

RWANDA

Two years after the genocide - human rights in the balance

An open letter to President Pasteur Bizimungu

Dear President,

Two years have passed since the start of the tragic events which claimed as many as one million lives in Rwanda between April and July 1994. Now, in April 1996, Rwanda still hovers between hope for the future and fear of the legacy of the past. Human rights hang in the balance. A semblance of calm has been restored in many parts of Rwanda, yet tensions persist under the surface. Urgent action is still required to ensure that respect for human rights becomes entrenched as a fundamental value in Rwandese society.

Amnesty International is sending you this open letter on the second anniversary of the start of the genocide and other massacres which took place in 1994 to urge you to seize the opportunity to make human rights a definitive priority for Rwanda. We are appealing to you to do all in your power to put in place strong safeguards to ensure that the events of 1994 can never be repeated.

We are aware that you yourself and several other officials of the Rwandese Government have given frequent promises that human rights in Rwanda will be respected. Concrete measures are needed to turn these promises into reality.

It is not only the people and government of Rwanda but governments and members of the public worldwide who should actively seek ways of preventing a recurrence of massive human rights violations. The Rwandese genocide and its aftermath remain an international responsibility. For this reason, Amnesty International members all over the world have been campaigning continuously for the last two years, urging the authorities in Rwanda and in other countries to bring to justice the perpetrators of the atrocities committed between April and July 1994 and to put in place lasting safeguards against such crimes in the future.

However, the primary responsibility for preventing further mass human rights abuse in Rwanda lies with the Rwandese Government. We realize that resisting demands for vengeance presents an enormous challenge in the aftermath of the genocide. We do not underestimate the difficulty of trying to restore peace after these events, especially in the face of continuing cross-border attacks by armed opposition groups operating from neighbouring countries. In recognition of the challenges which still face the Rwandese Government, we are therefore also appealing to the international community to continue assisting Rwanda in the reconstruction of the institutions whose role it is to protect human rights - in particular, the judiciary and the security forces - and to assist in the implementation of reforms and practices which will make human rights a reality again.

This appeal focuses on action which must be taken by the Rwandese Government now to ensure that human rights are protected. It does not present a detailed account of the human rights situation in Rwanda (which is contained in other recent Amnesty International publications) but presents a set of ten recommendations for action.

Amnesty International's recommendations refer not only to the need to bring to justice those responsible for the genocide and other human rights crimes committed during 1994 but also to the pressing need to halt the human rights abuses which have continued under the present government. The level of current human rights abuses in Rwanda in 1996 is much lower than those committed in previous years, particularly between April and July 1994. Nevertheless, as long as these abuses persist, it will be impossible to restore faith in the need to respect human rights among the Rwandese population and reconciliation will remain a distant prospect.

TWO YEARS WITHOUT JUSTICE

Two years is a very short time to come to terms with the brutal slaughter of up to one million people. A country which has experienced such horror cannot be expected to recover so quickly. Nor should it ever forget. But if time is allowed to slip by without justice being done for past or present human rights abuses, feelings of revenge and hatred naturally held by many people may intensify and become harder to control. Already, Amnesty International fears that the lack of significant action to protect and promote human rights in Rwanda is contributing to a situation in which people are tempted to take the law into their own hands. Reports of abuses, including killings, in the context of personal vengeance are not systematically investigated by the authorities.

Thus two years becomes a long time when one considers the fact that no one has yet been brought to justice for these crimes against humanity and other human rights violations, either in Rwanda or by the International Criminal Tribunal for Rwanda, set up specifically by the United Nations for this purpose. When faced with such long delays and inaction, it is no surprise that feelings of impatience and frustration increase.

Two years has been an especially long time for the survivors of the genocide and those who have seen their relatives, friends and neighbours massacred, tortured or raped by soldiers or militia. They are still waiting for justice.

Two years has also been a long time for the 1.7 million Rwandese refugees who are still in Zaire, Tanzania, Burundi and other countries. They are still waiting in refugee camps almost two years later. The continuing absence of justice in Rwanda continues to be one of the main obstacles to their voluntary return.

The two years have also been long for the tens of thousands of detainees, including children, languishing in intolerable conditions in prisons and detention centres around Rwanda. Many of these detainees may be guilty but many others are probably innocent. Some of those who bear the greatest responsibility for ordering the massacre of hundreds of thousands of innocent Rwandese are still at large in foreign countries. But without justice, the guilt or innocence of each individual cannot be established, and the innocent merge with the guilty. Whether guilty or innocent, all detainees have a right to know the legal basis for their arrest and prolonged detention and to be brought to justice. Yet the guilty and the innocent alike have been waiting in overcrowded and insanitary prisons for months - some more than a year - not knowing if, how or when their fate will be decided.

APRIL 1995 TO APRIL 1996 - WHAT PROGRESS FOR HUMAN RIGHTS?

One year ago, on 6 April 1995, on the first anniversary of the start of the massacres in Rwanda, Amnesty International published a report entitled *Rwanda: Crying out for justice*, in which we deplored the delays and denial of justice and appealed to the Rwandese authorities and the international community to restore justice and the rule of law to Rwanda. We pointed to the grave consequences of this prolonged absence of justice. We also raised concerns about a pattern of other human rights abuses which had developed under the new government since July 1994. We proposed a number of specific measures to address these concerns.

What progress since that date?

The International Criminal Tribunal for Rwanda set up in November 1994 is making slow progress. By March 1996, ten indictments have been issued but trials have still not begun. The Tribunal is still suffering from insufficient resources. Worldwide condemnation of the crimes it was set up to deal with and calls for an end to impunity in Rwanda will continue to ring hollow as long as states fail to provide adequate support to the Tribunal and recognize its jurisdiction and cooperate with it.

The judicial system in Rwanda is gradually being reconstituted: legal personnel are being trained and justice officials are being appointed, but the system is not yet able to begin processing the cases of the tens of thousands facing charges of having participated in the massacres. The Rwandese Government is making efforts to speed up the process of trials but some of the proposed reforms could result in unfair trials. Amnesty International is also concerned about the possible use of the death penalty, which would contribute further to the cycle of violence in Rwanda.

The number of detainees held without charge or trial in prisons and detention centres across Rwanda has more than doubled. In April 1996, it stands at over 67,000. Arrests are estimated at several hundred per week. Many of these arrests are arbitrary and contravene both

Rwandese and international law. Amnesty International has received testimonies from many prisoners - or relatives of prisoners - who do not even know the reason for arrest. Others state that they have been wrongfully arrested, on false accusations. The charge of "participation in the genocide" appears to be often used to conceal other motives for consigning targeted individuals to prison, for example in contexts of personal dispute or conflicts over property.

The conditions in prisons and detention centres in Rwanda worsened considerably in the second half of 1995. More than 2,300 prisoners are estimated to have died since July 1994, as result of overcrowding and lack of basic hygiene and health care. During 1995, in Gitarama Prison, prisoners suffered from a range of infectious diseases; there were frequent foot amputations, as a result of prisoners developing gangrene.

Since late 1995, the conditions in some prisons have improved through the transfer of several thousand prisoners to additional sites. For example, the overcrowding in Gitarama Prison was alleviated when a prison extension opened in November 1995. In March 1996, 3,000 prisoners were transferred from Kigali Prison to a temporary site in Gikondo. Amnesty International welcomes the improvement in conditions which has resulted from these transfers from two of the most overcrowded prisons, but this can only be seen a temporary measure to improve conditions. With large-scale arrests continuing, the prospects for a significant improvement in conditions of detention remain bleak. Should there be a mass return of refugees to Rwanda in the coming months, arrests are likely to increase further and the prison overcrowding could exceed the levels it reached in 1995.

Since April 1995, Amnesty International has continued to receive testimonies from detainees who were tortured while in custody in the *cachots*, undesignated detention centres where they are first held before being transferred to official prisons. Several women detainees reported being raped by security officials. Practices of torture usually ceased once prisoners were transferred to central prisons but were virtually never investigated by the authorities. Amnesty International's concerns about torture are accentuated by the fact that due to overcrowding in the central prisons, detainees are held for longer periods in the *cachots* and other military detention centres. The period during which torture is most likely to take place is therefore extended.

While ostensibly the imprisonment of these tens of thousands of people accused of crimes related to the genocide is a measure aimed at ending impunity, it also represents an occasion for the further abuse of human rights - of the right to be free of cruel, inhuman and degrading treatment and of the right to be charged and tried within a reasonable time - or to be released if there is no lawful basis for the detention. The Rwandese Government has recognized that measures must be taken to alleviate the overcrowding and speed up the process of trying prisoners, but to date it has not taken effective action to put an end to arbitrary arrests and unlawful detention.

Over the last year, Amnesty International has repeatedly appealed to your government to pass the necessary legislation to enable foreign legal experts to work in Rwanda, to help accelerate the process of justice. We note that in the declaration of the summit on the Great Lakes region which you attended in Tunis between 16 and 18 March 1996, the Rwandese Government called upon the international community, particularly African states, to provide support for a mechanism to assist defendants who cannot afford legal counsel and expressed the hope that future assistance from other countries for training of legal personnel would be extended when requested. We welcome these announcements and continue to urge you to accept foreign judicial assistance at all levels of the judiciary, and not just as defence counsels.

However, in terms of the current human rights situation in Rwanda, there remains a gulf between the rhetoric and the reality. Despite public declarations of adherence to human rights standards, the Rwandese Government has so far failed to demonstrate in practice its own commitment to putting an end to human rights abuses which have persisted since it came to power in July 1994 - albeit on a lesser scale than the massacres committed by the former government forces and militia. Amnesty International recognizes that Rwanda continues to suffer from an acute lack of financial and material resources, but measures to respect human rights do not necessarily require such resources.

For example, in addition to the concerns summarized above, a pattern of killings and "disappearances" of unarmed civilians by members of the Rwandese Patriotic Army (RPA) has developed over the last year. Several massacres have taken place since April 1995. Those which attracted the most attention were the killing of up to several thousand people at the displaced persons camp in Kibeho, in southern Rwanda, in April 1995, and the killing of at least 110 unarmed civilians at Kanama, in northwestern Rwanda, in September 1995. A further massacre of at least 20 people was discovered in Nyungwe Forest, in southwestern Rwanda, in November 1995. In addition, individuals - unarmed civilians, including women, young children and the elderly - have been mysteriously murdered by members of the RPA or "disappeared" without trace, in various parts of the country. Amnesty International has documented several such cases and presented them to your government.

Although there is no evidence that the government directly ordered each of these killings, there has been little official action to break the pattern. We are aware that the government has announced inquiries into some of these killings, but the findings of these investigations have rarely been disclosed. For example, months later, the families of those massacred by soldiers at Kibeho and Kanama are still waiting for the government to announce the results of the inquiries it promised. We note that in the declaration of the summit on the Great Lakes region in March 1996, the Rwandese Government committed itself to publishing the result of the inquiry into the Kanama killings as well as a report on its implementation of the recommendations of the commission of inquiry into the Kibeho killings. We welcome this announcement and urge the government to publish these reports without further delay.

These persistent human rights violations by Rwandese security forces have created a climate of fear among many sectors of the population in Rwanda. Human rights activists and individuals suspected of opposing the government have been especially targeted. The persistent intimidation and harassment of independent human rights activists and peaceful critics of the government represents a further threat to the future of human rights in Rwanda, as it restricts freedom of expression and association and weakens civil society.

Fear in Rwanda, especially in the border areas, has been further fuelled by deliberate and arbitrary killings of unarmed civilians by armed opposition groups operating from Zaire, Tanzania and Burundi. Amnesty International strongly condemns these human rights abuses which have continued sporadically since April 1995.

RECOMMENDATIONS

If the Rwandese people and the international community are to believe the promises of the government, then concrete measures must be taken to demonstrate the government's commitment to human rights. The second anniversary of the start of the genocide presents an appropriate occasion on which to take decisive action on human rights.

Below are ten recommendations which Amnesty International is urging the Rwandese Government to implement without delay to put an end to the human rights abuses outlined above and ensure that the tragic events of 1994 can never be repeated. In cases where you have already embarked on such reforms, we encourage you to pursue them until they are fully implemented. These measures would also contribute significantly to reassuring Rwandese refugees in neighbouring countries that they can return to their country without fear of victimization or injustice. For those who fear for their lives - whether these fears are well-founded or not - declarations and promises are never enough. Only visible actions to protect human rights will prove that the government is committed to ensuring their security. We therefore urge you to:

1. Publicly denounce reports of human rights abuses by government forces and by opposition groups whenever they occur.
2. Ensure that human rights activists and others who are attempting to speak out about the human rights situation in Rwanda are able to do so without intimidation, threats or fear of human rights violations.
3. Stop arbitrary arrests and prolonged detention without charge or trial. Ensure that there is a legal basis for all arrests and detentions and order the release of detainees against whom there is insufficient evidence.

4. Stop torture in the *cachots* and military detention centres and issue strict orders to security officials that torture will not be tolerated. Ensure that those found responsible for ordering or carrying out torture are brought to justice.
5. Accelerate the process of improving prison conditions, for example by transferring detainees to additional sites as a temporary measure to relieve overcrowding.
6. Ensure that forthcoming trials in Rwanda of those accused of having participated in the genocide and other massacres are conducted in accordance with international standards of fairness and without recourse to the death penalty. We refer you to Amnesty International's separate Memorandum to the Rwandese Government which contains more detailed recommendations on fair trials and legal concerns.
7. Ensure that extrajudicial executions and "disappearances" of unarmed civilians by members of the RPA are immediately stopped. All reports of these human rights violations should be the subject of an independent and impartial investigation, the results made public within a reasonable time, and those found responsible brought to justice - in fair trials which exclude the death penalty.
8. Institute measures to guarantee protection and security for refugees returning to Rwanda from neighbouring countries.
9. Continue cooperating closely with international agencies involved in human rights work and protection of returnees, in particular the United Nations Human Rights Field Operation for Rwanda and the United Nations High Commissioner for Refugees.
10. Continue cooperating with the International Criminal Tribunal for Rwanda in its investigations into crimes against humanity committed in Rwanda during 1994.