

NATIONS UNIES
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UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES

Im. Fl. sakr. 19 J.nr. 1997/71511-59

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BACKGROUND PAPER

ON

THE HUMAN RIGHTS SITUATION IN

RWANDA

UNHCR
CENTRE FOR DOCUMENTATION AND RESEARCH
GENEVA, JANUARY 2000

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1. Review of the General Human Rights Situation¹

Security in Rwanda has improved since the Rwandan Patriotic Army's (RPA) intervention in the Democratic Republic of the Congo (DRC), particularly in the North-West region. The war in the DRC permitted the RPA to fight the rebel militias that have been operating in the North-West Rwanda since 1997. However, a harsh repression of Hutu civilians, who are perceived as potential allies of the rebellion, was imposed by the Rwandan army. The RPA has been accused of using excessive force in its attempt to suppress the insurgency.²

Since the beginning of 1999, there have been growing accusations of government corruption and self-enrichment. In February 1999 and again in January 2000, the government was reshuffled and those dismissed accused of corruption and incompetence.

National political leaders also removed four members of the National Assembly, charging them with involvement in the genocide, links to the insurgency, or corruption.³ Other parliamentarians were obliged to resign or simply removed. At the end of 1999, one third of the National Assembly was replaced, all by individuals designated by party leaders. Ministers were also affected, in particular the one not belonging to the ruling RPF.⁴ During 1999, the President and the Prime Minister were both accused of participation in the genocide, but remained in power and were not brought to trial.

In July 1999, the entire Supreme Court was replaced, after the judges were removed or pressured to resign, reportedly charged with responsibility for the stagnation of the judicial system.⁵

In March 1999, the government organized the first elections at the two most local levels, Cell and Sector. The elections were carried out by lining up behind candidates. No political parties were allowed to contest the elections. Nearly 90 percent of adult Rwandans voted. Reportedly, in some places soldiers and civilian authorities used force or threats to try to compel hesitant persons to vote or to stand for office.⁶

In mid-1999, the National Assembly extended the period of the transition government, established with the Arusha Accord, by another four years.

¹ This paper is an update of the December 1998 UNHCR Background Paper on Rwanda prepared by the Centre for Documentation and Research (CDR). This paper focuses on the human rights situation in the country during 1999.

² European Platform for Conflict Prevention and Transformation, *Rwanda Country Survey*, 1999.

³ Human Rights Watch, *World Report 2000*.

⁴ Economist Intelligence Unit (EIU), *Country Report*, 4th Quarter 1999, 8.

⁵ United Kingdom Home Office, *Rwanda Country Assessment*, September 1999.

⁶ Human Rights Watch, *World Report 2000*; and EIU, *Country Profile 1999-2000*, 10.

Although ready to concede citizens a limited voice in local government, authorities failed to consult them about decisions of national policy that were central to their lives, such as the imposition of the villagisation programme.⁶ Over the years, the current government demonstrated a lack of interest in establishing a broad political power base and in processes leading to power-sharing. Instead, gradual exclusion of Hutu opponents from the top political levels, as well as in the administration and in the judiciary, added to the current conflict potential.⁷

In December 1998, the Secretary of State to the Minister of Interior, one of the highest placed Hutu post-1994 returnee in the Rwandan government, fled the country after her brothers were arrested on charges of aiding the insurgents.⁸ Shortly after, the Minister of Justice also left for exile, reportedly after his efforts to curb military interference in judicial decisions had failed.⁹

On 10 July 1999, a court in Rushashi, Kigali, sentenced four people to death in the first trial of suspects accused of playing a role in the two-year insurgency that killed thousands in the country's North-West. Six people were given life sentences; seven others jail terms ranging between one and twenty years while seven others were set free.¹⁰

On 23 December 1999, at least 31 people were killed and eight others wounded in a rebel attack against a village of displaced people in Gisenyi. The attackers came from the Eastern region of the DRC. The attack was blamed on the former Rwandan Armed Forces (ex-FAR) and on *Interahamwe* militia.

The international community, still burdened by guilt over the genocide, ignored reports of abuses and supported the Government of Rwanda generously, hoping to achieve stability in the region. During 1999, foreign aid paid for about 45 percent of the budget.¹¹

In the DRC, by June 1999, the Congolese rebels, supported by Rwanda, Uganda and Burundi, controlled large areas in the North and East of the country. Africa led efforts to find a negotiated settlement, with President Frederick Chiluba of Zambia chairing a series of summits under the auspices of the Southern African Development Community. On 10 July 1999, Heads of State of the countries involved in the war, signed a cease fire agreement in Lusaka. Following further negotiations, the rebels Movement pour la Liberation du Congo (MLC) signed on 1 August and the Rassemblement Congolais pour la Démocratie (RCD) on 31 August. However, the cease-fire has not been thoroughly enforced.

⁶ Human Rights Watch, *World Report 2000*.

⁷ European Platform for Conflict Prevention and Transformation, *Rwanda Country Survey*, 1999.

⁸ EIU, *Country Report*, 1st Quarter 1999, 13.

⁹ Human Rights Watch, *World Report 2000*.

¹⁰ Reuters News Service, 10 July 1999.

¹¹ Human Rights Watch, *World Report 2000*.

At the end of 1999, some 42 Rwandan university students were seeking asylum in Uganda, reportedly fearing for their lives in Rwanda. The students, born in Uganda from Rwandan parents, had moved back to Rwanda after the 1994 genocide and, finding it difficult to study in French at university level, staged a protest on 16 August 1999 that resulted in some arrests. The demonstration was against the government policy of the introduction of bilingual education system, therefore, they were perceived as opponents of the government. The students stated that an academic issue was politicized and added, "[they] had written to the Prime Minister, a member of the Hutu Mouvement Démocratique Republicain (MDR), regarding their plight. The government started to say that they were working with the MDR and started to call them *Interahamwe*."¹²

2. The Situation in the North-Western Provinces

At the end of 1999, the Government of Rwanda had largely defeated the insurgency that included members of the ex-FAR and *Interahamwe* militia, which operated in the North-Western provinces of Rwanda and in the border region of the DRC for the past eighteen months. However, according to Human Rights Watch, during this period the Rwandan troops killed thousands of people, many of them unarmed civilians, and forced hundreds of thousands of Rwandans to move into government established 'villages'.¹³

The human rights situation in Rwanda deteriorated during 1998, as the Hutu insurgency gathered strength, spreading from the North-Western regions of Gisenyi and Ruhengeri to the central region of Gitarama. The RPA continued to use brutal tactics throughout 1998 and killed hundreds of civilians in the course of fighting the insurgents.¹⁴ The number of disappearances rose sharply during the same period.¹⁵

As part of its effort to suppress the insurgency and to reduce local support to the rebels, the government moved hundreds of thousands of people in the two North-Western provinces into supervised camps.

In connection with the security situation in the North-West, in August 1998, the Government of Rwanda invaded the DRC, purportedly to ensure its state security. The Government of Rwanda accused President Laurent Désiré Kabila of instigating genocide against Tutsis in the DRC, and of providing military training for 10,000 Rwandan Hutu rebels. This move threatened further escalation of the conflict within Rwanda's borders. After having destroyed Hutu rebel bases near the border in the Kivu region, the government sent troops hundreds of miles into Congolese territory.

The war in the DRC interrupted the supply lines of the militia active in the North-West Rwanda, and security in this area greatly improved during the course of 1999. Intense operations by the RPA combined with disillusionment with the insurgency drove thousands of people who had abandoned their homes to return to the relatively safer areas controlled by the RPA.¹⁶ The Government of Rwanda encouraged some of these returnees to settle temporarily in makeshift camps and centres where their

¹² Integrated Regional Information Network (IRIN), *Students Claim Ruling Party "Politicizing" Education*, 17 December 1999.

¹³ Human Rights Watch, *World Report 2000*.

¹⁴ U.S. Department of State (USDOS), *1998 Country Report on Human Rights Practices, Rwanda*.

¹⁵ Amnesty International, *Annual Report*, 1999.

¹⁶ USDOS, *1998 Country Report on Human Rights Practices, Rwanda*.

security could be better assured. In December 1998 the United Nations Office of the Humanitarian Coordinator (OCHA) estimated that there were 625,713 displaced people in Ruhengeri and Gisenyi Provinces.

At the end of 1998, with the improvement of the security situation, the government ordered the displaced to relocate once more to officially designated 'villages' on the line of the villagisation policy conducted by the government. Applied to the situation in the North-West the programme appeared to be primarily directed to reduce the likelihood of a new insurgency. By late 1999, 94 percent of the people in the North-West who had been in camps had been moved into villages. Others, who were still in their own homes, had been ordered to destroy them and move to the new sites, where they had to live in temporary shelters while building new houses. Persons who resisted these orders were fined or imprisoned.¹⁷

The rebels' control over the Kivu region in DRC, and the improved security situation led to a reduction of incursions of armed infiltrators into North-West Rwanda and a corresponding decline in alleged reprisals by the RPA. However, reports continued of the security services beating suspects, as well as continuing to use arbitrary arrest and detention.¹⁸ Reportedly, 49 persons, mostly women and children, were killed by the army on 4 and 5 May 1999, after fleeing into the Volcano National Park.¹⁹

3. The National Legislative Context

Gacaca

Throughout 1999, Rwandan authorities discussed the establishment of a new form of popular justice based on 'gacaca' a customary system for conflict resolution. Judges would be elected at the level of cell, sector, commune and province. The 'gacaca' courts will have jurisdiction to decide prosecutions brought against offender in the second, third and fourth categories established in the 1996 Genocide Law²⁰, over crimes committed since October 1990. Those accused of crimes from the least serious category, the fourth, would be tried at the cell level, those of category three at the sector level, and those of category two at the commune level. There will be no appeal of decisions taken by the 'gacaca' courts at the cell level, whereas appeals will be permitted at the level of sector and commune. Appeals would be heard at the level of the province. Those accused of category one crimes would be tried in the usual formal court proceedings.

Prisoners will be tried in public before the entire community. Drawing on the recollections of the accused and the villagers, the judges will compile a list of those who died in the genocide and of those responsible. The accused will then be judged and sentenced.

¹⁷ Human Rights Watch, *World Report 2000*.

¹⁸ USDOS, *1998 Country Report on Human Rights Practices, Rwanda*.

¹⁹ United Nations Commission on Human Rights, *Report of the Situation of Human Rights in Rwanda prepared by the Special Representative of the Commission on Human Rights, A/54/359*, 17 September 1999.

²⁰ In the first category of genocide offenders are those who planned and directed the 1994 genocide. The second comprises those who personally killed, acting on orders. The third category is for those who caused physical injury and rape. In the fourth category are those who destroyed property. Each prisoner is assigned a category at trial.

The system raised concerns among the international community as it might violate international human rights standards. The system does not allow for appeals against decisions made by the 'gacaca' courts at the cell level. It also provides no safeguards for the accused, such as the right to legal counsel.²¹ 'Gacaca' is not a judicial process and even less an adversarial system, therefore, human rights observers insist that a way must be found to ensure that a defendant does not stand alone before his accusers.

Other reasons of concerns are the public nature of the process, which could lead to intimidation, and could for example refrain women to give evidence in public about sensitive subjects like rape. Concerns have also been expressed by genocide survivors that witnesses might be killed. In addition, there is fear that the release of a large number of self-confessed *genocidaires* will bring personal vendettas.

According to observers, is difficult to predict what will be the outcome of this process. The system would entail a traumatic process of recollection that will induce the Hutu population into a collective admission of responsibility. The common reason from peasants who admitted killing their Tutsi neighbors has often been that they did so in the context of the war. Few Hutus have attempted to come to terms with their guilt, partly because they fear retaliation from the Tutsis, now in power.²²

4. General Respect for Human Rights

The human rights situation in Rwanda continues to be affected by the repercussions of the armed conflict of October 1990 to July 1994, which culminated in the genocide that is believed to have taken up to a million lives. It is also linked to the security situation throughout the Great Lakes region.

The violent conflict in the North-West of the country during 1997, 1998 and partly 1999, between the Tutsi-led national army and Hutu-militias had contributed to exacerbate the division along ethnic line between the Hutu majority and the Tutsi minority, since 1994 in power.

The actions by the RPA in the North-West, in the course of their activities to control the insurgents, increased friction between the security forces and the Hutu population. The RPA used brutal tactics and killed thousands, including civilians, for political and security reasons, but also simply as a revenge tactic.²³

By the end of 1999, the authorities were believed to be holding more than 130,000 people, the majority on suspicion of participation in the genocide, in overcrowded prisons where conditions are harsh and even life-threatening.

The authorities have also harassed and threatened journalists, while political activity and freedom of movement are restricted.

²¹ Human Rights Watch, *World Report 2000*.

²² The Christian Science Monitor, *Rwanda Attempts and Atonement*, 27 January 2000.

²³ USDOS, *1998 Country Report on Human Rights Practices*, Rwanda.

Security Forces

The security apparatus in Rwanda consists of the Rwandan Patriotic Army (RPA) and the Gendarmerie Nationale (GDN), which is largely made up of RPA soldiers. In addition, civilian police operates throughout the country. On 21 August 1999, the government approved the creation of a new national police force to replace the GDN and the Local Defence Force. The initial national police force will be comprised of 3,500 policemen, who will be selected from the existing soldiers of the GDN, local defence and the public. Those gendarmes who would not be taken on in the new force would have the option of joining the RPA.

On 3 August 1999, the United Nations Development Program and donor partners announced a \$5.5 million programme aimed at strengthening police security in rural areas of Rwanda. The programme would provide training and accommodation for local police.

In order to improve security at local level, the government revived the so-called Local Defence Forces, officially sanctioned paramilitary groups. During 1999, these forces increased to more than 7,000 men. After a brief training, the Local Defence Forces are charged with patrolling their neighborhoods to suppress purportedly anti-government activity, some of them armed with firearms or with machetes. Both Tutsi and Hutu are called to serve, some of them against their will.²⁴ The compulsory participation in the Local Defence Forces, was one of the claimed reasons for the fleeing of refugees to Tanzania in 1998.

The Special Representative for Rwanda of the Commission of Human Rights, in his latest report, in considering the use of local defense forces urged the government to ensure that the civil defense patrols be properly controlled and held accountable for their actions.²⁵

According to a recent government paper, about 10,000 ex-FAR were absorbed into the army last year.

Detention

During the genocide the justice system had completely ceased to function and the capacity of the prison system had been seriously eroded. Tens of thousands of men, women and children of all ages were arrested and detained in overcrowded prisons and communal detention centres (cachots), on suspicion of direct involvement in the genocide or in other crimes against humanity, including massacres perpetrated since October 1990.

According to government statistics, at the end 1999, Rwanda's overcrowded prisons were accommodating more than 130,000 prisoners, mostly genocide suspects. In addition an unknown number were detained in military detention centres to which access to families and other visitors was denied.²⁶

²⁴ Human Rights Watch, *World Report 2000*.

²⁵ United Nations Commission on Human Rights, *Report of the Situation of Human Rights in Rwanda*, 17 September 1999.

²⁶ Amnesty International, *Annual Report*, 1999.

Conditions in many detention centres amount to cruel, inhuman or degrading treatment, due to overcrowding and lack of sanitary facilities. During 1998 more than 3,300 prisoners died.²⁷ Conditions in the cachots, the local detention centers, are even worse. The cachots are meant to hold detainees for up to 48 hours, until they could be transferred to a prison, in reality detainees had spent years before the transfer could materialize. According to a report by the League for the Defence of Human Rights in Rwanda, 85 percent among the cachots population had not been charged.²⁸ Cases of torture or ill-treatment were also reported, usually at the time of arrest and interrogation, during detention in the cachots and in the military detention centres.²⁹

Furthermore, while the right to due process, provided for in Rwanda's constitution, is not assured, genocide trials continue at such a slow pace that trials for every accused person now held by the authorities are expected to take many years to complete.

In August 1999, it was announced that more than 1.5 billion Rwandan Francs (4.435 million US dollars) would be spent on feeding those in Rwanda's overcrowded prisons, more than the actual Ministry's budget. This is down on the 2 billion Rwandan Francs used in 1998, which the Minister of Justice said had been insufficient and had been supplemented by the International Committee for the Red Cross (ICRC).

Measures taken to relieve the pressure on the prisons have proved largely ineffectual. One of these was the provision in the Law on Prosecution for Genocide Offences, of August 1996, designed to elicit confessions in exchange for reduced sentences for the vast majority of those involved in the genocide. Few confessions had been made under the plea bargaining provision of that law, however, the public executions, started in April 1998, resulted in a sharp increase in the number of applications from people charged with genocide. Because of the slow and cumbersome process of hearing confessions and review, only few confessions had been acted upon.³⁰

In a fresh attempt to relieve pressure on the prisons, in October 1998 the government announced plans to release around 10,000 genocide suspects who had no concrete evidence against them. Throughout 1999, the government released small numbers of suspects who had incomplete files, or were ill or elderly, and by the end of the year approximately 3,500 had been released. However, some of these were subsequently rearrested following intense opposition from genocide survivors' groups, while there were reports of revenge killings of others who had been released. Following the cabinet reshuffle on February 1999, the Minister of Justice post was filled by Jean de Dieu Mucyo, a genocide survivor, giving a clear signal that the government is listening to the protests of genocide survivors and suspects without complete files will now find it harder to obtain their release.³¹

²⁷ USDOS, *1998 Country Report on Human Rights Practices, Rwanda*.

²⁸ United Nations Commission on Human Rights, *Report of the Situation of Human Rights in Rwanda*, 17 September 1999.

²⁹ Amnesty International, *Annual Report*, 1999.

³⁰ United Nations Commission on Human Rights, *Report of the Situation of Human Rights in Rwanda*, 17 September 1999.

³¹ EIU, *Country Report*, 1st Quarter 1999, 12.

Meanwhile, the government has undertaken work on new detention centres, which remain under construction.

In addition, due to financial constraints and the increasing numbers of genocide suspects in jails, the Rwandan government has opted for the use of traditional village courts, locally known as "gacaca", to deal with the backlog of genocide related cases.

In December 1999, the Parliament approved a law increasing the remand period for those currently in custody on charges of genocide and crimes against humanity. The temporary amendment provided for an 18-month extension of the remand period.

Genocide Trials

The courts in Rwanda continued to try and sentence genocide suspects throughout 1999, although at a slow pace. Less than 2,000 persons had been tried since trials began in December 1996. The plea bargaining provision of the 1996 Law on Prosecution for Genocide Offences has attracted some 9,000 persons since it entered into force, making little difference in the number of cases resolved.³² More than 300 people have been sentenced to death for genocide crimes, 22 were publicly executed in April 1998.

The judicial system was completely disrupted during the genocide. The management of justice has always been not only problematic due to the lack of financial and material means, but also highly politicized. Prosecutors, judges and investigators are poorly paid and subject to pressure and sometimes to threats from all sides. Persons from the top to the bottom of society were accused of genocide, anti-Tutsi activities, or links to the insurgents whenever personal or political enemies wanted to threaten them.³³

According to the 1996 Genocide Law, the prosecutor of Kigali is charged with preparing a list of all persons suspected of crimes that fell in the first of the four categories of possible genocide offenses. A new list was issued in January 2000, it contains 2,133 names, 643 names contained in the first list were removed and 830 new names added.

The International Criminal Tribunal for Rwanda (ICTR), criticized for its slowness in the past, in 1999 adopted procedures to expedite trials and established a new panel of judges to assist the two already seated.

Political Dissidents

Citizens do not have the right to change their government by democratic means. The power-sharing agreement, ratified by the Arusha Accord of 1993, was not fully implemented prior to President Habyarimana's death in April 1994, but it remains the basis of planning. After its military victory in 1994, the RPF brought representatives of four opposition parties into the government (MDR, PSD, PL and PCD), but none of these officials were elected. An appointed multi-party national assembly is functioning with nine political parties represented including the RPF.³⁴

³² Human Rights Watch, *World Report 2000*.

³³ Ibid.

³⁴ USDOS, *1998 Country Report on Human Rights Practices, Rwanda*.

Power appears to be concentrated in the hands of a few, all of whom are RPA officers or former RPA officers, and any dissent from their authority is not tolerated. After a series of government reshuffles, ministers' resignation or flight abroad, the legitimacy of the Tutsi minority-led government is fragile and undermined by the continuing defections of its Hutu members.³⁵

Hutus are discouraged from voicing their opinions in the political arena fearing retaliation.

Freedom of Religion

Approximately half of the population adheres to traditional animist beliefs, and most of the remainders are Roman Catholics, who are estimated to constitute 48% of the total population. There are also Protestant and Muslim minorities.³⁶

The 1991 constitution provides for freedom of religion and the government generally respects this right. However, priests and nuns have continued to be targeted by insurgents since the 1994 genocide.

The Church continued to be criticized for its role during the genocide and for not taking a firmer stand against the mass killing, in which some of its clergy have also been accused of collaboration. On 20 August 1999, the trial against Catholic Bishop Augustin Misago began. Misago stands charged with genocide and other crimes against humanity and faces the death penalty if found guilty. The Vatican sharply criticized the arrest and called for the bishop's release. Misago was the first Catholic bishop to be charged with genocide and is being detained at Kigali Central Prison.

Freedom of Assembly and Association

The constitution provides for freedom of peaceful assembly, but the authorities may legally require advance notice for outdoor rallies, demonstrations and meetings. Political activity below the level of the executive committees of political parties has been suspended with the agreement of the parties. The National Revolutionary Movement for Democracy and Development (MRNDD)³⁷ and the Coalition for the Defence of the Republic (CDR)³⁸, both implicated in the planning and execution of the 1994 genocide, have been banned by law.

As part of the Arusha Accord, the remaining political parties agreed to refrain from partisan public debate during the five-year transitional period, due to end in 1999 and then extended for other four years.

³⁵ European Platform for Conflict Prevention and Transformation, *Rwanda Country Survey*, 1999.

³⁶ Europa Yearbook 2000.

³⁷ Mouvement Révolutionnaire National pour la Démocratie et le Développement, was formed by Juvénal Habyarimana in 1975, and remained in power until his death in 1994. Sole legal party until 1991, it drew support from hard line Hutu elements and operates the unofficial militia known as the *Interahamwe* (literally 'those who stand together'). Many of its leaders were among the main organizers of the genocide. It was banned by the RPF in 1994 from participation in transitional government and legislature.

³⁸ Coalition pour la Défense de la République, was formed in Kigali in 1992. It was an extremist Hutu organization, allied to the MRNDD and operated an unofficial militia known as *Impuzamugambi* (literally 'those who have only one aim'), which together with the *Interahamwe* participated in the genocide.

Freedom of Expression and Media

Whilst the constitution provides for freedom of the press, the government has at times harassed the media, including journalists whose reporting was contrary to official views. One journalist was detained for several months after having criticized a military officer in print. Another, incarcerated since 1997, was released in mid-1999. A third, critical of the authorities, fled Rwanda early in 1999, saying that his life had been threatened.³⁹

There are several privately-owned newspapers, the government-owned Radio Rwanda, and a sporadically operating television station. However, the biggest obstacle for the media is the legacy of distrust that persists from the genocide.

A new press law is currently under discussion in the National Assembly.

Freedom of Movement

The constitution provides for freedom of movement, foreign travel, emigration and repatriation, and the government has generally respected these in practice. However, Rwandans are linked to their communes by a system of compulsory registration and identity cards. This restricts freedom of movement and it also serves as a barrier to a flexible labor market and economic development.⁴⁰

Insurgent warfare and ethnic violence since 1990, which again intensified during 1997 and 1998, particularly in the North-Western area of Rwanda, exacerbated the problem of displaced persons and refugees, and made whole regions virtually inaccessible. In addition, the outbreak of the rebellion in the DRC in August 1998 brought a fresh influx of Congolese refugees to Western Rwanda.

Regarding the return of Rwandans refugees from the DRC during 1999, the government stated that it believes that up to 2,000 rebels, members of the militia group umbrella Palir (Peuple en Arme pour Libérer le Rwanda), have entered the country. Clearly, the RPA regards the last refugees remaining in Congo to be those closely associated with the ex-government and the *Interahamwe* militia.⁴¹ Local human rights organizations reported instances of harassment and disappearances of newly arrived returnees from DRC. The Special Representative for Rwanda of the Commission on Human Rights reported that according to interviews conducted by the League for the Defence of Human Rights in Rwanda, eight women and four young girls claim to have been raped by government soldiers at a reception center in Gisenyi. The League also claims that several returnees have failed to arrive in their Commune.⁴²

³⁹ Human Rights Watch, *World Report 2000*; and United Nations Commission on Human Rights, *Report of the Situation of Human Rights in Rwanda*, 17 September 1999.

⁴⁰ United Nations Commission on Human Rights, *Report of the Situation of Human Rights in Rwanda*, 17 September 1999.

⁴¹ EIU, *Country Report*, 4th Quarter 1999, 12.

⁴² United Nations Commission on Human Rights, *Report of the Situation of Human Rights in Rwanda*, 17 September 1999.

A further development during 1998 was the reported refusal of the Government of Rwanda to issue its newly devised passport to some citizens, or to allow some citizens to leave the country, in contravention of the International Covenant on Civil and Political Rights, which Rwanda has ratified.⁴³

Human Rights Organizations, the National Human Rights Commission and the National Unity and Reconciliation Commission

Rwandan human rights organizations, weakened by the death or flight into exile of some of their leaders in 1998, grew stronger during 1999. The trial observers team of the Rwandan League for Human Rights (LIPRODHOR) provided a continuing record of genocide trials and evaluated the conduct of the proceedings. However, in general human rights groups do not have basic human rights education, are constrained by lack of financial means and are not able to report regularly.

The National Assembly adopted, in January 1999, the law creating the National Human Rights Commission, which was finally constituted in May 1999. The commission is composed of seven members named by the government and elected by the National Assembly. Only the President and one other member had any previous human rights experience and government officials outnumbered representatives of the civil society.⁴⁴

According to the law, the Commission is independent and has the objective to investigate and follow up on human rights violations committed by anyone on the Rwandan territory. In particular, the functions of the Commission are to sensitize and train the Rwandans population in matters of human rights. In the exercise of their duties, the members of the Commission are subject only to the jurisdiction of the Supreme Court.⁴⁵

In October 1999, a public round table was convened by the Commission to facilitate a wide exchange of experience and expertise from personalities invited from other national human rights institutions. The Commission will have to elaborate its work plan and priorities.

Despite the creation of the Commission for Human Rights, critics remained concerned about human rights violations as they maintained that the government-controlled commission would confine its activities to human rights violations against Tutsis while ignoring those against Hutus.⁴⁶

The National Assembly also established the National Commission for Unity and Reconciliation. Functions of the Commission are to conceive and disseminate ideas and initiatives aimed at promoting peace among Rwandans and to inculcate the culture of national unity and reconciliation

⁴³ United Kingdom Home Office, *Rwanda Country Assessment*, September 1999.

⁴⁴ Human Rights Watch, *World Report 2000*.

⁴⁵ United Nations Commission on Human Rights, *Report of the Situation of Human Rights in Rwanda*, 17 September 1999.

⁴⁶ Europa Regional Surveys of the World, *Africa South of the Sahara*, 2000, 874.

4.1 Vulnerable Groups

Ethnic Minorities

Before the 1994 genocide, an estimated 85% of citizens were Hutu, 14% were Tutsi, and 1% were Batwa. The subsequent mass killings and migrations affected the ethnic composition of the population, but the extent of the changes is unknown.

Tutsis who survived the genocide continued to face a very different situation compared to those returned from exiles, who have managed to secure privileged positions in the towns. While the government is described as a Tutsi regime, the disparity between the urban and rural dwellers is striking, and the new power elite of the towns has little to do with the poor rural Tutsi.

Hutus continued to be attacked indiscriminately. Despite the government's public commitment to ethnic reconciliation, the precarious security situation, particularly in North-Western Rwanda, had led many Tutsis, especially in the RPA, to attack Hutus indiscriminately in any repressive operation after an insurgent attack. Even Hutu civilian administrators, chosen by the present government, have been threatened or dismissed from their posts as suspected accomplices in attacks. Returning Hutu refugees appear to have been branded with a collective guilt for the genocide. The Hutu insurgents were reported to have pressed-ganged hundreds of their own ethnic group into death squads, killing those who refuse to join, which underlines the overriding political motivation of the insurgency.

Hutu returnees continued to be subject to a high level of control and the reintegration process seems to be proceeding very slowly. In such circumstances of increased segregation, there seems little hope of ethnic reconciliation and an integrated society.⁴⁷

Women and Children

Violence against women has continued since the 1994 genocide.⁴⁸

Wife-beating and domestic violence are normally handled within the context of the extended family and rarely come before the courts. Despite constitutional provisions, women also continue to face serious discrimination. They have only limited opportunities for education, employment and promotion, while the absence of succession laws limits a woman's right to property, thus jeopardizing her status and ability to provide for her family should she survive her husband. This omission has been particularly burdensome since the genocide, as widows are very numerous and surviving male relatives, who would normally inherit and provide for them, are relatively few.

More than 50,000 children were separated from their parents during the 1994 genocide and national upheaval. Many who are still children remain in the care of foster families or international organizations. According to government figures 85,000 children have become head of household after the genocide.

⁴⁷ United Kingdom Home Office, *Rwanda Country Assessment*, September 1999.

⁴⁸ USDOS, *1998 Country Report on Human Rights Practices*, Rwanda.

Although the penal code prohibits the imprisonment of children with adults, there are hundreds of children incarcerated with adults throughout the prison system, in conditions which are said to be harsh and even life-threatening.

Children have also been affected by ongoing hostilities primarily in the North-West of Rwanda. Women and children were also believed to be among the Hutu militia responsible for these atrocities. The Rwandan government has accused the rebels of forcing children into operating their complex propaganda and courier system, thereby exploiting the children's knowledge of particular areas and their ability to avoid government lines.

5. The Villagisation Policy

In 1997, the government started the implementation of the 'villagisation' policy, which consist in resettling Rwandans returned from outside the country and the internally displaced in villages, called *imidugudu*, refusing to allow them to live in the dispersed homes customary in Rwanda. According to the government, this policy would promote economic development and improve delivery of services to the population. It would also be easier to organize security for the population. The 1993 Arusha peace accords had also introduced the concept of villagisation for the returning refugees who had been living in exile for many years.

Concerns were raised by the international donor community, citing reports of coerced relocations, disappointing experiences in other countries and a lack of population participation in the process.⁴⁹ According to a study published by Wageningen University in the Netherlands, populations had little or no choice to regroup, with fines imposed on non-participants. The study concluded that the government "had hidden aims" and "its compulsory nature could contribute to long term social tension".⁵⁰ The donors stressed the need for planning, popular consultations and for equitable distribution of land in order to avoid human rights violations. Another concern is agricultural productivity and food security. A recent survey by the government and United Nations agencies suggests that the distance from the new sites to the fields is contributing to an alarming fall in food production and that only 53 percent of the respondents were able to farm its own land.⁵¹

In the North-West, where the major concerns about the policy were raised, the government continued its controversial villagisation programme, which involves forced settlement of displaced people in rural towns.⁵² About 620,000 people displaced by the conflict were resettled in 351 *imidugudu* sites.

At the end of 1999, about 94 percent of the population of Kibungo province, 60 percent of Umutara, 40 percent of Kigali Rural, and smaller numbers in other areas are living in *imidugudu* sites.⁵³

⁴⁹ IRIN, *Focus on Villagisation*, 13 October 1999.

⁵⁰ Ibid.

⁵¹ United Nations Commission on Human Rights, *Report of the Situation of Human Rights in Rwanda*, 17 September 1999.

⁵² EIU, *Country Report*, 1st Quarter 1999, 7.

⁵³ IRIN, *Focus on Villagisation*, 13 October 1999.

Despite the resistance of the international community, according to analysts, once the villages are in place and their needs become apparent, the international assistance will probably start "with donors arguing that the villagisation is a *fait accompli* in which they had no hand and that humanitarian concerns are paramount."⁵⁴

⁵⁴ EIU, Country Report, 1st Quarter 1999, 7.

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From: Wilfried Buchhorn
To: UNHCRHQ.SWIGE05(janz)
Date: 4/27/00 5:05pm
Subject: UNHCR/ACCORD COI pilot project -Forwarded -Reply -Reply

Thank you Udo for you prompt reply. Do you have any concrete amount or number of request in mind? Would you prefer a lumps sum payment or rather reimburse the individual request. According to my experience the latter would require more administrative work.

Cheers,
W.

>>> Udo Janz 27/04/00 15:01 >>>
Wilfried,

and a Happy Easter to you from Graz! Thanks for copying me into the attached on ACCORD. As I indicated at the end of last year we at CDR would be interested in testing ACCORD in a pilot project to provide short info responses in English to particular queries in the COI domain such as at the moment how many white farmers in Zimbabwe do have double nationality, etc. for which we could set up a modest project if ACCORD would be interested. I am aware of ACCORD's interest expressed at the end of 1999 but time did not allow that such a project came to fruition before the budget for 1999 was closed. Perhaps we can try to revive such an initiative in 2000.

Best wishes,

Udo

>>> Wilfried Buchhorn 04/26/00 11:52am >>>

Dear Udo,

please find attached e-mail communication for your information. You see, we finally managed to keep this initiative alive. The ACCORD service 2000 will be jointly funded by ACCORD, Austrian NGOs, German UN foundation and UNHCR. For 2001 the Austrian Government and the EU have indicated interest and support.

Happy Easter Greetings,

Warm regards,
Wilfried

CC: UNHCRHQ.SWIGE05(SHEIKHAL, TORZILLI), pinter