

RWANDA

A NEW CATASTROPHE?

Increased International Efforts Required to Punish Genocide and Prevent further Bloodshed

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INTRODUCTION

Summary

At the time of the genocide in Rwanda, the international community stood by while more than half a million people were slaughtered. Since the new government brought the killing to an end by its military victory over the genocidal authorities, the international community has continued to be paralyzed and ineffective, unwilling to put up the resources needed to avert further war, to bring the guilty to justice, or to protect human rights in Rwanda.

The authors of the genocide have profited from international inaction to regroup. They are now ready to resume war against the new government of Rwanda with an expressed intent of eliminating those Tutsi who survived the first campaign of killing. A highly placed political source in the region told Human Rights Watch/Africa that the very authorities who directed the genocide are preparing to step up incursions across the Zairian border. This assessment was confirmed to Human Rights Watch/Africa by Major General Guy Tousignant, commander of the United Nations peacekeeping force in Rwanda (UNAMIR). Some 30,000 soldiers of the army responsible for the genocide are assembled in and around the refugee camps in Bukavu and Goma, Zaire. Over 10,000 militia members, veterans of the slaughter of unarmed civilians, train with them. The Security Council has expressed "alarm" over these preparations for war but has recommended only "further elucidation" from the Secretary-General of his proposals to establish security in the refugee camps. It directed him to consult potential troop contributors to assess willingness to participate in a peace-keeping operation in Zaire, but neither diplomats nor U.N. staff expect the consultation to produce any of the troops needed.

As of December 5, the international community had delivered a mere \$567,000 dollars for the United Nations field operation to protect human rights in Rwanda, about five percent of the amount requested by U.N. High Commissioner for Human Rights José Ayala Lasso last August. The High Commissioner told Human Rights Watch/Africa that some \$45,000 was left in the Rwandan account just at the time when contracts for the first human rights monitors were due to expire and would have to be renewed if the operation were not to be cut back. Poor organization, turf battles, lack of training, and absence of contact with Rwandans—both victims of abuse and local human rights associations—have also limited the effectiveness of the operation.

Investigation by Human Rights Watch/Africa in Rwanda in October and November confirmed earlier findings that the genocide last spring was well organized and well funded. In dramatic contrast to the campaign of killing, efforts to bring the killers to justice remain limited, scattered and poorly supported. The international community has failed to muster the resources necessary to apprehend and prosecute the authors of the genocide. Investigative efforts, poorly organized as well as poorly funded, make little progress while the guilty successfully establish themselves abroad and the evidence needed to convict them is in danger of being lost.

The creation of the International Tribunal on Rwanda in November offered the only hopeful sign in the otherwise inept and indifferent response to genocide. But it is unclear whether the international community will provide adequate funds and personnel to carry out effective prosecution of the accused.

The international community has thus far failed to deliver any substantial aid to the new Rwandan government, which took power with virtually no resources of its own. Lacking the means to establish a functioning civilian administration and judicial system, the government has been unable to begin orderly prosecutions of persons accused of genocide. Thousands have been arrested and are awaiting trial, lodged in inhumane conditions in prisons and in a variety of irregular detention sites. With the judicial system paralyzed, reprisal killings and disappearances continue. Increasingly, people use accusations of genocide to cover efforts to settle private disputes. In the absence of an effective civilian administration or police, property disputes and banditry are increasing.

The Rwandan government also faces renewed militia activity in displaced persons' camps within the country. To avoid further growth of these organizations devoted to Hutu ethnic supremacy and to spur the return to normalcy,

the government is forcing the internally displaced to return to their homes. In a recent visit to Rwanda, Human Rights Watch/Africa found that this policy has cost some ten lives and poses the real threat of many more deaths.

Summary of Recommendations

The international community should

- Deter imminent and catastrophic war in the region by restoring security in the camps in Zaire.
- Ensure that those guilty of genocide and other human rights abuses are brought to justice, whether before the International Tribunal, in Rwandan courts, or in other national courts.
- Assist in the safe return of the displaced to their own communities.
- Support and improve monitoring of the current human rights situation.

The government of Rwanda should

- Act immediately and forcefully to end arbitrary killings and other human rights abuses by Rwandan Patriotic Army (RPA) soldiers and civilians who recruit their help for such acts.
- Arrest and prosecute RPA soldiers and civilians associated with them in killings and other abuses.
- Devote the highest priority to establishing an effective civilian administration, including a functioning judicial system and civilian police force, so that those accused of genocide and other grave violations of human rights can be prosecuted with full respect for fair trial guarantees.
- Ensure that arrests are carried out according to due process and that the detained are kept in official prison facilities, in humane conditions, and that their detention be recorded in registers available to the public
- Prevent the use of unnecessary and excessive force in closing displaced persons' camps.

THE WAR TO FINISH THE GENOCIDE

Theodore Sindikubwabo, president, and Jean Kambanda, prime minister of the government that carried out the genocide were named recently to head a new government-in-exile. Their role in the genocide, already well established, has been further documented by a Human Rights Watch/Africa investigation at the Cyahinda massacre site (see below). Kambanda's strident calls for renewed war, such as those delivered at the Katale and Kibumba camps in October, have been reported by humanitarian relief organizations as well as by the international press. Among others continuing from the former government to government-in-exile are Jerome Bicamumpaka, who as foreign minister vigorously defended the genocidal government at the United Nations last June, and General Augustin Bizimungu, the army chief of staff, who acknowledged that he had the power to halt the genocide, then ten weeks old, but refused to do so until the Rwandan Patriotic Front (RPF) accepted a cease-fire. The statement was quoted by the Special Rapporteur on Rwanda to the United Nations Commission on Human Rights in his first report, published at the end of June.

According to numerous observers in the region, the government-in-exile uses extensive propaganda to keep the refugees ready for war. Human Rights Watch/Africa secured a prime example of such propaganda, a tract entitled "*Le peuple rwandais accuse....*" In it, the authors of the genocide assert that the "catastrophic situation" of the Rwandan people is the "diabolical work" of the RPF, assisted by the "massive collaboration" of certain foreign powers, namely, the United States, Belgium, Uganda and the United Nations. According to this nineteen page pamphlet, circulated at the end of September by then Minister of Justice Agnes Ntamabyaliro, it was the RPF that was guilty of genocide and the Hutu who were the victims. In this brazen distortion of the events of the recent past, there is no mention of the

slaughter of more than half a million Tutsi by the then-government of Rwanda. The tract accuses the RPF of having "shown no respect for places of worship," a particularly cynical charge from authorities who themselves were responsible for the slaughter of tens of thousands inside churches. It asserts that RPF massacres and a United States-engineered arms embargo (to which the defeat of the former Rwandan army is attributed) forced the exodus of the "near totality" of the Rwandan people, leaving the RPF masters of "an empty country." The pamphlet labels "Operation Sustain Hope," the U.S. humanitarian effort, "a Machiavellian manoeuvre" to bring the Rwandan people "back under the RPF yoke." According to this document, the massive effort was meant not to relieve the suffering of the million or so refugees, but rather to lure them back within Rwanda. The tract accuses the U.S. of "active intervention at the side of the RPF" and suggests that this policy results from the tendency of the English-speaking world "to extend its influence in French-speaking countries."

The agents of genocide are also keeping their soldiers primed for attack. Representatives of nongovernmental organizations and of the international media have reported that troops of the former Rwandan government are drilling at a number of sites, including those near the Katindo and Mugunga camps, a report confirmed by the Secretary-General of the United Nations in his November 18 statement to the Security Council. These soldiers are well armed. Although some were obliged to surrender machetes and rifles as they arrived in Zaire, many others passed the frontier with their arms, including some heavy weaponry. Rwandan soldiers reportedly guard and maintain howitzers and armored personnel carriers hidden in a warehouse in Goma that is supposedly under the control of the Zairian military. During its mission to the region in October and November, Human Rights Watch/Africa obtained a detailed inventory of arms held by the former Rwandan government army. Among the equipment are:

- 6 helicopters (1 Dauphin, 2 Alouette, 3 Gazelle)
- 50 anti-tank weapons (75mm recoilless rifles)
- 40-50 SA-7 missiles
- 15 Mistral AAM missiles
- 46 air defense weapons (37mm, 23 mm, 14.5 AAMG)
- 255 mortars (120mm, 82mm, 81mm, 60mm)
- 6 105mm howitzers
- 56 armored personnel carriers (with cannons or machine guns)

According to the UNAMIR commander, General Tousignant, the former government army has already begun incursions into Rwanda, ambushing a RPA patrol near the eastern frontier in early October and attacking a group of homes in the northwest later that same month. Human Rights Watch/Africa visited the northwestern prefecture (province) of Gisenyi where a raid at Rutagara, some one hundred meters from the Zairian frontier, had been executed with military precision. The assailants, either soldiers of the former Rwandan government army (FAR) or well-trained militia, struck three separate households simultaneously at about 3 a.m. They killed thirty-six people, twenty-six of them children, and left no survivors.

As they prepare attacks on Rwanda, the authorities who directed the genocide of the Tutsi increasingly use terror and violence against the Hutu refugees whom they obliged to follow them into exile. The international media, nongovernmental humanitarian agencies, and representatives of United Nations' agencies have amply documented the human rights abuses, including murder and rape, that are flagrant and unpunished in the camps. The President of the Great Lakes Human Rights League, Joseph Mudumbi, reports that his organization documents an average of two killings per day per camp, in Goma and areas of Bukavu. The authorities refuse to let the refugees return home, knowing that keeping them in the camps gives them leverage on the international community and through it, on the new Rwandan government. They are also well aware that being surrounded by a strong and reputedly fiercely loyal contingent of supporters will make it more difficult to apprehend them for trial on charges of genocide. They use threats and violence against anyone who shows interest in returning home or who is suspected of sympathy for the RPF. The authorities confiscate food and equipment intended to sustain the poor and weak, leaving them prey to illness and death. Comfortably established in their villas outside the camps, these politicians either sell the supplies for immediate profit or stockpile them for a future invasion of Rwanda. They have refused to permit a census of the camps, where the actual number of refugees is apparently several hundred thousand fewer than official estimates. A more accurate count of the refugees would likely result in a reduction in the amount of aid delivered and hence would cut into their profits.

The authors of genocide, in collaboration with the army and the militia, have re-established in the camps, the political structures that existed in Rwanda before the genocide: cells, sectors, communes and prefectures. From the beginning, the United Nations High Commission for Refugees (UNHCR), the aid agencies and the host governments relied upon authorities of the former Rwandan government to facilitate the delivery of aid to the refugees. Once in command of the distribution of food and other essentials of life, these authorities used that control to further intensify their hold over the population in the camps.

Former government officials, such as Francois Karera, who was once prefect (governor) of Kigali, exercise influence also through a "Social Commission" that purports to represent the interests of all the camps in the region. Karera openly proclaimed his views about Tutsi in an interview published on August 13 in the *New York Times*. He described them as "originally bad," "murderers," whose killing was justified. According to Karera, the use of the term genocide to describe the killings of Tutsi was inaccurate because a number of Tutsi had in fact survived. In Tanzania, the UNHCR encouraged the creation of a security force drawn from the ranks of the former government army. No check was done on the background of those recruited for this work of policing the camps.

The government-in-exile has established a system to tax those refugees who have hired out their labor to local farmers. The refugee workers usually earn 1000 Zaires or about thirty cents a day. They are required to pay 200 Zaires of each 1000 earned to the government-in-exile. The authors of genocide use buses that they seized when leaving Rwanda run a profitable transport service for both Zairians and refugees in the vicinity of the camps.

Agents of international organizations, official and nongovernmental, have also been threatened by militia or soldiers. On several occasions, aid organizations have curtailed their activities to protest such incidents and to protect their workers. *Medecins sans frontieres* has closed its operations in Bukavu because it was "ethically impossible" to continue aiding the perpetrators of genocide who had installed a reign of terror in the camps. Even the UNHCR has felt it necessary to take the unprecedented step of considering removing its representatives and assistance from the camps.

CLOSING THE CAMPS WITHIN RWANDA

The Rwandan government faces not just imminent attack from the outside but also a rebirth of militia activity in displaced persons' camps inside the country. The displaced, most of them Hutu, fled before the RPF advance southward and westward in June and July. They sought refuge in the "secure humanitarian zone" created by the French as part of its Operation Tourquoise. The displaced, like the refugees outside, include many killers who have sought cover among the masses of people in the densely-packed camps. And, in a pale but chilling imitation of developments outside Rwanda, former authorities within the displaced persons camps have rebuilt their power, in part through control over humanitarian relief. They actively discourage people from leaving the camps to return home, arguing that returnees will be killed by the RPA. In addition, gangs of the displaced are using the camps as bases from which to launch raids to rob and kill local people. Human Rights Watch/Africa collected complaints about such attacks from residents of several communes near the displaced persons camps in Gikongoro prefecture. Some of this banditry may have been purely criminal, but other instances were more clearly politically motivated, apparently intended to destabilize the situation and to show that the new government is not in control.

Efforts to persuade the displaced to return home voluntarily, relatively successful in September and early October, have proved less so in recent weeks. Reports of arrests and disappearances of returnees, some false but others accurate (see below), have increased the determination of the displaced to remain in the camps, as have accounts of the large-scale seizure of property by squatters.

The Rwandan government has decided to close the camps, by force if necessary, to avert the continued growth of the militia and other forms of organized resistance. According to a United Nations official, Rwandan authorities closed a first camp, at Rubengera in Kibuye prefecture, without injury or loss of life. Some 6,000 persons had been sheltered there. But on October 15, RPA soldiers forced the closing of a larger camp at Birambo, where about 20,000

persons had been gathered. When some in the crowd resisted the orders to leave, the RPA soldiers opened fire. One civilian was killed and two were wounded.

Three days later, about forty RPA soldiers surrounded the 10,100 people at the Ndaba camp and ordered them to come down from their shelters on the hills to listen to a speech by the burgomaster. The local official told them they would have to leave the camp. Some of the displaced refused to obey the order and the RPA fired into the crowd, wounding four persons, including a three-year old child and an elderly woman. The camp population was forced to depart immediately, leaving behind all their belongings. That night RPA soldiers came and looted the camp and the next day they beat savagely those persons who tried to return to reclaim the property left behind. When Human Rights Watch/Africa visited the site in late October, the shelters had all been burned.

On October 29, RPA soldiers moved to close down the camp of 15,000 people at Rugabano. Eliel Mucoye, who had been running an orphanage at the camp, was taken away at night in the direction of Bwakira. Two days later he was found beaten to death. The forty-three children housed in the orphanage fled to save their lives and ten of them remain unaccounted for.

When RPA soldiers closed the camp at Musange in early November, they burned down the shelters and killed seven civilians. They wounded four others in the effort to disperse the 13,000 or so people who had sought protection there.

As Rwandan authorities proceed with their stated intention of requiring the displaced to return home by the first of the year, they will seek to close the far larger camps in Gikongoro prefecture, where the majority of the displaced, some 370,000 people, are now concentrated. In attempting to clear camps such as that at Kibeho, which houses about 75,000 people or that at Ndago, where 45,000 have taken refuge, they will likely encounter more substantial and organized resistance. Without careful planning and determined efforts to prevent violence, there is a serious risk that large numbers of persons will be killed or injured.

"THEY WENT HOME SINGING": GENOCIDE AT CYAHINDA

The displaced who cluster in the camps came mostly from the adjacent central and southern parts of the country. In these areas, many hills remain largely empty. At Nyakizu, a commune which lies between the important town of Butare and the frontier with Burundi, the population in early November was just over 4,000. Before the genocide, it was some 60,000. According to one witness who lived through the events, most of the Tutsi of Nyakizu were killed in the genocide and most of the Hutu have fled and refuse to return home because they or members of their immediate families participated in the killing. This witness, a Hutu school teacher who works near Kigali, was home on vacation at the time of the genocide. "It was beyond belief here, truly carried to excess....As I watched it in horror, I kept rubbing my eyes and saying [to others around me], 'Do you see what I see?'"

The testimony collected by Human Rights Watch/Africa at Nyakizu and elsewhere substantiated earlier findings about how the former Rwandan government carried out the genocide. Witnesses to the slaughter of thousands of Tutsi at the church of Cyahinda, in Nyakizu, stressed the role of both national and local authorities in mobilizing the killers.

When the people of the commune saw houses being burned and refugees fleeing from adjacent regions, they turned to the burgomaster, Ladislas Ntaganzwa, for leadership. He publicly reassured the community but at the same time held private meetings with close supporters to plan the massacres. The presence in Nyakizu of a substantial number of Hutu refugees who had fled violence in Burundi the previous fall made the job easier. Angry about being forced to flee their own homes by Tutsi in Burundi and concentrated in a camp where they had nothing to do with their time and energy, the people from Burundi (known as Barundi) offered the ideal recruits for launching an attack on the Tutsi of Nyakizu.

As the violence continued in the adjoining communes, the Tutsi of Nyakizu began gathering in and around the church at Cyahinda. On April 15, the Barundi refugees came rushing up the hill to the plateau dominated by the red brick church. They were accompanied by four police from the national police force, a branch of the Rwandan military, and by other local policemen. The burgomaster arrived in the communal pick-up truck. He assured the Tutsi that they had nothing to fear and ordered them to put down the sticks and stones they had gathered to protect themselves. As they did so, the police fired into the crowd and the Barundi refugees began to attack. The Tutsi resisted as best they could and killed one of the policemen. But the Barundi assailants were joined by others from the community led by local Interahamwe militia members. Among them were several teachers and other state employees, people regarded as the leaders of the community because of their superior education and positions of authority. All day long they slaughtered the Tutsi. At 5 p.m., they quit for the day and "went home, singing," according to one witness. They returned the next morning at 7 a.m. to resume the killing. Each day, they appeared, like bureaucrats going to work, to continue the genocide. When several assistants to the burgomaster attempted to halt the killing, the burgomaster delivered them over to the killers and they were executed.

After several days of killing, the Interahamwe and their local supporters still had not succeeded in breaking into the church. On April 20, Theodore Sindikubwabo, the president of the so-called interim government created by Hutu extremists at the start of the genocide, came to thank and encourage the killers. One witness present that day related that Sindikubwabo promised that he would send soldiers to help local people finish killing the Tutsi who were barricaded in the church. He also promised that the people of Nyakizu would be rewarded for their efforts. The next day, soldiers of the Presidential Guard, the elite troops most committed to the genocide, arrived and helped the Interahamwe to break into the church. It took the killers two days to finish massacring the several thousand people who were inside. A small group of survivors who had fled to the top of a nearby hill were killed the next day.

Several days later, the burgomaster ordered the local people to begin burying the dead. He told them participation in the burial was required as *umuganda*, a kind of labor tax which people were customarily obliged to perform for the commune. In the course of the clean-up, a group of dead children were tossed into a hole. One young girl, wounded but still alive, was thrown in with the others. She cried out for help and, for more than a week, was kept alive by water brought to her by other children. When the burgomaster learned of this, he ordered the hole sealed.

After six days of burying cadavers, the local people refused to do any more because the stench had become too overpowering. They hid in the bush when the authorities came to call them to work. The prime minister of the interim government, Jean Kambanda, arrived to help local authorities with the clean-up problem, just as Sindikubwabo had done with the killings. Near the end of May he came to deliver 200,000 Rwandan francs (about \$1500) to pay for finishing the burial. A part of the money bought beer for the workers, who were thus encouraged to complete the disagreeable task. Most of the bodies were buried in this final effort, but Human Rights Watch/Africa found fragments of human bone still scattered all over the church grounds.

This testimony of official participation in the genocide accords with evidence gathered elsewhere by Human Rights Watch/Africa. An army officer played the decisive role, for example, in intensifying militia attacks on Tutsi in the neighborhood of Nyamirambo, in Kigali, at the end of May. Tutsi who had been hidden and protected by Hutu neighbors were finally killed after a new commander was put in charge of the local military post. He ordered that the remaining Tutsi in the area be slaughtered. Two were killed the day after he assumed command of the post and some twenty others—all women—were assembled several days later and machine-gunned in front of a row of hibiscus bushes. The bodies of several of these women were thrown into a neighboring latrine, along with two babies who were still alive.

In a visit to the massacre site of Nyarubuye, in southeastern Rwanda, Human Rights Watch/Africa found other evidence of military participation in the genocide. In a church courtyard, hundreds of bodies still lay heaped together in mute testimony to the horror of a final stampede to escape slaughter. Many of the victims were killed by machete, hammer or club in the attack, which took place at the end of April. But others were shot, apparently by members of the army of the former government. On the ground were spent cartridges of bullets manufactured by the Belgian National Arms factory. A canister of gun oil, produced at the same factory, stood on the window sill of an adjacent building. Such materials are sold under license by the Belgian government only to other governments and presumably had been

supplied to the former Rwandan government before a Belgian embargo on arms sale to Rwanda went into effect in 1990.

KILLINGS BY THE RWANDAN PATRIOTIC ARMY

The Rwandan Patriotic Front ended the genocide by driving the former government and its army from Rwanda. But as the RPF forces advanced, they committed several massacres of unarmed and unresisting civilians, often in areas where large numbers of Tutsi had perished in the genocide. In addition to previously documented cases, Human Rights Watch/Africa has gathered information on several others.

Local witnesses have compiled a list of 197 persons who disappeared from the sectors of Rukina, Rwoga, Nyakogo, Munanira, Kirwa, Kadaho and Karambi, commune of Masango, prefecture of Gitarama, during the months of July and August. All are believed to have been killed by the RPA.

Residents in the commune of Tambwe, prefecture of Gitarama, indicate that thirty-six persons were killed there by the RPA during the month of August. Other sources report that sixteen civilians were killed in the sectors of Gahogo, Shyogwe, Munyinya, Ruli and Gihuma, commune Nyamabuye. Some forty persons from the sector of Remera, commune Mushubati, are said to have been killed and buried in a mass grave next to the house of Jean Ubarijoro at Biti, in the commune of Nyamabuye. They were all relatives or friends of Gabriel Hategekimana and his wife Suzanne. Another thirty-six persons are missing and reported to have been killed by the RPA in the sectors of Remera, Karama, Gikomero, Gatikabisi, Gifumba, Mwaka and Muhanga of the commune of Mushubati. All of these communes are located in the prefecture of Gitarama.

In another case that dates from the early days of the RPA victory, Human Rights Watch/Africa investigated the killing of some sixty persons arrested at a barrier in the Goma section of the town of Butare on the night of July 27 to 28. The victims, who had previously fled to the west before the RPF advance, were en route back to their home communes in four pick-up trucks. After their arrest, they were taken to the Karubanda School for Social Workers, where they were executed. Among the victims were eighteen members of the family of Nkiko Nsengimana, a prominent member of civil society and opponent of the former Rwandan government. Their murder appears to have been part of the generalized violence directed against passers-by rather than a deliberate attack meant to injure and intimidate a politically important leader.

Two more recent massacres by the forces of the new government resulted apparently from efforts to extend control over regions where their authority had been previously unacknowledged. On October 25, RPA soldiers killed more than thirty-five persons in the sector of Gicaranga, commune of Gisovu, prefecture of Kibuye. This region, first controlled by French troops during Operation Tourquoise, was subsequently supervised by UNAMIR soldiers who had left the day before the killings. The UNAMIR soldiers, alerted to the massacre, returned to find the bodies, one in a house, the others scattered in a tea field. Apparently others had already been buried. The prefect of Kibuye, Lt. Col. Turagara, admitted that RPA troops were responsible for the killings but sought to justify their actions by saying that the local people had killed one of their soldiers.

In a similar incident, RPA soldiers killed nine people and wounded thirteen others in a market place at Musebeya, Gikongoro prefecture, on November 11. They say they shot in self-defense after their patrol of ten soldiers was attacked by people in the crowd who threw stones and a grenade. UNAMIR troops disarmed the RPA soldiers and escorted them to their base. Apparently, the civilians involved in this incident were displaced persons from a local camp.

BLOCKAGE OF THE JUDICIAL SYSTEM

Shortly after assuming power in mid-July 1994, the new Rwandan government announced its intention to prosecute all accused of killing during the genocide. But because the former government fled with virtually all the

funds and most of the usable vehicles and equipment belonging to the state, the new government has had virtually no resources to carry out an orderly investigation and prosecution of the crimes. In addition, many judges and prosecutors were killed during the genocide, were themselves implicated in the killings, or fled the country. According to the Minister of Justice, thirty-six judges and fourteen prosecutors and assistant prosecutors are still available for service. Of the fourteen prosecutors, only three are trained jurists. There are only two functioning prosecutors' offices, one in Kigali and one outside the capital.

One hundred and three police officers have been trained by UNAMIR and have just been assigned to duty. But in most parts of the country there is no civilian police and RPA soldiers are the only force maintaining law and order, including arresting persons accused of genocide. Only a few of these soldiers have been officially granted the status of police inspectors, which gives them legal authority to investigate crimes and arrest civilians. Most soldiers enforcing the law are unfamiliar with Rwandan judicial procedure and with those parts of the legal code guaranteeing human rights. In these conditions, complicated by the anger, fear and hatred consequent to the genocide, numerous and serious human rights abuses have taken place.

Human Rights Watch/Africa documented dozens of cases of persons arrested at night and without proper warrants, in violation of Rwandan law. It also documented four cases of prisoners who were taken from detention facilities during the night, a practice which is hard to explain except as an attempt to hide their removal. These cases occurred during the month of October in Gitarama and Cyangugu. In one, the prisoners were simply transferred to another, more secure facility, but in two other cases, Human Rights Watch/Africa was unable to learn the destination of the prisoners that night or their whereabouts since. An additional case reported to Human Rights Watch/Africa concerns a prisoner who is moved from camp to camp, following the movements of the RPA officer who arrested him, as if he formed part of his personal property.

The RPA soldiers arrest persons accused by others on the basis of the denunciation rather than as a result of criminal investigations. A significant number of these denunciations are false, motivated by hopes of personal profit—especially where questions of property are involved—or by the desire to settle some private score. The public prosecutor for the capital of Kigali estimates that as many as 20 percent of the prisoners now housed in Kigali Central Prison are innocent.

Although Rwandan law requires that detained persons be brought before a magistrate within forty-eight hours, the majority of the persons now in jail have not been arraigned or even systematically interrogated. Of the 4,623 in Kigali prison on November 1, only 1,224 had appeared before a magistrate. Some have been in prison for as long as five months. The authorities have lacked the staff and the office equipment to establish even an adequate register of persons detained. The public prosecutor of Kigali, who is responsible for the largest prison in the country, and his staff of five did all work until recently by hand; it was only in November that they received the two manual typewriters and one computer, all gifts of nongovernmental organizations, which will permit them to begin keeping track of detained persons.

The three prisons under the control of the Ministry of Justice are severely over-crowded. The prison in Kigali, built for a population of 1,500 housed over 5,000 in mid-November and additional prisoners were arriving at the rate of between fifty and one hundred per day. Over one hundred women are housed apart from the men. Ninety-five children are in the prison, some very young ones confined with their mothers because there was no other adult to take responsibility for them. About forty others—boys aged twelve to fifteen accused of killings—are housed with the adult male prisoners. The similarly over-crowded facilities in Butare and Gitarama held more than 2,700 and 800 respectively. The fortunate are crammed into fetid, overcrowded barracks, but the rest are forced to spend the nights outside, sleeping on the ground, even though it is now the rainy season and often rains during the night. The World Food Program provides corn meal and beans to the prisoners once a day, since the government has no money to buy food. Sanitary conditions are deplorable and medical attention, provided by the International Committee of the Red Cross, inadequate. Between two and seven prisoners die each day at Kigali prison, most of them from dysentery. There are no ambulances to take the most seriously ill to the hospital. Until recently, there were no vehicles to transport the dead to the public cemetery and prisoners who had died were being buried on the prison grounds.

Few prisoners in these jails showed evidence of recent torture or beatings, although several at Butare prison claimed that prisoners had been beaten there following an attempted escape. When Human Rights Watch/Africa visited the prison in late October, one prisoner showed a deep gash on the leg that had been inflicted that day.

Miserable though conditions are in the Kigali jail, one prisoner said it was "like paradise" compared to the place where he had been detained prior to his transfer to the official prison. As many as 5,000 persons are detained in other facilities: lock-ups at communal offices, jails at military camps, private houses, latrines, and even shipping containers. Human Rights Watch/Africa questioned two witnesses now in Kigali prison who had been transferred from a shipping container on the outskirts of the city. They reported that thirty-eight persons had been confined in the container for a month and a half. During that period three had died. From all accounts collected by Human Rights Watch/Africa, beatings and torture are frequent in these facilities which are not supervised by the Ministry of Justice nor visited by the International Committee of the Red Cross.

Human Rights Watch/Africa also took testimony concerning the arrest of several men by RPA soldiers in the prefecture of Gitarama. They were detained first in a residence occupied by the soldiers and then in the jail at the military camp in the town of Gitarama. They displayed clear signs of having been beaten during their detention. They reported that six soldiers of the former government army and about eighty civilians were being detained at the military camp.

In a small number of cases, RPA soldiers have released persons detained by civilian authorities, without having obtained their consent. But in general the problem is the opposite: detained persons vegetate in jail with no immediate prospect of the investigations or trials that would result in their release if they were found innocent. Some ten detainees were released from Butare prison after RPA soldiers, properly invested with the authority of court officials, investigated and dismissed the charges against them. Another forty were released from Kigali prison in early October by the judge Gratién Ruhorahoza, but most of them were detained again by RPA soldiers. The judge himself, President of the Tribunal de Première Instance in Kigali, was detained by RPA soldiers on the night of October 5, 1994, and is believed to be held with charge in Kami military camp. Human Rights Watch believes him to be a prisoner of conscience, detained solely for the non-violent exercise of his freedom of conscience and expression, and is calling for his immediate and unconditional release.

Rwandan authorities, including the President of the Republic, Pasteur Bizimungu, and the Minister of Justice, Alphonse-Marie Nkubito, have appealed for the assistance of judges and prosecutors from other countries to begin the enormous task of investigating and prosecuting the persons charged with genocide. After months of delay, it appears that such help may finally be forthcoming.

The Kigali prosecutor has issued warrants for the arrest of a number of persons accused of having played a major role in the genocide. Two of these persons are now in Zaire, two in Belgium and one in Kenya.

DISAPPEARANCES AND SUMMARY EXECUTIONS

In all communities visited by Human Rights Watch/Africa in the northwest, central, west, south and southeast of Rwanda, witnesses reported that persons accused of having played important roles in the genocide have been taken away by RPA soldiers. Among the more recent cases reported to Human Rights Watch/Africa was the arrest of Aphrodis Mugambira, a well-known businessman from Kibuye, who was removed from the Hotel Kiyovu in Kigali on October 23. In another case, seventeen persons were taken during the night of October 26, 1994, all from the sector Kimegeri of Mukingi commune, in the prefecture of Gitarama. They were reportedly detained in the lock-up of the commune and in a house occupied by RPA soldiers behind the office of the commune. One of the seventeen, a man named Leonidas Hategekimana, was so badly beaten that he died the next day. During the night of October 29, another four persons were arrested from the same sector, and the day after that a teacher named Marie Therese Iyamuremye, wife of a man detained in the original group of seventeen, was also arrested by three RPA soldiers and imprisoned at the commune.

According to a UNAMIR officer, three RPA soldiers shot four prisoners whom they were transferring from the commune of Gisovu to the prefectural center of Kibuye on October 18. The RPA soldiers said the prisoners had tried to escape, but all were apparently shot in the head which, if true, makes it unlikely that they were shot while fleeing.

Many of the persons taken away by soldiers of the RPA have more education or more property than most of their neighbors. A substantial number are or were employed by the state or by some international agency. They are people of standing and their disappearance or killing has significant impact on their communities. One notable example is Judge Ruhorahoza, mentioned above. Given that the genocide was directed from the top down, it is not surprising that persons of local importance are among the first accused of having played a leading role in the killing. But the removal of such persons has generated fear that this is more a campaign to eliminate leaders who might cause problems for the new authorities than an effort to bring those responsible for the genocide to justice. The government has failed to notify families of detainees of their whereabouts, in part because it has no adequate means of registering and tracking even those jailed in official prisons. There is still less likelihood that authorities will keep track of those detained in unofficial facilities. In the current atmosphere of fear and tension, families and friends of the disappeared usually assume that they have been executed. In fact, substantial numbers of the disappeared may be alive in jails or irregular detention sites.

The case of Antoine Sibomana, the former burgomaster of Mbazi commune, in the southern prefecture of Butare illustrates this pattern. Sibomana was arrested by the RPA on September 10 and was widely rumored to have been killed. Three days before, he had returned from a displaced persons' camp in the neighboring prefecture of Gikongoro, bringing some four hundred of the people of his commune along with him. Sibomana, a graduate in anthropology from Laval University in Canada, was widely acknowledged to have played an honorable role in attempting to limit the genocide in Mbazi. He had protected many Tutsi, as well as such others as the children of the human rights activist Monique Mujawamariya. Assured by the authorities that his innocence was recognized, he had returned home expecting to continue his work as burgomaster. News of his arrest soon after spread quickly and Human Rights Watch/Africa was notified that he had been executed. In fact, he was imprisoned in Butare jail, where he is still awaiting trial. He is ill, apparently from complications of severe diabetes, but has received medical attention and has been transported to the local hospital where he was treated by an Italian physician. When visited by Human Rights Watch/Africa, Sibomana affirmed his innocence but added that he bore no resentment to the authorities who had arrested him. He understood how they might have to treat all former officials with suspicion until given the time and means to investigate their actual behavior. He hopes only for a speedy trial to clear his name. Human Rights Watch believes his detention to have been arbitrary. In the absence of formal charges or evidence that he has committed any crime, Human Rights Watch is calling for his immediate release as a prisoner of conscience, detained solely for the exercise of his fundamental human rights.

THE QUESTION OF PROPERTY

The new government quickly recognized the primacy of the rights of current property owners. But an influx of more than three hundred thousand refugees, most of whom had been living in exile since the earlier Tutsi exodus of the 1960's, has made government policy virtually unenforceable. The new arrivals have occupied apparently vacant property, residential, commercial and agricultural, in various parts of the country. The problem is most critical in Kigali, where more than half the property is apparently occupied by squatters. Original owners who return and seek to re-occupy their holdings rarely succeed without serious difficulty. The government has established a commission to resolve property disputes but, according to Minister of the Interior Seth Sendashonga, only about 30 per cent of its decisions have been complied with. Human Rights Watch/Africa documented a number of cases where property owners were threatened, attacked, or falsely accused when they attempted to repossess their property. The majority of such victims are Hutu, but cases involving Tutsi victims were also reported to Human Rights Watch/Africa. In such cases, the initial dispute over property rights may lead to more serious violations as squatters enlist RPA soldiers to "arrest" or simply kill troublesome proprietors, often for a price. Because the RPA soldiers receive no government salary, they are susceptible to such offers and they increasingly participate as well in small-scale extortion and banditry to fill their pockets.

BRINGING RPA SOLDIERS TO JUSTICE

The government has arrested more than one hundred RPA soldiers charged with killings or other human rights violations. According to a report made to the U.N. special rapporteur, investigations have been completed in some twenty of these cases. Among those under arrest are Major Bigabiro, reportedly responsible for killing civilians and mentioned in a previous report by Human Rights Watch/Africa, and Lieutenant Auther Butare, accused of a killing for vengeance. A list of accused soldiers obtained by Human Rights Watch/Africa in early November includes mostly corporals and privates.

The government has established two jurisdictions for judging soldiers, a War Council and a Military Court, whose decisions may be appealed in the civilian judicial system. It has also set up a military police system and has adopted a policy of restricting insubordinate soldiers to a training camp.

MONITORING THE HUMAN RIGHTS SITUATION

The government of Rwanda has repeatedly committed itself to permitting free monitoring of human rights throughout the country. On a number of occasions, however, RPA troops have forbidden UNAMIR troops or U.N. human rights monitors access to certain sectors where abuses have reportedly taken place, particularly in the southern prefecture of Butare. General Tousignant, for example, had to insist in order to overcome the initial refusal of RPA soldiers to permit access to the site where a Canadian priest was murdered in October.

Representatives of Rwandan human rights groups have been granted permission to visit prisons, including those on the grounds of military camps. But one such monitor, Jean-Paul Biramvu, was arrested in Cyangugu in early November, supposedly because the papers for his vehicle were not in order. In fact, his detention may have had more to do with his visit the day before to Butare prison in the company of Human Rights Watch/Africa. Biramvu was transported to Kigali under guard several days after his arrest and after protests by his colleagues in the capital. There he spent another night in detention before being released promptly the next morning by an officer of the general staff. Biramvu was not injured or threatened but his arrest in these suspicious circumstances could well have been meant to discourage him and his colleagues from pursuing their work.

THE INTERNATIONAL COMMUNITY

The first reaction of the international community to the genocide, a rapid retreat, betrayed the faith of many Rwandans who had looked to the United Nations for protection. In past times of tension, when opponents of the Habyarimana faction felt themselves in danger, they had left Kigali altogether or had taken other precautions, such as not sleeping in their own homes at night. But in early April, people at risk had remained in Kigali even though there had been obvious preparations for an attack against them. When Human Rights Watch/Africa asked the survivors of the massacres why they had stayed in the city, they all replied that they had not been able to imagine the UNAMIR troops standing by while Rwandans were massacred.

After nearly six weeks of slaughter and the loss of hundreds of thousands of lives, the United Nations reversed its tragic decision to withdraw and voted on May 17 to send an expanded UNAMIR back to Rwanda with a more extensive mandate. It took six months to complete deployment of the force, a process that was finished just as the UNAMIR mandate was about to expire. The delay in deployment resulted from inefficiency, inertia and indifference at the United Nations itself; the complications of applying a new United States policy on peace-keeping operations; and the haggling of various member nations seeking to maximize the profit that could be obtained from their participation in the operation.

The May 17th mandate directed the new UNAMIR to "contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda." Its soldiers have sometimes failed in that task. UNAMIR soldiers did not intervene, for example, when RPA soldiers fired into a crowd of civilians at the Ndaba displaced persons' camp, wounding four. They failed to react when RPA soldiers savagely beat civilians who returned to the camp to try to recover their belongings. Nor have UNAMIR soldiers taken action to protect detainees being beaten by RPA soldiers at Rubengera, in Kibuye prefecture. In some cases, UNAMIR has sought to respond to reports of alleged abuses by the RPA but has been prevented by RPA soldiers from entering the regions in question. Recently UNAMIR soldiers appeared more ready to act to protect civilians at risk. On November 11, they disarmed RPA soldiers who had killed nine civilians at Musebeya in Gikongoro (see above) and escorted them back to their camp.

The Security Council on November 30 extended the UNAMIR mandate for another six months and added to its charge responsibility for protecting personnel of the International Tribunal and human rights monitors and for assisting in the training of a national police force. Although the reputation of UNAMIR was tarnished by its inaction during the genocide and by its failure to intervene in several cases of blatant abuse by RPA soldiers since then, many Rwandans still view the international soldiers as their best hope of protection in a highly insecure situation. According to UN officials and representatives of humanitarian associations, displaced persons are most willing to return to those areas where they are sure UN forces have been deployed.

Given that genocide constitutes the ultimate violation of human rights, United Nations organs and agencies charged with the protection of human rights should have intervened promptly and forcefully in Rwanda. But, in fact, their performance has been as unsatisfactory as that of the military forces. Seven weeks after the genocide began, the United Nations Human Rights Commission voted to name both a special rapporteur and human rights field officers to investigate the genocide and the current situation. It was expected that the presence of the field officers, generally called monitors, would help deter abuses. One monitor was put in place on June 10, but she remained alone for two months, a single person to attempt to discourage and investigate abuses for a population of some five million people. Until late August, she had no vehicle, no communications equipment and no computer.

Over the next three months, several dozen more monitors arrived and clustered in the capital city. None received any training, either in methodology or in the particular circumstances of the Rwandan case, a serious lack given that many had no previous field experience in monitoring human rights. By the end of October, some fifty monitors were in Kigali, but only a few Rwandans—most of them officials—knew that they were there. During the last week of October and the first week of November, several dozen Rwandans sought assistance from Human Rights Watch/Africa in dealing with cases of human rights abuse. Not one had ever heard of the United Nations Human Rights monitors. Nor had the monitors established any links with Rwandan human rights organizations. Several monitors were surprised to learn from Human Rights Watch/Africa that such organizations existed.

The first two teams of monitors were deployed outside the capital at the end of October. Five more teams were deployed in the prefectures at the end of November. It took six months from the time the Human Rights Commission established their posts to get some thirty monitors equipped with vehicles and communication equipment in the field. They still had had no training. In August, the U.N. High Commissioner for Human Rights, Ayala Lasso had reached an agreement with the Rwandan government that provided for the establishment of 147 monitors, a number equal to the number of communes in the country. Each commune has a population of some fifty thousand people. But by mid-November, U.N. officials were saying that monitors would never be numerous enough to be deployed at the level of the communes. At best, they would be deployed in the sub-prefectures, units that encompassed some 250,000 people.

The investigative effort to gather evidence of the genocide has not fared much better. As the special rapporteur remarked in his report of November 11, commenting on his conclusions after a recent visit to Rwanda, "The genocide is confirmed, but the investigation of the genocide is considerably delayed." The Human Rights Commission had made the rapporteur and the monitors responsible for this investigation, but a special investigative unit to document the genocide was set up among the monitors only at the end of October. In addition a three-person Commission of Experts was established by the Security Council in July to investigate the genocide. They amassed enough evidence to conclude that both parties to the Rwandan conflict had been guilty of large-scale killings and that the former Rwandan

government was guilty of genocide. But they did not carry out an organized effort to prove accusations against a large number of persons. Their efforts ended when their mandate expired on November 30. The United States sent a team of investigators in September who gathered some evidence and Spain provided forensic physicians to evaluate several massacre sites. But such efforts hardly approach the large scale organized investigation needed to document the genocide of more than half-a-million people.

One reason for the slow and troubled beginning of the human rights effort was lack of funds. In August Ayala Lasso had called for \$10 million to pay for the human rights work in Rwanda. By December 5, only seventeen nations had responded to his appeal, with pledges amounting to just over \$4 million, and of the seventeen, only five (Ireland, Israel, the Netherlands, New Zealand and the United Kingdom) had actually paid their pledges. The United States had promised \$750,000, which was making its way to the relevant account and several other nations (Finland, Germany, Norway, Spain, Switzerland, the United States) had delivered services in kind. In actual dollars received, the U.N. human rights monitoring effort had actually collected just over one half a million dollars. It had been able to mount its effort, restricted as it was, only because of a \$3 million loan from the U.N. Department of Humanitarian Affairs. As of early December, the High Commissioner told Human Rights Watch/Africa that only about \$45,000 was left in the account for Rwanda. The contracts for the first group of monitors expire in mid-December and the Human Rights Center may find itself unable to renew them unless more money is forthcoming immediately. If the funds are not received, the program may risk being dismantled even before it is fully in place.

But the difficulties were not solely financial. The special rapporteur points to personal conflicts and to ambiguity in instructions from the center as other reasons for the unsatisfactory performance. A number of observers had traced difficulties to differences between the new High Commissioner for Human Rights and the head of the Human Rights Center, Ibrahim Fall. In addition, there appear to have been difficulties of communication between the rapporteur, the Human Rights Center and the Commission of Experts. In the midst of this bureaucratic tangle, important documents may have been lost. Certainly much time was lost and, in the Rwandan context, time lost meant lives lost because monitors were not present to deter abuses.

The new government of Rwanda inherited little but debts from its predecessor. Clearly unable to mount an effective administration with so few resources, it called upon donor nations for aid in funds and personnel. Although the international community has responded generously to the needs of Rwandans in refugee camps outside the country, with the United States alone contributing approximately half a billion dollars, it has not yet delivered any substantial aid to the new government. According to well-placed sources within the European Union France initially made clear an intention to block any significant assistance from that body. Other donors hesitated as well, many of them concerned about how representative the new government was and about reports of human rights violations by the RPF.

By the end of November, several donors, including the United States, the Netherlands and Denmark, had decided to assist the new government. The United States spearheaded efforts to raise the \$9 million in arrears that had to be repaid to the World Bank—money owed by the former government—in order to obtain release of more than two hundred million dollars previously earmarked for Rwanda. In addition, the United States decided upon \$4 million in direct assistance, a substantial part of it for support of the Rwandan judicial system. Part of that money is to pay the expenses of foreign judges to work temporarily in Rwanda. Other countries, including Belgium, are reportedly considering some form of direct assistance to the judicial system as well. Even France has modified its position, permitting the European Union to act unanimously in approving 67 million Ecus of aid for Rwanda. A portion of that money was earmarked for supporting the human rights monitors. The aid should be delivered promptly and the government of Rwanda should use it effectively to establish a state of law, bringing to an end the abuses of the last four months.

RECOMMENDATIONS

The Government of Rwanda should

- Act immediately and forcefully to end arbitrary killings and other human rights abuses by RPA soldiers and by civilians.
- Arrest and prosecute soldiers accused of summary executions and other arbitrary killings.
- Devote the highest priority to establishing an effective civilian administration and civilian police. Withdraw soldiers to their barracks, limiting them to military duties.
- Begin trials of those accused of genocide as quickly as possible. Work out practical arrangements for making use of expatriate jurists and investigators to facilitate prosecution of the accused.
- Expedite a process of judicial review of the cases of those held without charge, so that those who have been the object of patently false accusations can be promptly released and those against whom substantial evidence exists can be formally charged and brought to trial.
- Release unconditionally all prisoners of conscience, including Judge Gratien Ruhorahoza, former burgomaster Antoine Sibomana and former ambassador Sylvestre Kamali.
- Ensure that arrests are carried out according to due process and that families of detainees are promptly notified of their arrest and place of detention. Maintain and make public an up-to-date register of all persons arrested and publicize the availability of this information for anyone who seeks to locate persons who have disappeared.
- Open additional prison facilities under the Ministry of Justice and move all civilian detainees out of military camps and other irregular and inappropriate places of detention. Ensure that detainees and prisoners are kept in humane conditions.
- Provide appropriate facilities to care for children now in prison and charged with no crime.
- Remove to facilities separate from adult prisoners children accused of taking part in the killings.
- Prevent the use of unnecessary and excessive force in closing displaced persons' camps.
- Increase the number and effectiveness of commissions settling disputes over property and provide an effective appeals process through the courts for those dissatisfied with their decisions.
- Continue and implement throughout the country the policy of openness to human rights monitoring.

The International Community should

- Provide the resources, whether financial or human, to support the above measures vital to securing the basic human rights of the Rwandan population.

The United Nations should

- Act to restore security in the refugee camps so that the rights of refugees are protected, including their right to life and their right to return home. The Security Council must act immediately to provide the appropriate mandate and the necessary means to separate the government-in-exile's military and militia from the refugee population.
- Protect the rights of displaced persons in Rwanda, ensuring that camps are closed without injury or loss of life. The local United Nations agencies, including UNAMIR; UNHCR and the UN Human Rights Center must coordinate their activities to ensure the secure return of the displaced to their home communities.

- Improve the effectiveness of the human rights operation in Rwanda by
 - Providing adequate funds promptly
 - Training monitors
 - Rapidly deploying monitors into the communes
 - Increasing collaboration with Rwandan authorities and human rights activists
 - Publicizing the presence and purpose of the monitors, including by radio and newspaper, and facilitating access to them for ordinary Rwandans
 - Ensuring that representatives of other U.N. agencies, including officers of UNAMIR, report violations immediately to monitors

- Provide the necessary resources for the International Tribunal to investigate and prosecute promptly those accused of directing the genocide.

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Human Rights Watch/Africa (formerly Africa Watch)

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. It is supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly. Kenneth Roth is the executive director; Cynthia Brown is the program director; Holly J. Burkhalter is the advocacy director; Gara LaMarche is the associate director; Juan E. Méndez is general counsel; Susan Osnos is the communications director; and Derrick Wong is the finance and administration director. Robert L. Bernstein is the chair of the board and Adrian W. DeWind is vice chair. Its Africa division was established in 1988 to monitor and promote the observance of internationally recognized human rights in sub-Saharan Africa. Abdullahi An-Na'im is the executive director; Janet Fleischman is the Washington representative; Karen Sorensen, Alex Vines and Berhane Woldegabriel are research associates; Kimberly Mazyck and Urmi Shah are associates; Bronwen Manby and Alison DesForges are consultants. William Carmichael is the chair of the advisory committee and Alice Brown is the vice chair.