identify six of the attackers as people from her community.
- \* While the above attack occurred, another group of men proceeded to rape two of her granddaughters and one of their friends who was visiting. One of the granddaughters, aged 18, said she knows that at least seven men raped her before she lost consciousness. When the men realized that their companions were pillaging the grandmother's house, one lodged a spear in her foot to keep her there so that they could join in the pillaging and later return to continue raping her. She escaped to the house of a Hutu neighbor who took her in and treated her wounds. She was able to identify two of the rapists, one of whom was a teacher at her school. During the attack, the rapists told her that because she was a "snobbish, stupid Tutsi bitch", she would get either "a Hutu bastard or AIDS or both" if she was lucky.
- \* The other granddaughter, aged 21, was also raped outside the grandmother's home. She escaped to the house of another Hutu neighbor who refused to help her. She spent the rest of the night outside and managed to flee to Kigali the next day.
- \* A Tutsi woman who was eight months pregnant received eight blows from a machete to various parts of her body. Her house was destroyed and all her belongings taken. Expressing the desperation many of the victims felt following the attack, she said "This is our (Tutsi) fate, that is the way things are going to be until the end of time."
- \* One man, who was able to identify five of his attackers, said he was beaten not

only because he was Tutsi but also because he was a member of the Republican Democratic Movement (MDR), an opposition political party. He received several blows from a machete and during the attack, the attackers taunted him by asking when "Rukokoma," the national conference demanded by several opposition parties, would take place.

- \* A 70-year-old man was thrown to the ground and beaten so severely that three days after the attack, he could not sit up by himself. His house was destroyed and all his belongings taken.
- \* A 51-year-old man was lured from his house by several men who promised not to harm him. When he came out, he was hit several times with machetes and the men destroyed and pillaged his house.

Three local officials -- the communal councillor, the burgomaster and the *sous-préfet* -- conducted an investigation of the attacks the next day but took no testimony from victims who had fled. On November 12, a team sent from the capital by the Ministry of the Interior, the department charged with supervising local government, carried out a more thorough inquiry. They gathered extensive testimony from victims who had taken refuge at the parish, including specific accusations against the communal councillor and various other persons in the community. Their report was prepared by the next week and was in the hands of Enoch Ruhigira, the Minister charged with the coordination of governmental relations at the Presidency.<sup>13</sup> Mr. Ruhigira told Africa Watch that the report blames members of the opposition political parties for the agitation. The government has taken no action against either the communal councillor or any of the others accused by the victims.

- \* On November 11, local authorities, including the *sous-préfet*, sought to persuade the victims of the attack to return to their homes, assuring them that they would be protected. Only one Tutsi man was willing to return to the area, which was by then being guarded by government soldiers. The next morning, some of his neighbors convinced the soldiers that he had lied about how much property he had lost during the attack. Under this pretext, the soldiers beat him severely as well as his Hutu neighbor who had tried to help him. Some hours after the beating, representatives of Africa Watch saw the Hutu neighbor abandoned by the side of the road by government officials who had been asked to transport him to a hospital. The same day, another man sought out the burgomaster to report that his home had been attacked and pillaged during the night in yet

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<sup>13</sup> At the end of December, Mr. Ruhigira was named Minister of Finance as a member of the newly-appointed government of transition.

another incident. His family had fled to an unknown destination and his cattle had been stolen. Africa Watch representatives witnessed him trying to get assistance from officials -- or at least, acknowledgement of his complaint; he had no success whatsoever.

According to recent reports received from Rwandan human rights organizations, the situation in Murambi continues to be serious. The victims of the attacks, as well as other Tutsi and members of opposition political parties, continue to be harassed. On December 16, the communal councillor Bizimungu again led others to attack -- two men of the Nyamiyanga sector of Murambi commune were injured. Since the 170 who took refuge at the Kiziguro parish returned home, they hide at night in the bushes surrounding a nearby lake for fear that they will be killed. At the end of January, the cattle of several of the 170 were killed. That the communal councillor is able to terrorize members of his community with impunity undoubtedly encourages him to continue to abuse human rights. Among the people most seriously harassed by Mr. Bizimungu are:

- \* Richard Kagarama
- \* Jean-Bosco Gisagara
- \* Joseph Subika
- \* André Kagerene
- \* J.M.P. Karisa
- \* Emmanuel Nkurumziza
- \* Gasagara (beaten by soldiers on November 12 in the incident mentioned above)

### **The Military: A Threat to Civilian Life**

Since the beginning of the war, the Rwandan armed forces have grown from roughly 5,000 soldiers and 1,200 national police officers to a force of over 30,000. Most of the new recruits have received minimal training; they are fully armed but lack discipline. Rwandans report daily abuses by the military, ranging from harassment to murder. Africa Watch representatives saw soldiers threaten and slap civilians for no apparent reason, insist on services, such as being transported from one place to another in a civilian's car while fully armed. Petty harassments, such as requiring passing motorists to demonstrate that their vehicles are equipped with windshield washer fluid and spare tires are frequent. Merchants reported that soldiers frequently help themselves to goods without paying for them.

In one settlement near the eastern frontier, fourteen young women reported being raped by soldiers. In the incident at Murambi, described above, it was soldiers who beat the Tutsi man who stayed at the site and his Hutu neighbor who tried to help

him. During the visit of Africa Watch representatives to the capital, Kigali, three murders took place at night, apparently at the hands of soldiers. In one small community in the east, eyewitnesses related how the president of their fishing cooperative had been shot by a soldier at mid-day the previous week; they showed Africa Watch representatives the blood stain on the porch where he had been shot. A local judicial authority was informed that the killing had taken place and that witnesses could identify the murderer; he has so far taken no action.

On December 4, 1991, President Habyarimana and his highest military officers issued a press release in which they "completely disavow[ed] the unworthy behavior of certain soldiers who risk damaging the confidence that the population has always shown towards its armed forces." They recommended that military officers at all levels identify and punish soldiers who harassed citizens. It is too early to know whether this directive will have any effect on military behavior towards civilians.

More threatening than the undisciplined violations by individual soldiers is the pattern of cooperation between military and local government authorities in abusing human rights. Many of the civilians arrested at the start of the war were confined at military camps and the people detained there were more seriously beaten than those taken directly to prison. In the killings of the Bagogwe, many of the victims were last seen entering military camps or were taken from their homes by soldiers and/or national police officers. The Bagogwe mother and daughter discussed above were detained at a military barracks and the seven Bagogwe men taken in December, also discussed above, were detained at a military camp until complaints by the Rwandan human rights group prompted their transfer to a jail.

Similar incidents took place recently in Kanzenze, a commune that borders Burundi. Eleven Tutsi men were arrested on October 21 and 22 by communal police. After they were kept briefly in the communal jail, they were delivered to a nearby military camp. Three were later released after having been severely beaten. The other eight remain missing. They are:

- \* Jean-Bosco Gakwerere
- \* Karengera
- \* Gashirabake
- \* Rusanganwa
- \* Simoni, brother of Rusanganwa
- \* Ntigurirwa } three young men
- \* François } arrested en route to visiting
- \* Innocent } their grandfather

None of them was ever charged with a crime, although they were told that they were

suspected of having helped the RPF recruit soldiers in the region.

On October 23, 1991, four more men were taken by the communal police in Kanzenze and again handed over to the military for severe beating. Unable to stand or walk, they were then transported by truck to the local market place where they were dumped.

Africa Watch interviewed two of the men picked up and beaten in Kanzenze and examined their wounds. They described their experiences:

I am 35, married and the father of five. I was arrested on October 23, 1991 at dawn, by a group of armed policemen sent by the burgomaster. One of them asked if I had drunk my morning milk already. When I replied that I had not, he said that was too bad because that would have been my last chance to taste milk. Fortunately, he was wrong. When we arrived at the communal office, police humiliated us by making us kneel and applaud one of them who was pretending to be Kigeri, the last ruler of Rwanda. Those we found at the communal office told us that the vehicle which takes people to Gako [military] camp goes at night and that we would be going in it next. The vehicle came...at 8:00 in the evening. Its driver told us he was taking us to Gako to be killed. On the way to Gako, I got scared and escaped from the vehicle, but not for long. The first policeman who caught me tried to stab me with his knife. You can see the scar of the cut he made on my neck. On the way to the military camp, they sat on our bodies and gave us a serious beating all the way. At the military camp, I was asked why I took people to Burundi to enroll them in the INKOTANYI<sup>14</sup> forces. I told them I went to Burundi only to bring back my cattle which had been taken there at the beginning of the hostilities. One of the soldiers I knew told the colonel that I was an honest, law abiding citizen, that I was not an INKOTANYI. The colonel kept wondering why the burgomaster sent people to the military camp as if it were a court.

I am 34. I am married and the father of three children. I was arrested on the 21st of October, 1991. The vehicle of the commune came to my house. In it was a policeman called Ntambara and the chief of the communal police. They told me that the burgomaster had ordered that I be arrested and brought to him for interrogation. They put me in the communal jail and with the others I waited for the burgomaster who had gone to another part of the commune to arrest other people. The others in jail were there for the same reason as I was: that is, no reason at all. When the burgomaster arrived, he ordered that they take us to

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<sup>14</sup> INKOTANYI, a term used to refer to the RPF, means fierce fighters.

Gako military camp. In the camp, the soldiers ordered us to sit down and they beat us so much that I am not sure I will be able to use my teeth again, at least what is left of them. The reason for the beating was that since we were Tutsi, we were supposed to be rebels and to belong to their army. After the beating, we were put in the military jail. We saw in jail someone we know named Karengera and he told us that four people had already been killed, including Gakwerere from Kanazi. The colonel in charge of the camp ordered that we be freed, but Karengera stayed there. He has not come back, probably he is dead. On our way out, soldiers gave us a farewell beating much more vicious than the first one. If only the burgomaster had told us the reason why he arrested us and why we had to go to the military camp.

In a statement issued in Washington on December 9, 1991, the Rwandan embassy acknowledged that these men were detained by communal authorities and were subsequently delivered to the Gako military camp. According to the statement, the detentions were carried out in accordance with the law and were intended to reveal the truth about supposed RPF recruitment of young men in the area. It declares that two of the eight men said to have disappeared actually fled to Burundi after being released and that five more left the region for other locations in Rwanda. It does not attempt to account for the eighth person. It also states that six others "claim" to have been beaten. Africa Watch cannot verify either the deaths or the emigration of those said to have disappeared. But Africa Watch representatives did interview two men chosen at random from among those who said they had been beaten, whose testimony is detailed above. Both still showed evidence of serious injuries three weeks after their detention. The Rwandan government statement also lists 11 men currently detained in a communal jail after "having confessed" that they wanted to join the RPF. Their cases are in the hands of judicial authorities.

According to the Rwandan penal code, individuals who are believed to pose a threat to the community may be subjected to preventive detention in jail for 48 hours, 5 days or 30 days, depending upon which judicial authority has ordered the detention. The State of Emergency declared after the invasion allows civilians to be tried by military courts, but does not provide for their detention without charge by military authorities. Yet, civilians have been held without charge in military camps for months at a time. In September 1991, seven men were being detained at military headquarters near Kigali. Four of them disappeared on September 18. They are:

- \* Joseph Mukasa of Kibuye prefecture
- \* Kayiranga of Kibungo prefecture
- \* Mutabaruka of Gikongoro prefecture
- \* Kamumura of Burundi

A businessman named Jean-Baptiste Gacukiro was held at the Kigali military camp from April to October. When his case attracted international attention, he was transferred to Kigali Central Prison where he is now held without charge. Two others, Vincent Zigirumugabe of Gitarama prefecture and an unidentified man from Burundi, are still detained at the military headquarters.

The detention of civilians in military camps, instead of in prisons as provided by the penal code, is cause for grave concern. Families of victims and even civilian authorities have no means of ascertaining the whereabouts, conditions of detention, or state of health of detainees. These concerns are heightened by evidence that bodies of unidentified victims have been disposed of in bush areas along the eastern frontier.

Unlike most of Rwanda, which is very densely populated, the area along the south-eastern frontier is dry and desolate, with only scattered settlements interspersed in the light forest and bush. In one such settlement in the commune of Rusomo, a man told Africa Watch that soldiers had forced him and several neighbors to bury unidentified bodies in common graves; he pointed out the grave sites. Two eyewitnesses stated that they had seen soldiers drive trucks full of bodies through their settlement, heading for the bush, and then return with the trucks empty. One young man went to investigate after the soldiers left and found forty bodies, three of them women. At another settlement twenty kilometers away, an eyewitness reported seeing pickup trucks carrying bodies past his house towards the bush. When asked if he or his neighbors could describe the trucks or give their license plate numbers, he replied, "Knowing such things could be dangerous. When they pass, we look the other way." He had seen a truck take seven bodies through the settlement on September 4, 1991. The same day he asked the burgomaster why these bodies were being dumped unburied on the ground. The official replied, "But these are just INKOTANYI; why should we bother with them?" The witness was arrested the next day and jailed briefly.

A witness who had seen bodies dumped took Africa Watch representatives to three sites in a deserted region between two settlements. At each they found human remains: bones, skulls, hair and clothing. Since the region is adjacent to a game park, there are many predators in the area. This may explain why the bones were widely strewn on the ground.

In early December 1991, the military high command issued two press releases, declaring their firm support for democratization and reaffirming the neutrality of the military towards the various political parties. At the same time, however, they condemned newspapers that "spread propoganda for the enemy" and Rwandans who, "knowingly or unknowingly, aided the enemy under the cover of political party

activities." These broad accusations could be seen as targeting any number of journals and individuals; they heightened the atmosphere of fear and suspicion throughout the country. The underlying threat was made explicit by the recommendation in one of the releases that the Central Information Service, as the secret police is known, "neutralize all collaborators identified with the enemy."

### **In the War Zone**

In March 1991, Foreign Minister Casimir Bizimungu declared that about 1,000 civilians had died since the war began. Although Africa Watch representatives were not able to gather extensive testimony in the war-zone itself, they did interview a dozen eyewitnesses about civilian injuries and deaths. According to this testimony and information disseminated by Rwandan human rights groups, clergy in the country, and local and foreign journalists, both Rwandan government forces and RPF soldiers are responsible for the deaths of civilians, and have caused injuries to many others.

### **Abuses by Government Troops**

Most reports of abuses by government troops relate to several hundred casualties in settlements, called ranches, in the northeastern region of Mutara. Victims who fled to Uganda gave detailed accounts of these attacks.<sup>15</sup> On October 11, 1990, the government acknowledged that civilians had been killed but said the RPF was responsible for the deaths, having used the non-combatants as shields during battle. Victims of these attacks also reported that government troops were aided by civilian commandos who both participated in the fighting and pillaged the area afterwards. Clergy report that civilians assisted the troops repulse RPF forces from eastern Rwanda in December 1990. This use of civilians who lack training and are not subject to military discipline carries serious risks for the human rights of non-combatants.

One man in eastern Rwanda told Africa Watch that government soldiers had forced him to walk before them into an area where they believed the RPF had laid mines. Africa Watch did not hear of any allegations concerning RPF use of land mines.

### **Abuses by the RPF**

According to local clergy, hundreds of civilians have been killed by the RPF. While government attacks against non-combatants declined after the early weeks of the

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<sup>15</sup> See February 1991, United States Committee for Refugees, *Exile from Rwanda: Background to an Invasion*.



war, the RPF continues to attack civilians. Clergy living in the area say that the RPF killed 40 civilians in November 1990 at Rukomo and "many" the next month at Karama and Condo. They reported that 11 more civilians were killed at Butaro and another seven at Shonga in July 1991. As of October 28, 1991, they documented that since the start of the war the RPF had killed 707 non-combatant civilians in Byumba prefecture [2 in Bwisige; 39 in Cyumba; 57 in Kivuye; 274 in Kiyombe; 4 in Mukarange; 247 in Muvumba; and 84 in Ngarama] and 131 in Ruhengeri prefecture [53 in Butaro; 34 in Kidaho; 24 in Kinigi; and 20 in Nkumba]. They also report that during this same period the RPF injured 63 civilians in Byumba and 290 in Ruhengeri and kidnapped 40 people in Byumba and 290 in Ruhengeri.<sup>16</sup>

Recently, the RPF has attacked several targets that are clearly civilian. On December 1, 1991 they attacked a camp sheltering 6,000 displaced people at Rwebare. They stormed the camp from three sides in the middle of the night, forcing the residents to flee in panic. They killed 19 people and wounded 34. A week later, the RPF attacked the small hospital of Nyarurema for the third time since the war began. They killed 6 nurses and patients and heavily damaged the pharmacy. As they retreated toward the Ugandan frontier, they killed five more civilians at the near-by Karama marketplace. On December 9, 1991, a small RPF commando attacked the secondary school at Rushaki where some 600 displaced persons had taken refuge. The next day another group of rebels shot and killed 25 civilians, mostly women and children, at Gatunda. An eyewitness reported finding eleven bodies in one home, five of them children. On December 16, 1991, the RPF destroyed the homes of three farmers at Kabare. In mid-January, 1992, they killed at least twenty civilians in the Muvumba region in the north -- six were killed inside their homes; fourteen, including men, women and children, were gathered outside and shot. On some occasions, RPF forces have been accompanied by Ugandan civilians who join in pillaging the property of non-combatants.

Commercial truck drivers have recently reported that the RPF has been mining roads leading to Rwanda from neighboring countries, presumably to disrupt trade into and out of Rwanda and to hinder the mobility of government troops.

RPF soldiers have kidnapped dozens of civilians, forcing many of them to carry pillaged goods or to serve the RPF in other ways. One woman told Africa Watch that she had seen the RPF kidnap her thirteen-year old son. Another victim commented that it was useless to try to reason with the rebels because "they kill you if you don't go

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<sup>16</sup> The documented injuries in Byumba prefecture are Cyumba (1); Kivuye (4); Kiyombe (49); and Mukarange (9). Injuries of non-combatant civilians in Ruhengeri are Butaro (50); Kidaho (22); Kinigi (120) and Nkumba (35). The documented disappearances for Byumba are Kiyombe (31); and Mukarange (9). Those for Ruhengeri are Kinigi (16) and Nkumba (3).

away with them."

In addition to those who have been injured or killed by the RPF, thousands more have had to flee their homes and have lost all their property since the war began. About 220,000 persons have been displaced, about half of whom have found shelter with family or friends elsewhere in the country. The others are crowded into squalid camps where sanitary conditions are deplorable and medical attention is inadequate. Since all the displaced are farmers or herders and are now cut off from the land that sustained them, they are unable to produce anything for themselves or to help the economy as a whole. They lead a precarious and miserable existence.

### **Announced Transition to Democracy**

Rwanda is ostensibly moving towards a multi-party democracy. This process was announced in July 1990, but the government noticeably accelerated the pace of reform after the war began. A new Constitution, a new law on political parties, and a new National Political Charter were adopted in 1991. These documents guarantee freedom of expression (but not explicitly freedom of the press) and the right to organize opposition political parties. To date, eleven such parties have been registered with the government.

Despite the government's proclaimed policy of democratization, numerous officials continue to harass opponents of the National Republican Movement for Democracy and Development (MRND),<sup>17</sup> the reorganized former ruling party; they threaten them, disrupt their meetings and deny them documents which are now necessary to travel throughout the country. Although officials claim to be impartial toward all parties, for the most part, they are themselves still members of the MRND and are in fact pressuring people to join the party.

In addition, the President, who is a military officer, belongs to the reorganized MRND despite the legal prohibition against military, police, and magistrates belonging to political parties. Several of the newly formed political parties have demanded that the President either resign his military commission or abandon his membership in the MRND to comply with the law.

### **Intimidating the Opposition**

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<sup>17</sup> The MRND stood for the National Revolutionary Movement for Development until the end of April 1991 when at an extraordinary congress, the party restructured itself and changed its name.

Most leading activists believe that the government has compiled lists naming people to be assassinated when circumstances require. People in smaller cities and towns, as well as leaders in the capital, assume that such lists exist. It was impossible for Africa Watch representatives to ascertain if such lists exist. They did, however, collect testimony from opposition politicians, outspoken journalists, activist clergy and others who have been themselves assaulted or threatened with death. These cases include the following:

- \* A leader of an opposition party said that she was receiving death threats against herself and family members virtually every day in October and November 1991.
- \* A lawyer who has defended politically unpopular clients since the war broke out and who is a leader of one of the opposition parties said that he had traced calls threatening his life in early 1991 to an office of the Presidency.
- \* The chief judge of the Supreme Court (the Cour de Cassation) had a grenade thrown at his bedroom window in the fall of 1991 shortly after the court had ruled unconstitutional several laws proposed by the government. The attack occurred hours after the curfew, which is usually strictly enforced by the military and police. Because he had unexpectedly decided to spend the night elsewhere, he was not harmed but his house was seriously damaged.
- \* The brother of the president of the Liberal Party was shot and killed in October 1991. A 17-year-old soldier was arrested and charged with the crime. A political leader who participated in the funeral told Africa Watch that as the procession passed a military school, the soldiers jeered the mourners and shouted that all opposition politicians would soon be dead.
- \* The car that ordinarily transports the head of a community action organization home from work was seriously damaged when two military vehicles struck it at the same time, one from the front, one from the back. The community leader happened to stay late at work that day and so escaped injury.
- \* A priest said that several attempts had been made on his life; most recently the driver of another car, belonging to a highly placed political figure, tried to force his car off the edge of a steep embankment.
- \* The editor of *Rwanda Rushya*, an opposition journal, received a letter on stationery headed "Ministry of National Defense for the Rwandan Army" notifying him that he had been sentenced to death for his activities. He also

receives similar threats frequently by telephone.

### **People Take to the Streets**

In October 1991, the President appointed a Prime Minister, as required by the Constitution adopted the previous June. At the end of December, the Prime Minister, Dr. Sylvestre Nsanzimana, named a government to rule until legislative and presidential elections are held, once scheduled for sometime between March and June 1992. Of the seventeen ministers, fifteen are members of the MRND; one of the other two represents one of the smaller opposition parties while the second, a colonel, has observed the legal requirement to remain unaffiliated with any party. No representative of any of the major opposition parties was included in the new cabinet.

The three largest opposition parties, the Republican Democratic Movement (MDR) the Liberal Party (PL) and the Social Democratic Party (PSD) organized a demonstration of about 20,000 people in the capital on November 17, 1991, to demand an end to government attacks against citizens, free and equal access to the one national radio station, and an end to corruption in government. Building on this success, they organized further demonstrations in which thousands of people took to the streets of the capital on January 8, 1992, to protest the failure to include members of the major opposition parties in the government of transition. The national radio estimated the crowd at 50,000 people; the organizers put the number at 100,000. Similar protests disrupted normal business in the provincial capitals of Gitarama and Butare on January 7 and 11 respectively.

The government permitted demonstrators to assemble and to express their opinions, as guaranteed by the Rwandan Constitution. Although there were many troops present and rumors were rife that they would fire on the crowds, there was no violence. When opposition groups sought the necessary authorization for another demonstration to be held on January 15, however, the government refused and warned people to stay at home. Some people decided to demonstrate despite the refusal and police and soldiers forcibly dispersed the group. A number were injured and several dozen arrested. Two days later, the government issued new rules to regulate demonstrations which provide, among other measures, that demonstrations henceforth may not occur on work days.

### **Attacks against the Press**

The current Constitution does not explicitly provide for freedom of the press, although it does guarantee freedom of expression in general. The government passed a law regulating the press in August, but it was struck down by the Supreme Court the

next month due to technical inadequacies. With the status of the press unregulated by legislation, the government has pursued an inconsistent policy toward journalists. In general, a greater tolerance towards expression of dissent has led to the appearance of a large number of journals. There are now about 60 newspapers and journals; before the war, there were fewer than a dozen.

At the same time, the government has singled out certain critical journalists for punishment. At least nine were arrested in 1991 and a number of them were charged with defamation, subversion or "threatening state security." Some who had criticized corruption among officials, including several within or close to the President's family, also faced civil defamation charges. In May 1991, the government seized issues of three journals, *Kangura*, *Ijambo*, and *Isibo*, and refused to allow them to be distributed. The editors of eight newspapers temporarily suspended publication of their journals to protest this censorship.

In December 1991, the national radio repeatedly broadcast the communique, mentioned above, in which military officers accused some journalists of spreading propaganda for the RPF. Following these broadcasts, at least six journalists were detained. They are:

- \* Boniface Ntawuyirushintege, editor-in chief of *Umurangi* } all of whom were
- \* Obed Bazimaziki, of *Kanguka* } beaten before
- \* Adrien Rangira of *Kanguka* } being released
- \* Antoine Mbarushimana of *Le Soleil*
- \* Jean-Pierre Mugabe of *Le Tribun du Peuple*
- \* Godefroid Nshimiyimana of *Kiberinka*

Several others, including Vincent Shabakaka and Théotinne Kamanayo of *Kiberinka*; André Kameya of *Rwanda Rushya*, and Edouard Mutsinzi of *Messenger*, went into hiding. That same month, issues of the journals *Kanguka* and *La Griffé* were seized at the printers and could not be distributed.

On February 12, 1992, Jean-Pierre Mugabe was sentenced to four years and fined 5,000 Rwandan Francs for insulting the president in a cartoon his journal published.

In July 1991, journalists formed an independent association, the first of its kind, to defend freedom of the press and to promote higher professional standards.

### **Formation of Human Rights Groups**

Rwandans have responded to the current crisis by organizing six new human rights associations. On September 30, 1990, just hours before the invasion, the Rwandan Association for the Defense of Human Rights (ARDHO) was formed. In late 1991, five other human rights organizations were founded: the Rwandan Association for the Defense of Human Rights and Public Liberties (ADL); the Association of Volunteers of Peace (AVP); Kanyarwanda; the Christian League for the Defense of Human Rights in Rwanda (LICHEDOR); and Society and Prospective. One of these organizations, ADL, has a full-time staff person who has been investigating charges of official abuses. Members of ARDHO, AVP, and Kanyarwanda are also working as volunteers to compile information about human rights violations. These groups are cooperating with the press so as to create public awareness about human rights in general and specifically to report on abuses in Rwanda.

### **The Government's Response to the Crisis: Rhetoric versus Reality**

The government has committed itself to protecting human rights, both by repeated statements and by ratification of several international conventions. But its actions belie the rhetoric. Over the years, it has pursued a policy of discrimination against Tutsi. More recently, since the start of the war on October 1, 1990, it has repeatedly violated the rights of its citizens. When, in the immediate aftermath of the invasion, the massive arrests, the deplorable conditions of detention, and the incitement to communal violence drew sharp criticism from international human rights organizations and members of the diplomatic community, the government responded quickly but inadequately. It expedited the release of several thousand detainees, but allowed nearly two thousand others to languish in prison until March or April 1991. It improved prison conditions for some of the detainees, but not for all of them. It stopped the killings at Kibirira, but allowed later attacks against the Bagogwe to go on for several weeks in January and February 1991. It failed to prevent new violence against the Tutsi at Murambi in November 1991.

In investigating violations, the government made some praise-worthy efforts at the beginning. Unfortunately, its inquiries have not produced any convincing results. It has launched inquiries and/or begun judicial proceedings regarding the killings of Tutsi at Kibirira, the killings of Bagogwe, the attacks at Murambi, and the beatings and disappearances in Kanzenze; but of the hundreds of persons accused of these violations, no one has been brought to trial. The government has admitted the responsibility of two officials for inciting violence against Tutsi and it dismissed both, but failed to prosecute either of them. Africa Watch asked highly placed officials when persons accused of human rights violations might be brought to trial; two replied, in separate interviews, that some people from other regions might actually be tried, but that no one from the President's region would be prosecuted.

In a similar pattern, the government arrests and beats journalists, then releases them in response to local and international protests. Before long, a new cycle of detentions and abuse invariably begins.

The government has permitted local human rights groups to organize and carry on their investigations without hindrance. It did, however, transfer the President of ARDHO from his post as prosecutor in the capital to a similar position in a small provincial town where he would be isolated and presumably less effective in defending human rights. Radio Rwanda, the only station in the country and one which is run by the government, has made it difficult for ARDHO to get its message to the public. On one occasion, it refused to broadcast one of its press releases and on another occasion, it broadcast only those portions not critical of the government.

The government has permitted international human rights organizations to attend trials, visit prisons, and conduct their own inquiries into alleged violations. Several officials facilitated the work of Africa Watch. But even as highly placed officials in the capital were welcoming Africa Watch, local officials were inciting Hutu to attack Tutsi.

When human rights abuses have been brought to the attention of President Habyarimana, he has professed ignorance of the violations and expressed concern. After some of the findings of Africa Watch were relayed to him, he directed Minister Enoch Ruhigira, mentioned above, to meet with its representatives. Colonel Augustin Ndindiliyimana, Minister for State Security,<sup>18</sup> also joined the meeting. Both listened attentively, took notes, but made few comments.

In early February 1992, nearly 6,000 prisoners were released pursuant to an amnesty that pardoned those accused of or convicted of most crimes, including misappropriation of funds, arson, and murder. Those guilty of armed robbery and rape were excluded from the amnesty as were assassins. According to a report received by the human rights organization ARDHO, as prisoners began to be liberated, others left behind protested both the criteria for amnesty and the way the criteria were being applied by officials charged with making the decisions. Between February 4 and February 7, prisoners rioted at the prisons in Butare, Gitarama, Kigali, Gikongoro, Cyangugu and Gisenyi. In these disturbances one prisoner was killed and six wounded at Gitarama prison; another prisoner was shot at Butare and Kigali while trying to escape.

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<sup>18</sup> Since the cabinet changes at the end of December 1991, Colonel Ndindiliyimana has been Minister of Defense.

Local human rights organizations are concerned that the government will use the law to exonerate those officials and others responsible for communal violence and other violations of human rights. Apparently the investigation of the attacks in Kibirira and against the Bagogwe have now been ended because of this law.

The fact that nearly all high-level officials profess an interest in the protection of human rights makes the gap between official pronouncements and performance all the more glaring. The contradictions cannot be ascribed to insubordinate behavior by lower-level officials. Rwanda is a small, highly-centralized state where subordinates typically respond quickly and effectively to directives from above. If subordinate authorities, civilian and military, are violating the rights of others, it is either because they have been ordered to do so or because they expect to elicit support and approval from superiors for doing so. The failure to bring *any* persons accused of human rights violations to justice supports the conclusion that violators are acting at the direction of or under the protection of some of the most powerful political figures in Rwanda.

### **Reinforcing Fears: Echoes from Burundi**

Burundi, just to the south of Rwanda, is a small, densely-populated state with a population like Rwanda's, about 85% Hutu and 14% Tutsi. But in Burundi, it is the Tutsi who dominate the political system, the economy and especially the military. Several years after the Belgians ended their colonial rule, Tutsi military overthrew the ruler and established a republic. Later coups (in 1976 and in 1987) placed other military men in power, but they were always Tutsi or related Tutsi-Hima people. Hutu have risen up four times since independence, most recently on November 23, 1991, to seek a greater share in governing the country and to protect themselves. These uprisings have cost an enormous number of lives, from 1,000 or so in 1965 to an estimated 100,000 in 1972, another 15,000 in 1988, and 2,000-3,000 more at the end of December. Several thousand Tutsi have been killed, but the vast majority of victims have been Hutu, most killed by the overwhelmingly Tutsi military. The current government has sought to include more Hutu in the power structure: the current Prime Minister, for example, and about half of his ministers, are Hutu. But the planned process of reform, including the development of a new constitution, the legalization of multiple parties, and plans for an election, has set off new violence either by those who want change to move faster or by those who want to ensure that no change occurs at all. Following the violence in late November, about 50,000 Hutu fled, 10,000 of them to Rwanda and others to Zaire.

The developments in Burundi, tragic in themselves, also complicate the situation in Rwanda. The similarities in population, language and culture, as well as a long



history of interaction between the two countries, make people of both Rwanda and Burundi intensely pre-occupied by developments in the adjacent country. In addition, many Tutsi in Rwanda have relatives who are refugees in Burundi just as Hutu in Burundi have family members who fled recently or some years ago to Rwanda. Both governments as well as ordinary people in Rwanda and Burundi suspect agitators have crossed the border into their countries to stir up violence. The discrimination in both countries makes the Hutu in Rwanda and the Tutsi in Burundi hold onto power for fear that they will become what their community in the other country represents -- an oppressed people. Any serious breakdown of order in either country immediately and re-enforces fears and suspicion in the other.

### **The International Reaction**

As the former colonial power, Belgium continues to play an important role in Rwanda and is a major donor of funds.

President Habyarimana was in the United States on official business when the October 1990 invasion occurred. He immediately cut short his visit to Washington DC and made an impromptu visit to Brussels to ask for Belgian aid to repel the invasion. The following day, the Belgian government decided to send troops. It insisted that the soldiers would not participate in combat, and that their mission was strictly "humanitarian" -- to protect the Belgian community estimated at 1,700. The RPF has claimed, however, that Belgian troops have in fact engaged in combat. There has been no independent verification of this accusation.

From the outset of the war, the Belgian government engaged in intense diplomatic efforts to encourage a peaceful resolution of the conflict. Just before midnight on October 14, the Belgian Prime Minister, accompanied by the Ministers of Foreign Affairs and of Defense, visited Nairobi to meet with President Habyarimana. The purpose of their mission was to bring about a truce and cessation of hostilities. A week later, the same Belgian officials continued their peace mission in Tanzania. In the course of these efforts, Belgium proposed that neutral troops should supervise a cease-fire, an idea which President Habyarimana accepted.<sup>19</sup>

Frequently, the RPF has made announcements concerning the war from Brussels.

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<sup>19</sup> The Group of Neutral Military Observers (MOG), as the team is called, originally consisted of 15 officers each from the Ugandan, Burundian, and Zairian armies and 5 representatives each from the Rwandan army and the RPF. Due to a number of political reasons, the team was not able to carry out its objectives. The group was restructured in September 1991. It now consists of 15 officers each from Nigeria and Zaire, but it has not so far taken any significant action.

In addition, it has conveyed messages to the Rwandan government and the public at large through Belgian officials. For example, according to an October 21, 1990 report by Reuters news service, the Belgian Foreign Minister, Mark Eyskens, commented on Belgian TV that he had received a message from the RPF in which they said they were ready for a cease-fire as a prelude to negotiations.

Belgian foreign diplomacy towards Rwanda has been conveyed, for the most part, through private demarches. Few public statements have been issued. But in an important departure in early October 1990, the Belgian Minister of Foreign Affairs directed the ambassador in Kigali to denounce "the unacceptable character" of certain human rights violations. He also declared that shipment of arms to Rwanda was suspended, no additional Belgian troops would be sent, and stressed the "humanitarian" nature of the troops' mission.<sup>20</sup> Soon afterwards, a former Belgian minister told Parliament that massacres had occurred in Rwanda and that human rights continued to be violated.<sup>21</sup>

France, also a significant financial donor to Rwanda, sent troops after the invasion, supposedly to protect French citizens and the French embassy; about 300 French troops remained as of January 1992. But French forces also guarded the airport for some time. There have been reports which Africa Watch has not been able to verify independently that French troops have interrogated captured RPF soldiers at the Kigali prison.

The United States has few economic or political interests in Rwanda. Nevertheless, it has given important financial assistance to Rwanda, especially in the past year. With few exceptions, the US has failed to tie this aid to specific requirements that the government improve its human rights record. It has, however, intervened in some cases to protect individuals, especially journalists, whose rights have been abused.

Diplomats from the United States, Belgium, France, Germany, Canada, Switzerland, and the Vatican consult on the human rights situation and sometimes intercede in cases of blatant violations.

## **Conclusion**

Given its dependence on international assistance, the government is sensitive about condemnation on human rights grounds. Unfortunately, this concern has not

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<sup>20</sup> West Africa, London, October 22-28, 1990, p.2715; Agence France Presse, October 12, 1990, p.21.

<sup>21</sup> Agence France Presse, October 20-22, 1990, p.47.

been translated into effective action to protect the rights of all its citizens. Rwandans who measure the behavior of officials against professions of concern to the international community accuse the government of cynicism. For some officials, this is certainly true. But there are others who are sincere in their defense of human rights; unfortunately for Rwandans, they are not numerous or powerful enough to influence policy throughout the country.

Officials have violated the rights of Rwandans by failing to protect their persons and property and by permitting their attackers to escape punishment; by detaining, beating and apparently killing citizens; by harassing and threatening journalists and opposition politicians; and by launching military attacks on non-combatants. In addition, military officers have broadcast vague accusations against groups of people and have expressed a wish for them to be "neutralized." Such actions and threats contribute to an atmosphere of great fear and suspicion in a country already burdened by a legacy of animosity between its two principal communities.

### **Recommendations**

If it is sincere about promoting respect for human rights, the government should:

- \* Put an immediate end to communal strife by guaranteeing the security of all Rwandans -- Hutu and Tutsi, supporters and opponents of the government alike.
- \* Conduct, without further delay, the promised investigations of abuses thoroughly and in an impartial manner. The government should make the findings available soon after the reports have been transmitted to the relevant officials.
- \* Ensure that the recent amnesty is not used as a pretext to allow officials guilty of human rights abuses to escape punishment.
- \* Promptly charge and bring to trial officials and others implicated in the attacks at Kibirira and at Murambi and on the Bagogwe. The government's inability, or unwillingness, to punish those guilty of such serious atrocities will only encourage future violations.
- \* Guarantee the physical integrity of all detainees by issuing clear instructions prohibiting torture and any form of physical and psychological abuse.

- \* Ensure that all persons accused of crimes are assured protection of the law and remain in the hands of the appropriate judicial authorities. Families should be notified as soon as possible of the whereabouts of detainees. They should be kept informed of their whereabouts at all times.
- \* Under no circumstances should civilians be detained in military installations.
- \* Cease detaining and beating journalists who criticize the government and guarantee the safety of those journalists in hiding in order to encourage them to resume their normal lives.
- \* Allow opposition parties to hold public meetings without hindrance; their opportunities to do so should be equal to those of the MRND.
- \* Put an end to public statements that characterize opponents of the government as "traitors."
- \* Remove group classification information from all identity papers and all dossiers that are currently in use in government offices.
- \* End discriminatory policies against the Tutsi in education and employment. All Rwandan citizens, irrespective of group identity or regional origin, should enjoy equal access to secondary and post-secondary education and to employment opportunities.
- \* Continue permitting local human rights organizations to function. Investigate allegations about death threats and other measures to intimidate human rights activists. The perpetrators should be punished in accordance with internationally recognized norms.

Africa Watch calls on the RPF to:

- \* Cease killing, injuring and kidnapping civilians and destroying or looting their property.
- \* Halt all attacks aimed at civilian targets, such as camps for displaced persons, hospitals, and schools.

- \* End the practice of using civilians as irregular troops.
- \* Africa Watch has not been able to confirm the use of land mines by the RPF. If the accusations are true, Africa Watch calls on the RPF to put an immediate end to the use of land mines against civilians and civilian targets.

Africa Watch calls on the international community:

- \* To link future aid to specific improvements in human rights, including many of the recommendations outlined above. In particular, donors should insist upon an end to official encouragement of communal strife, an end to discriminatory practices, the prosecution of officials guilty of serious human rights abuses and a halt to the detention and abuse of journalists critical of government policies or leadership.
- \* To tie future military aid to the requirement that military officers be prohibited from detaining and abusing civilians and from using civilians as irregular troops.
- \* To continue bringing human rights abuses to the attention of the government and to use different international fora to raise relevant issues.

*Africa Watch is a non-governmental organization created in May 1988 to monitor human rights practices in Africa and to promote respect for internationally recognized standards. Its Chair is William Carmichael. Its Vice-Chair is Alice Brown. Its Executive Director is Rakiya Omaar; its Associate Director is Alex de Waal. Janet Fleischman and Karen Sorenson are Research Associates; Nicola Jefferson is a Sandler Fellow; Peter Rosenblum is a consultant; Barbara L. Baker, Ben Penglase, and Urmi Shah are Associates.*

*Africa Watch is part of Human Rights Watch, an organization that also comprises Americas Watch, Asia Watch, Helsinki Watch, Middle East Watch, and The Fund for Free Expression. The Chair of Human Rights Watch is Robert L. Bernstein and the Vice-Chair is Adrian DeWind. Aryeh Neier is Executive Director of Human Rights Watch, the Deputy Director is Kenneth Roth, Holly Burkhalter is Washington Director, and Susan Osnos is Press Director.*