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RWANDA ASSESSMENT

October 2001

Country Information and Policy Unit

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1. SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate of the Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a six-monthly basis, while the country remains within the top 35 asylum producing countries in the United Kingdom. An electronic copy of the assessment has been made available to the following organisations:

Amnesty International UK

Immigration Advisory Service

Immigration Appellate Authority

Immigration Law Practitioners' Association

Joint Council for the Welfare of Immigrants

JUSTICE

Medical Foundation for the Care of Victims of Torture

Refugee Council

Refugee Legal Centre

UN High Commissioner for Refugees

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2. GEOGRAPHY

A. Location and climate

2.1 The Republic of Rwanda is a land-locked country in east-central Africa, just south of the Equator, bordered by the Democratic Republic of the Congo (formerly Zaire) to the west, by Uganda to the north, by Tanzania to the east and by Burundi to the south.[3a] Like Burundi, Rwanda is distinctive for the small size of its territory. Covering an area of only 26,338 square kilometres (10,169 square miles).[3b] The capital is Kigali.[3a]

2.2 The climate is tropical, although affected by altitude, being hot and humid in the lowlands but cooler in the highlands. The main rainy season is from February to May.[3a] Although the land supports a high population density, physical conditions are not very favourable. The land mass is very rugged and fragmented, with a series of sharply defined hills, deep valleys and marshy plains, whilst the north is dominated by a chain of volcanoes, the Virunga.[3b]

2.3 Following an announcement at the Organisation of African Unity (OAU) summit on 1 July 1999, Rwanda left the Central Africa regional grouping, (to which it had belonged), to join that of the East Africa group.[43a] The OAU decided, with effect from the end of May 2001, to change its name to the African Union.[50b]

2.4 On 1 October 1999 the Rwandan government decided on a change to the country's national flag and motto. The new flag will be coloured blue and green and feature a sunrise in the middle. The new motto will be 'unity, work, patriotism' to replace 'liberty, co-operation, progress', which has been used in Rwanda since its independence from Belgium in 1962. The government has requested that contests be held to create a new national anthem, with suitable words, inspired by the new motto. Changing the flag, motto, anthem, names of streets and public places is a bid by the government to build national reconciliation.[38q] In September 2001 the Transitional National Assembly unanimously voted in the national anthem bill seeking the replacement of the 'Rwanda Rwacu' anthem with a new one entitled 'Rwanda Nziza'.[23u]

2.5 On 14 August 2000 a draft law was put to parliament to consider changes to the country's administrative divisions. The recommended changes were "prefecture" to "region" and "commune" to "district". "Sector" and "cellule" would however remain unchanged. The urban structures proposed are "city", "municipality", "town" and "trading centre".[46k]

B. Population

2.6 The population of Rwanda is composed of three ethnic groups: about 85% are

estimated to be Hutu, 14% Tutsi, and 1% Twa. The census of 15 August 1991, estimated Rwanda's population at 7,142,755. The genocide of 1994 was estimated to have resulted in the death or external displacement of between 35% and 40% of the total population.[3b] On 31 January 2000, Rwanda's total population was estimated at 7.9 million, with the majority (94%) living in the rural areas. Rwanda reportedly remains the least urbanised country in Africa.[38x]

2.7 There were reports in March 1999 that the Congolese rebel movement, Rassemblement Congolais pour la Democratie (RCD), would expel Rwandans from some regions in the Democratic Republic of Congo (DRC), on the accusation that they were causing insecurity. No mass expulsion occurred. Rwandan refugees from north-east DRC returned at over 3,000 per month through May 1999, the weekly rate of return fluctuated between 200 and 760. Whilst it was thought likely that the Rwandan Patriotic Army (RPA) and the RCD had put pressure on some of the refugees to return to Rwanda, those returnees interviewed by the United Nations High Commission for Refugees (UNHCR) said that their return was voluntary.[14a]

2.8 On 17 June 2000 the UNHCR said there were still around 60,000 Rwandan refugees in the DRC.[46c] Over 60,000 refugees returned to Rwanda between January 1999 and December 2000.[23p] The UNHCR reported that over 10,300 refugees had returned to Rwanda in the first five months of 2001. The vast majority of returnees were from the DRC who were refugees from 1994.[23q][23s]

C. Language

2.9 The official languages are French, English (spoken widely by the Tutsi), and the native Kinyarwanda, a Bantu language with close similarities to Kirundi, the main vernacular language of Burundi.[3b] Whilst not an official language, Kiswahili is also widely spoken.[3a]

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3. HISTORY - [See Chronology]

A. Military and Political Conflict, 1990-1994

3.1 In late 1990, the Rwandan army began to train and arm civilian militias known as the Interahamwe. During the next three years, thousands of Tutsis were killed in separate massacres around the country, whilst opposition politicians and journalists were also the targets of persecution.[5]

3.2 Between 1991 and 1994, the principal political power struggle was between the northern-based Mouvement Révolutionnaire National pour la Démocratie et le Développement (National Revolutionary Movement for Democracy and Development - MRNDD) and a Hutu-led political opposition, based in the centre and south.[1a] Throughout this period the president of Rwanda, Major-General Juvénal Habyarimana, delayed on the establishment of a multi-party system with power-sharing, to which he had agreed in principle under pressure from western aid donors in July 1990.[5] However, some progress was made with the establishment in April 1992 of a broadly-based coalition government, incorporating the Mouvement Démocratique Républicain (Democratic Republican Movement - MDR), Parti Social Démocrate (Social Democrat Party - PSD), Parti Libéral (Liberal Party - PL), and Parti Chrétien Démocrate (Christian Democrat Party - PCD), together with the ruling MRNDD.[3b]

3.3 Meanwhile, the conflict with the Rwandan Patriotic Front (RPF), which launched frequent forays into Rwanda, continued throughout 1991 and 1992, resulting in thousands of casualties on both sides, killing and displacing many civilians, particularly in the border area.[3b] In February 1993, it launched a fresh offensive reaching the outskirts of Kigali. French forces were called in to assist the government, but fighting continued for several months. In August 1993, at Arusha in Tanzania, following months of negotiations, Habyarimana agreed to greater power-sharing with the Hutu opposition and also with the RPF. He also agreed to integrate its military wing, the Rwandan Patriotic Army (RPA), into a new Rwandan army and to merge the presidential guard with elite RPF troops in a smaller republican guard. In December 1993, the United Nations Assistance Mission to Rwanda (UNAMIR) was established, with 2,500 UN troops deployed in Kigali, to oversee the implementation of the Arusha Accord.[5]

3.4 Between September 1993 and March 1994, Habyarimana delayed on the implementation of the Arusha Accord,[5] with ongoing disputes over the proposed composition of the new government and accusations of obstruction directed at Habyarimana, by the RPF and members of the Hutu parties in the transitional government.[3b] Meanwhile, the training of militias intensified and the extremist radio station, Radio Mille Collines, stepped up its propaganda campaign by broadcasting exhortations to attack the Tutsis.[11a] For a number of years prior to the genocide, Hutus throughout Rwanda had been exposed to a persistent campaign of anti-Tutsi indoctrination, through newspapers, radio and frequent public speeches. The main targets of the propaganda were the RPF, but the

nature of the campaign was designed to instil a deep mistrust of the entire Tutsi population, all of whom were branded with the same accusation, namely that they were intent on renewing their domination of the Hutu. Human rights groups warned the international community of impending calamity, and in March 1994, many of their members began to evacuate their families from Kigali in the belief that widespread massacres were imminent.[5]

B. Genocide, April-July 1994

3.5 On 6 April 1994, Rwandan President Juvénal Habyarimana and the president of Burundi, Cyprien Ntaryamira, were killed when Habyarimana's aeroplane was shot down near Kigali airport. Extremists, opposed to the Arusha Accord, were believed to be responsible. On the same day, Radio Mille Collines told its audience that "Tutsis needed to be killed." That night, the killing began, and by the following day, the Rwandan armed forces and the Interahamwe had set up roadblocks and were going from house to house, killing Tutsis and moderate Hutu opposition politicians.[5] Those who sought refuge in hospitals, schools or churches did not escape massacre. Journalists, clergy, human rights activists, and senior civil servants, particularly those involved in the judicial system, were also targeted.[1a] Thousands died on the first day as UN troops were forbidden to intervene, on the grounds that this would breach their monitoring mandate.[5]

3.6 On 8 April 1994, the establishment of a new interim government was announced. Members were drawn largely from the MRNDD, they soon fled to Gitarama to escape escalating violence in the capital. The legitimacy of the new government was immediately rejected by factions of the MDR, PL, PCD, PSD, and of course by the RPF[3b] which on 8 April launched a major offensive to end the killings and rescue 600 of its troops surrounded in Kigali, where they had been based as part of the Arusha Accord. On 21 April, the UN voted to reduce its number of forces following the murder of ten Belgian soldiers, who had been assigned to guard the prime minister, Agathe Uwilingiyimana, who had also been killed. Meanwhile, tens of thousands of refugees escaped into Tanzania, Burundi and the DRC, including Hutus fleeing the advance of the RPF.[5]

3.7 On 17 May 1994, as the killing of Tutsis continued, the UN agreed to send troops and policemen to Rwanda with powers to defend civilians.[5] In early June, the government was forced to flee from Gitarama to Kibuye in the west, as the RPF made significant territorial gains in the south.[3b] By 22 June, the deployment of mainly African UN forces had still not taken place, as a result of which the UN Security Council authorised the deployment of some French forces in south-western Rwanda. There, under 'Operation Turquoise', they created a 'safe area' in territory controlled by the government. Whilst some were protected by the French, the killing of Tutsis continued in the 'safe area'.[5]

3.8 The genocide is estimated to have left up to one million dead, and vast numbers wounded, raped, terrorised, orphaned and separated from their families.[5] In May 1998, following further research, the Rwandan Ministry of Education put the number of those killed at over 1.3 million.[34a] The targets were not only Tutsis but also those moderate Hutus who did not oppose a power-sharing arrangement. The principal instruments of genocide included the presidential guard, the army, the police, the civil administration and the Interahamwe militia, which, as it entered areas, also forced local civilians to kill neighbours or even members of their own families.[1a]

3.9 In July 1994, the Rwandan army was defeated and the government fled to the DRC, followed by thousands more refugees, many of whom were subsequently killed by a cholera epidemic soon after their arrival. The French departed between July and August and were replaced by Ethiopian UN troops.[5] On 19 July, the RPF set up an interim government of national unity in Kigali, with a Hutu, Pasteur Bizimungu, as president, but with a majority of cabinet posts assigned to members of the RPF.[3b] Meanwhile, there were conflicting UN reports of a series of reprisal killings involving the RPF. Several hundred civilians were said to have

been executed, and the killing of Tutsis continued in refugee camps.[5] Whilst there is large-scale evidence of human rights abuses committed by the RPF, including reprisal killings,[7b] it does not appear to have participated in the systematic killing of civilians, that characterised the genocide.[1a]

3.10 A Canadian newspaper, the National Post, reported in March 2000 that Tutsi informants had told UN investigators in 1997 that they had helped shoot down the plane of President Habyarimana in 1994. The newspaper referred to a UN report dated 1 August 1997, in which they said three Tutsi informants had cited Rwandan Patriotic Front (RPF) leader and now president of Rwanda, Paul Kagame, and an unidentified foreign government as being behind the attack. UN officials declined to discuss the newspaper's report.[37g] The Rwandan government dismissed the speculation that the RPF had shot down the plane.[17j] On 10 June 2000 the ICTR ordered the release of the document relating to the circumstances surrounding the plane crash. The Rwandan government did not object to the revelation of the document.[24u]

C. The Aftermath, 1994-2001

3.11 The new Hutu prime minister, Faustin Twagiramungu, identified the immediate aims of the government as the restoration of peace and democracy, the reactivation of the economy and the repatriation of refugees. A seventy-member transitional national assembly was installed on 12 December 1994. On 5 May 1995, the new legislature announced its adoption of a new constitution,[3b] also known as the fundamental law,[14a] based on selected articles of the 1991 constitution, the terms of the 1993 Arusha Accord, the RPF's victory declaration of July 1994 and the November 1994 multi-party protocol of understanding.[3b]

3.12 The deterioration of conditions in refugee camps in the DRC, where hunger and cholera were estimated to have killed more than 20,000 by the end of July 1994, continued to give cause for concern. By late 1994, Hutu displaced persons and refugees were continuing to resist the exhortations of the UN and the new Rwandan government to return to their homes.[3b]

3.13 A reason for the reluctance of refugees to return to their homes is likely to have been the allegations that the RPF's armed forces were conducting a systematic campaign of reprisals against returning Hutu civilians. The Rwandan government dispelled these rumours and said it should not be held responsible for the frequent but individual acts of retaliation. Preliminary hearings against some 35,000 Rwandan nationals, imprisoned in Kigali on charges of direct involvement in the genocide, began in early 1995. These were soon suspended due to lack of funds. Lack of finance and personnel had led to the virtual collapse of Rwanda's judicial system, whilst it was estimated that the majority of suspects had been imprisoned without formal charge. In October 1995, the supreme court was established by the transitional national assembly.[3b]

3.14 In June 1995, the UN established the International Criminal Tribunal for Rwanda (ICTR) in Arusha for a four-year term, to investigate allegations made against some 400 individuals of direct involvement in the genocide. Formal proceedings began in late November 1995, but due to their slow pace, the Rwandan government announced the creation of special courts within its existing judicial system in February 1996. Under these arrangements, Rwanda's chief supreme court prosecutor was to oversee investigations in each of the country's regions. By early 1997, the ICTR had indicted only 21 people and started just one trial, whilst the Rwandan courts had tried more than 120 cases, of which more than 40 had resulted in death sentences.[3b]

3.15 Refugees and displaced persons continued to experience problems both outside and within Rwanda. The Rwandan government embarked on a series of uncompromising initiatives to encourage returns. In one of the worst instances, in late April 1995, RPA troops fired on displaced persons during an attempt to disperse the Kibeho camp in southern Rwanda, amidst confusion arising from the

disrupted the Kibero camp in southern Rwanda, amidst confusion arising from the activities of some hostile elements within the camp and a sudden attempt by large numbers to break through the military cordon. The incident was estimated to have resulted in as many as 5,000 deaths. Outside of Rwanda, following a widely criticised attempt to repatriate forcibly some 15,000 Rwandans from the DRC in August 1995, its government agreed to entrust the repatriation process to the UNHCR.[3b]

3.16 During 1995, the UNHCR assisted in the repatriation of 240,388 Rwandan refugees from neighbouring countries. Concern regarding the security situation in Rwanda was cited as the single most important factor preventing the return of these refugees. Reports at the end of February 1996, that violent acts of reprisal by the RPF against returning and fleeing refugees had claimed the lives of some 100,000 Hutus since April 1994, did little to assuage fears.[3b] Concern increased with reports that there had been a sharp escalation of killings both by the RPA and by armed opposition groups in the first half of 1996,[7e] which were to continue throughout that year,[12a] and during 1997.[12b]

3.17 The UNHCR was unable to deny or confirm the alleged scale of the killings.[3b] In January 1997, the UNHCR indicated that 500 returning Hutus had been arrested for alleged participation in the genocide.[21b] By the end of 1996, more than 1.3 million refugees had been repatriated, the vast majority between 15 November and 31 December.[12b] In January 1999 approximately 2,200 Rwandans returned from the Democratic Republic of Congo (DRC), where they had been since the intensification of the insurgency in early 1998.[38a] In May 2000 over 150 Rwandans were repatriated, at their request, from the DRC to Kigali.[35w]

3.18 In 1999 the RPA committed significantly fewer extrajudicial killings inside the country than in 1998, due to its success in largely suppressing the insurgency in the north-west. The RPA pushed Hutu rebels, including the former Rwandan armed forces (ex-FAR) and the Interahamwe militia, inside the territory of the Democratic Republic of Congo. In May 1999, 178 RPA soldiers, including 12 officers, were dismissed from the RPA for chronic indiscipline and criminal offences. In 2000 the RPA continued to commit extrajudicial killings inside the country, although fewer than in 1999.[14a] In January 2001 at least 50 members of the former Rwandan Armed Forces (FAR), who for the last five years have been living in the DRC forests, surrendered to Rwandan troops.[43m]

3.19 On 30 April 1999 Fulgence Niyonteze, former mayor of Mushubati, became the first Rwandan war crime suspect to be convicted and sentenced by a European court. A Swiss military court sentenced him to life imprisonment for war crimes. Also in April the International Criminal Tribunal for Rwanda (ICTR) sentenced a medical doctor to life imprisonment and a businessman to 25 years after they were found guilty of inciting Hutus to kill Tutsis during the 1994 genocide.[21f]

3.20 In June 1999 Major Anne Marie Nyirahakizimana became the first female former FAR officer to receive the death penalty. She was found guilty of genocide and other crimes against humanity by a military court in Gitarama.[14a]

3.21 In July 1999 both Rwanda and Belgium requested that Tanzania extradite former army officer Bernard Ntuyahaga, to stand trial for his role in the 1994 genocide. [38c][42a] Ntuyahaga surrendered himself to the ICTR in July 1998 asking to be protected as a witness because he feared for his life. He was subsequently indicted for the murders of 10 Belgian peacekeepers and the Rwandan Prime Minister, Agathe Uwilingiyimana, in April 1994. The ICTR dropped the charges and released him in March 1999. He was then arrested by Tanzanian authorities who had opted to pursue Rwanda's extradition request. His lawyers are seeking to block the extradition order.[53a] If extradited Ntuyahaga would be tried in a military court and could face the death penalty. Innocent Sagahutu, who is also allegedly involved with these deaths, was arrested in Denmark on 15 February 2000. Sagahutu was a high ranking military figure at the time of the genocide.[17i] He was extradited to the ICTR on 15 March.[37h] On 2 March

2000 the ICTR officially asked Belgium to extradite genocide suspect Augustin Nindiliyimana, for his alleged role in the murder of the Belgian peacekeepers. [31g] Nindiliyimana was the Chief of Staff of the Gendarmerie Nationale in Rwanda. He was transferred to the ICTR on 22 April 2000. [55b]

3.22 Three former Rwanda Ministers were transferred from Cameroon to Tanzania, in early August 2000, to appear before the ICTR on genocide charges. They are accused of promoting massacres in parts of the country where the killings were slow to start. [38f][35h] On 18 August all three appeared before the tribunal, together with a fourth former minister. All pleaded not guilty to the charges against them. [38j] The ICTR, has been criticised for lack of progress of trial proceedings. In the five years since the ICTR was set up it has secured only seven convictions. The tribunal's maximum penalty is life imprisonment. [39a] Prosecutors at the tribunal want "mega trials" in an attempt to conclude the tribunals work before its mandate expires in 2003. [35i]

3.23 Former Rwandan Minister for Family and Women's Affairs, Pauline Nyiramasuhuko, who in 1997 became the first woman to be indicted by the ICTR for genocide. [14a] had additional charges brought against her in August 1999. [35j][38i][40a] The prosecution added rape charges to the indictment, for crimes committed by her subordinates. [14a] This is the first time in history that a woman has been charged with rape as a crime against humanity. Nyiramasuhuko stands jointly charged with her son Arsene Shalom Ntahobali, a former businessman and leader of a local militia. [35j][38i][40a] The trial was placed on the schedule for April 2001. According to the ICTR website a review of both cases was requested on 16 June 2001. [14a]

3.24 The UN Security Council appointed Carla Del Ponte as the new Prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda on 11 August 1999. Del Ponte replaced Louise Arbour, UN Prosecutor since October 1996, who stepped down on 15 September 1999, to take up an appointment as a judge in Canada's Supreme Court. [35k] Prosecutors normally serve a four-year term and are eligible for re-election. Arbour's final visit to the ICTR revealed difficulties in getting those countries which still have genocide suspects, to extradite them to the ICTR. [24i]

3.25 A judicial source reported in January 2000 that for the year 1999, 2,500 cases of genocide were settled. 116 people were sentenced to death, 322 were sentenced to life imprisonment and 235 were acquitted. [38t] In the previous two years only 1,200 cases were reportedly settled. A new proposed judicial system of 'gacaca' (pronounced ga-cha-cha, which means "open air discussion") [19a] courts, aimed at speeding up the trial of genocide suspects. There will be over 10,000 gacaca courts throughout the country to try more than 125,000 suspects already detained and many more who have yet to be arrested on charges of genocide and other crimes against humanity. [38t] Parliament voted a law to establish Gacaca courts on 15 February 2000 as no provision existed in the Fundamental Law. [24r][38y] According to a study by LIPRODHOR, a local human rights organisation, between January and September 2000, 1,588 people were judged, 585 for genocide related charges. 58 received the death penalty and 124 were given life imprisonment. The vast majority of trials met international standards. No public executions occurred. [14a]

3.26 In March 2001 thirteen prisoners were freed in a local trial which is being viewed as a trial run for the new 'gacaca', or traditional, court system. All the prisoners either had no files or their cases were unclear. [46p] In May 2001 four suspects, detained for over four years in Gitarama prison, were released in a preliminary gacaca session. [50c] The organic law on gacaca was approved by the Constitutional Court in January 2001 and only needs to be officially proclaimed by the President. The election of judges for the gacaca courts should take place around June 2001, with the training of judges starting around August 2001. [42c] The Twa community have expressed their reservations about the gacaca system as there will not apparently be any Batwa elected judges for the gacaca courts. The Twa feel they have been left aside. [46v]

3.27 An investigation sanctioned by the Organisation of African Unity (OAU) and carried out by an International Panel of Eminent Persons, was issued in July 2000. The report blamed the UN Security Council, under the guidance of the US, Belgium and France for the deaths of Rwandans in the 1994 genocide.[46e] Rwandan President Paul Kagame expressed satisfaction with the report.[46f] UN Secretary-General Kofi Annan hailed the report as an important contribution towards shedding more light on the tragedy.[46h] US Secretary of State Madeleine Albright said it was wrong to blame the US.[46g]

3.28 In July 2000, 1,600 government officials carried out a ten-day counting exercise to determine the exact number of people killed in the ethnic and political conflict between 1 October 1990 and 31 December 1994. The government was looking for names as well as figures. No results have yet been revealed.[17o] [17p][43i][46i]

3.29 The National Constitution Commission, charged with the preparation of a new Constitution, was established in November 2000.[14a] In April 2001 President Kagame launched a judicial and constitutional commission. The commission is charged with compiling the views of the population and preparing a new constitution.[38ac] Prisoners are also expected to contribute their ideas to the making of the new constitution.[24ad] The commission expressed confidence that the new constitution will be ready before 19 July 2003, when the transitional government expires.[38ae]

3.30 In September 2001 a military court sentenced three Rwandan Patriotic Army (RPA) members to prison terms and stripped them all of their military ranks. Two were faced with numerous accusations and given 15-17 years in prison. The third was sentenced to five years in prison for deserting from the army.[23v][38af]

D. International Criminal Tribunal for Rwanda

3.31 Former Rwandan mayor Ignace Bagilishema, arrested in South Africa in February 1999, was transferred to the tribunal's detention facilities on 20 February. He pleaded not guilty in September 1999 to seven charges against him, including genocide, crimes against humanity and serious violations of the Geneva Convention.[38n] On 8 June 2001 the tribunal handed out its first 'not guilty' verdict and acquitted Bagilishema. Rwanda's government said it was shocked by the verdict.[35ab]

3.32 In November 1999 the Government temporarily suspended co-operation with the ICTR and briefly denied a visa to its chief prosecutor, following the appeals judges' ruling that ICTR detainee Jean-Bosco Barayagwiza must be freed.[14a] It was stated that his fundamental rights had been violated due to his prolonged detention without trial. He was arrested in Cameroon in November 1997 and detained for 19 months before being transferred to ICTR custody, where charges were finally filed.[31a] Barayagwiza is a former leader of the most extreme Hutu party who was charged with multiple counts of genocide and other crimes against humanity in 1996.[14a] The US State Department said that broadcasts on the private Radio, Libre des Mille Collines, for which Barayagwiza was a senior official, ultimately had a lethal effect and were an important factor in the spread of genocide.[37b] The Tribunal said this action by the Government would have serious consequences on their ability to conduct trials, given that most prosecution witnesses came from within Rwanda.[37a] Human Rights Watch (HRW) said they deplored prosecutorial incompetence at the ICTR which resulted in the release of Barayagwiza.[11f] Around 5,000 people demonstrated in Kigali at the decision to release Barayagwiza, stating his release made a mockery of justice.[17c] In December 1999 the judges agreed to reconsider their decision.[14a] Barayagwiza remained in the UN's detention facility in Arusha pending the outcome of an appeal.[35s] On 10 February 2000 Rwandan authorities resumed co-operation with the tribunal, encouraged by the arrests of two important genocide suspects in the U.K. and France.[37e] On 31 March 2000 the Appeals Chamber reversed its decision to free Barayagwiza and announced that the trial proceed. The Chamber

decision to free Barayagwiza and announced that the trial proceed. The Chamber noted that Barayagwiza's human rights had been violated, but that the violation was not serious. This would be recognised by a reduced sentence (proportionate to the time spent in custody awaiting trial) if found guilty, or by a financial award if acquitted.[35u] On 7 June 2000 the ICTR ordered that Barayagwiza be tried jointly with two other journalists.[35x] In May 2000 Carla del Ponte revealed that she had been granted a permanent visa to Rwanda.[23m]

3.33 Mikaeli Muhimana, one of the first genocide suspects charged by the tribunal in 1995, was transferred to the ICTR's detention centre on 9 November 1999.[17a] The ICTR sentenced Georges Rutaganda, the second vice-president of the Interahamwe militia, to life imprisonment on 6 December 1999.[31b] A French appeal court ruled on 16 December 1999 to extradite Jean Dieu Kamuhanda, the former Rwandan higher education minister. Kamuhanda was arrested in central France on 26 November 1999, where he had been living since March 1998. [43e] He is the first genocide suspect to be arrested in France. On 9 February 2000 Kamuhanda lost his appeal against extradition[17h] and was transferred to the ICTR on 8 March 2000.[31i] On 15 February a second suspect was arrested in France. Francois-Xavier Nzuwonemeye was a former Rwandan Mayor[17i] and commander of the Rwandan Armed Forces (FAR). He was transferred to the ICTR on 25 May 2000 on genocide related charges.[24t]

3.34 On 16 December 1999 the United Nations accepted the findings in a damning report, by an independent inquiry team, which accused it of failing to prevent the genocide in 1994. It said the UN had ignored evidence that genocide was planned and refused to act once it had started.[17d] On 17 December UN Secretary-General Kofi Annan announced on behalf of the UN that he acknowledged this failure and expressed his deep remorse.[35p]

3.35 A new law, making temporary amendments to the criminal law, was passed by the National Assembly on 30 December 1999. The law provides for an 18-month extension of the period of remand for those people in custody charged with genocide crimes and crimes against humanity committed between 1 October 1990 and 31 December 1994.[24p]

3.36 On 10 January 2000 it was reported that the United Nations was being sued for the first time in history for its alleged complicity in genocide. Two Rwandan women whose families were killed in the 1994 genocide, claim that UN soldiers, whose task it was to defend their families, either handed the families over to the Hutu militants or ran away.[52a]

3.37 A United States court on 18 August 1999 ruled that genocide suspect Elizaphan Ntakirutimana, a Seventh Day Adventist Preacher, should be extradited to the ICTR. He was arrested in Texas on 26 September 1996.[42b] The US Supreme Court ruled on 25 January 2000 to extradite him to the ICTR.[31d] Ntakirutimana, 75, is the first person the US has handed over to the tribunal.[35r] US Secretary of State, Madeline Albright, signed the order transferring Ntakirutimana to Tribunal custody on 3 March 2000.[31h] He was extradited on 29 March.[55a]

3.38 The ICTR sentenced Alfred Musema, a former Rwandan factory manager, to life imprisonment for genocide related charges on 27 January 2000. Musema was arrested in Switzerland on 11 February 1995 and is the first private citizen to be tried and convicted by the tribunal.[37d] Belgian authorities arrested Justin Ndiniliyimana, a former Rwandan military police commander, on 29 January 2000. The ICTR confirmed his indictment for genocide charges.[50a]

3.39 A former Rwandan army officer suspected of genocide and crimes against humanity was arrested in London on 5 February 2000, after an extradition warrant was issued by the ICTR. Tharcisse Muvunyi appeared at Bow Street magistrates' court on Monday 7 February, where he was remanded in custody pending his extradition.[17g] He had been living in the U.K. with his wife and children since March 1998. He was indicted by the tribunal in January 2000. He has denied any involvement in the genocide.[31f] Muvunyi was transferred to the ICTR in October

2000.[46n] Amnesty International said it welcomed the recent arrests by the UK and Belgian authorities.[7k]

3.40 On 1 June 2000 the ICTR sentenced Georges Ruggiu, who worked for the Radio et Television Libre des Mille Collines (RTLM), to two concurrent sentences of 12 years imprisonment. Ruggiu had pleaded guilty to genocide related charges. He is the only non-Rwandan to have appeared before the ICTR.[17m]

E. The Economy

3.41 Rwanda's economic development has been hampered by its high level of population density, its remoteness from the sea, and by its turbulent political and ethnic history. As a result, it has traditionally relied heavily on foreign aid, and in recent years a decline in exports and a massive debt burden have resulted in increased reliance on foreign assistance. Price instability on world markets for Rwanda's most lucrative cash crop, coffee, also resulted in reduced production, prompting attempts at crop diversification, including the cultivation of cotton, tobacco and tea.[3a]

3.42 Economic prospects were further undermined by the violent political events of 1994, the overwhelming population displacement and environmental damage.[3a] This resulted in the neglect and widespread destruction of much of the country's economic infrastructure, including utilities, roads and hospitals.[14a]

3.43 By mid-1996, an estimated 60% of pre-war industrial enterprises had recommenced activity, albeit at low levels of productivity.[3a] The government's three-year programme of rehabilitation and reconciliation aimed to restore the economy to the level of its achievements for 1990, by 1998.[3b] By the end of 1997, whilst small-scale commercial activities were on the increase, the industrial base remained neglected.[14a]

3.44 Severe food shortages towards the end of 1997 led to a government announcement of famine in four regions of Rwanda: Butare, Kibuye, Gikongoro and Umutare. Late rains in 1997 meant that the January 1998 harvest was insufficient for domestic needs.[8a] Between December 1997 and April 1998, 400 people were reported to have died as a result of food shortages in Gikongoro, whilst in the nearby Butare region there was said to be severe malnutrition, particularly amongst children.[24c]

3.45 By mid-1998, over 70 per cent of the entire Rwandan population were said to be living below the poverty line, which put the life expectancy at just 39 years.[36a] On 13 June 2000 Rwanda's finance and economic planning ministries released a report which put the average life expectancy in Rwanda at 49 years. The high level of malnutrition, poverty and cost of healthcare were said to be the main obstacles for improving living standards in the country.[46b]

3.46 The Government continued to implement structural reforms in 1998. It aimed to privatise all state enterprises by the end of 1999, restructuring the banking sector and reducing the number of civil service personnel. The government had also initiated a plan to combat poverty, by improving access to basic education and healthcare. There was however some concern that the continuing unrest in the north of the country would jeopardise efforts towards a sustained recovery.[14a][31a]

3.47 In June 1999 Prime Minister, Pierre Celestin Rwigema, announced the government was to privatise the state-owned tea board by the year 2000. He said the tea sector was of considerable strategic importance to the country's economic development.[23i]

3.48 On 9 March 2000 the European Union resumed full scale aid to Rwanda, which was suspended in 1994 after the genocide.[47n]

which was suspended in 1994 after the genocide.[171]

3.49 In June 1999 Government officials said Rwanda was moving towards the replacement of the current sales tax with value added tax (VAT). It is hoped that this change will have an impact on the Rwandan economy, notably in reducing the deficit and tax evasion. The business community has been encouraged to keep records, receipts and invoices to avoid double taxation.[23h] On 12 January 2000 it was announced that VAT would be introduced in July 2000.[45b] On 28 April 2000 the National Assembly adopted a new law allowing the introduction of VAT into the country.[24s]

3.50 In July 1999 Oxfam said that an initiative was signed in Cologne, during June, which aimed to grant swifter and deeper debt relief to enable deserving countries to tackle poverty. Rwanda would not however qualify for relief on its \$1 billion debt before 2003.[35g]

3.51 On 12 November 1999 it was announced that Rwanda would close 10 of its 21 diplomatic missions and reduce the country's ministries from 18 to 15, in the financial year 2000, in a bid to save the state money. The country's budget for 2000 was given as 171 billion Rwanda francs (345RF = 1USD). The previous year's budget being 169 billion.[43c]

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4. INSTRUMENTS OF THE STATE

A. Government

4.1 The Tutsi-dominated RPF, which took power following the genocide in July 1994, is the principal political force and remains in control of the government of national unity. The Hutu president, Pasteur Bizimungu resigned on 23 March 2000, [43f][44f] and Tutsi vice-president and minister of defence, General Paul Kagame, was named as interim president following the resignation. [44g][48b] Kagame is a member of the RPF. Pierre-Célestin Rwigyema, a member of the Hutu-dominated MDR, [14a] resigned as prime minister on 28 February 2000. [44e] Bernard Mazuka, also from the MDR, [17p] was named as the new prime minister on 8 March 2000. [17k][35t] and is responsible for relations with the national assembly. [14a]

4.2 On 17 April 2000 Paul Kagame was voted by Rwanda's Parliament and Cabinet to be President. [37i] Kagame is the first ethnic Tutsi President since Rwanda won independence from Belgium in 1962. [48c] Kagame was inaugurated on 22 April in a ceremony at the Amahoro stadium in Kigali. [43g] Colonel Emmanuel Habyarimana was appointed on 29 April to replace Kagame as defence minister. A new Vice-President has yet to be appointed. [45d]

4.3 The RPF has a minority of cabinet seats and assembly places, but it continues to dominate the government's policies. [9a] Whilst the coalition government appears to be fairly inclusive, with the participation of the MDR, PSD, PL and PCD, in addition to the RPF, it merely implements policies under the current system. Responsibility for defining policy appears to be concentrated in the hands of a few, and all the key positions in the power structure are occupied by RPA officers or former RPA officers, who came to Rwanda from Uganda, where they were based until 1994. [6b]

4.4 The government has admitted that the important challenges it faced in the aftermath of the genocide, not least that of achieving national unity and ethnic reconciliation, have yet to be met. [23a]

4.5 In March 1998 it was announced that local elections would be held at the end of the month, both at sector and at cell level. These were conducted using the queue voting method rather than the secret ballot. [24g] In March 1999 the Government held elections for local development committees at cell and sector level. [14a] General elections are expected in 2003 at the end of the transition period. [43i]

4.6 In February 2001 the Rwandan National Electoral Commission (NEC) revealed that adult foreigners, who have resided in the country legally for at least a year, would be eligible to vote in the local government elections in March 2001. To be able to vote they would only need to have a resident's card, a passport with a visa

or a valid work permit.[43n]

4.7 Commune elections took place on 6 March 2001. The United States based Human Rights Watch (HRW) reported that the election process had not been democratic given that several posts only had one candidate. The NEC officially denied the HRW report and provided details which showed that nearly three quarters of the posts had two candidates.[17q][24ab]

4.8 On 2 July 1999 the cabinet met to discuss the proposed revision of the Fundamental Law (Article 5) of the Republic of Rwanda, concerning the period of office of the transitional government. It was decided that the transitional government period should be extended for a further four-year period effective from 20 July 1999.[24g]

4.9 Dr Augustin Iyamuremye, on 7 July 1999, replaced Amri Sued Ismael as Foreign Minister.[24i] Ismael had allegedly been charged with embezzlement. [23k]

4.10 In early September 1999 the Rwandan Minister of Education admitted that around 26 million U.S. dollars had been embezzled from the ministry's project to rehabilitate schools in the country following the 1994 genocide.[38i] A second loss of around one million U.S. dollars, involving three ministers, was also being investigated.[38p] On 7 October, two of the three ministers were forced to resign following a vote of no-confidence in parliament.[38r] On 30 October a report by a parliamentary commission, set up to investigate the embezzling of the education project, accused the Rwandan Prime Minister, Pierre Celestin Rwigema, of diverting funds to items not proposed in the project.[35o] Rwigema escaped a vote of no-confidence by parliament on 23 December.[43d] but resigned from his post on 28 February 2000, amid mounting allegations of financial impropriety. President Bizimungu accepted the resignation.[44e] On 30 July 2000 Rwigema was dismissed as leader of the Republican Democratic Movement Party (MDR). He then fled Rwanda and sought asylum in the US.[43j][46j] Interim MDR leader Celestin Kabanda was himself dismissed in February 2001.[24aa] On 24 June 2001 Emmanuel Twagira Mukiza was elected as president of the MDR party, with Tirungu Jean de Dieu as vice-president.[24ac]

4.11 On 6 January 2000 the Rwandan parliament speaker, Joseph Kabuye Sebarenzi, was asked to resign following various accusations, including mismanagement of Assembly funds.[38s] Sebarenzi resigned on 7 January.[44c] He was then reported to have fled to [17e] Uganda, where he sought asylum. Ugandan authorities arrested him after he crossed into the country illegally.[37d] Amnesty International expressed concern over his arrest.[44d] A new speaker was elected on 19 January.[45c] Sebarenzi left Uganda and fled to the US in March 2000. In April 2001 a group of Rwandans, including Sebarenzi, formed a new party in exile known as the alliance rwandaise pour la renaissance de la nation (ARENA).[46q]

B. Judicial System

4.12 The Fundamental Law provides for an independent judiciary, however the government does not respect this provision fully. The government increased the use of group trials as one method of reducing its caseload. Approximately 18,000 prisoners remain without files. In December 1999 the National Assembly amended the law to permit the continued detention of genocide suspects through mid-2001. [14a]

4.13 The Fundamental Law provides for a system of communal courts, appeals court and a Supreme Court of six justices.[14a]

4.14 The Fundamental Law provides legal safeguards against arbitrary arrest and detention. however. authorities rarely observed them in practice In 2000. security

forces continued to arrest and detain persons arbitrarily.[14a] The government will not countenance mass amnesty for those suspected of involvement in the genocide, but the numbers currently in detention are beyond its capability to deal with in an internationally acceptable manner.[9a] In general the law requires that authorities investigate, then obtain a judicial warrant before arresting a suspect. The police may detain persons for up to 48 hours without a warrant, formal charges must be brought within 5 days of arrest. These provisions are widely disregarded.[14a]

4.15 Rwanda has progressed slowly in bringing to justice the perpetrators of the genocide within its borders.[11c]

4.16 In 1996 the National Assembly passed the Organic Genocide Law, a portion of which was designed to encourage confessions in exchange for reduced sentences for those involved in the genocide.[14a] The public executions in April 1998 resulted in a sharp increase in the number of applications for plea bargaining.[8c] To date over 20,000 prisoners have confessed. Only a small number have been processed due to the lengthy administrative procedures.[14a] On 30 August 1996, a new law was adopted, establishing procedures for punishing those guilty of genocide and crimes against humanity.[7g] It divided perpetrators into four categories: first, those who planned, organised, instigated and led the genocide, as well as those who killed with particular malice or brutality; second, those who killed or committed assaults resulting in death; third, those who committed assaults that resulted in serious injury; and fourth, those who committed offences against property. Under the law, those accused are assigned to categories by prosecutors, whose decision cannot be appealed. Those convicted in the first category face death by firing squad, whilst those found guilty in the other categories face prison terms which may be reduced in exchange for full confessions.[11d] This law has been criticised, in particular for failing to provide adequate appeal rights.[7g][14a]

4.17 During 1997, the authorities were arresting genocide suspects at the rate of some 800 per week, although this rate diminished somewhat towards the end of the year.[14a] Arrests are frequently based on oral complaints and, at times, on false accusations.[7c] The genocide suspects are primarily Hutu.[14a] International observers have criticised the conditions in which suspects are being held without prospect of imminent trial,[9a] as well as the conduct of trials that have been held, including a lack of legal representation for defendants,[7g] in contravention of the International Covenant on Civil and Political Rights.[27d] Local courts have tried around 2,500 cases since genocide trials began in late 1996.[35v] More than 300 people have been sentenced to death for genocide crimes. Twenty two were publicly executed in April of 1998.[2]

4.18 On 3 July 1999 Parliamentarians in the National Assembly approved the voluntary resignations of top senior officials in the Supreme Court. They also welcomed the government proposal to sack the vice-president of the Supreme Court. The Minister of Justice said the resignations would not affect the general working of the judicial system and the court structure within the country.[24h]

4.19 On 10 July 1999 a court in 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.[35f]

4.20 Between May and July 2001 Rwandan courts sentenced 30 people to death for involvement in the 1994 genocide.[35aa][35ae][46aa]

C. Prisons

4.21 Overcrowding is a chronic problem and sanitary conditions are extremely poor. There were reports that prison conditions were beginning to improve. The Government does not reportedly provide adequate food or medical treatment

~~Government does not regularly provide adequate food or medical treatment.~~
[14a] In August 1999 Rwanda's overcrowded prisons were accommodating more than 130,000 prisoners, mostly genocide suspects.**[14a][38h]** Those detained include men, women and children. Harsh prison conditions and malnutrition contributed to the deaths of 1,100 inmates during 2000. The prison population has remained stable since early 1998.**[14a]**

4.22 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.**[24e]** Throughout 2000, the government released approximately 3,000 detainees who had incomplete files, or were ill or elderly.**[14a]**

4.23 In July 1999 thirty armed bandits were arrested in Kigali, for persistent attacks and robberies in the city suburbs. It is believed that about 2,000 bandits have been put in Kigali Central prison and other detention facilities between 1995 and 1998.**[38b]** The Rwandan government opted for the use of traditional village courts, locally known as "Gacaca", to deal with the backlog of genocide related cases.**[38h]** The Minister for Justice, Jean de Dieu Mucyo visited Kigali prison in July to explain the "Gacaca" courts system to the genocide suspects. Prisoners expressed their support of these courts. In July, Kigali Central Prison had around 7,800 male and 650 female prisoners.**[24k]**

4.24 In August 1999 it was announced that more than 1.5 billion RF (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 lower than the allocation for 1998, which was supplemented by the International Committee for Red Cross (ICRC). Whilst the government realise the burden on prison authorities to feed prisoners, it remains under pressure from the International Monetary Fund and the World Bank to cut down on government spending.**[38h]**

D. Security

4.25 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.**[38e]** As part of this process the creation of a National Police Force**[24n]** to replace the National Gendarmerie and local defence force,**[38u]** was approved on 21 August 1999.**[24n]** In January 2000 it was announced that the law establishing the new force had been passed by Parliament. The new force would be comprised of existing soldiers of the Gendarmerie, local defence and the public, particularly university graduates.**[38u]**

4.26 In 2000 the new Civilian Rwandan National Police (RNP) replaced the gendarmerie and the communal police. The security apparatus consists of the RPA and the police. In addition a volunteer force of armed civilian local defense units with limited powers of arrest operate throughout the country. Members of the security forces continued to commit numerous serious human rights abuses throughout 2000, although to a lesser extent than in the previous year. The RPA were responsible for thousands of killings, many of whom were unarmed civilians, in security sweeps and in revenge for earlier killings by insurgent militias. The RPA used particularly excessive methods to suppress the insurgency along the north-western border with the Democratic Republic of the Congo. In May and June 1997 alone, over two thousand were killed, many of them civilians.**[14a]** At least 6,000 people, mostly unarmed civilians, are estimated to have been killed between January and August 1997, and the RPA is accused of the majority of these deaths.**[7h]** Between 150,000 and 180,000 are estimated to have been killed by the then rebel forces of Laurent Kabila, with the support of the RPF, between October 1996 and May 1997. The Rwandan government has denied the accusations.**[32c]**

4.27 During their searches for insurgents, RPA soldiers burned houses, crops and

carried out looting, resulting in severe shortages of food and medical supplies.[7i]
 [23d] The civil war continued to claim thousands of lives during 1998,[7j] primarily in north-western Rwanda, but increasingly in more central regions.[8c] Disappearances were reported to be increasing alongside continuing killings of unarmed civilians by both the RPA and insurgents.[7j]

4.28 In November and December 1997, insurgents staged several attacks on local communal jails in Gisenyi and Gitarama, attempting to free Hutu prisoners, and in the process killed hundreds of individuals.[7i][15a] Attacks continued with increasing brutality into 1998.[35d] The insurgent militias have also attacked hospitals, schools and refugee camps, indiscriminately killing men, women and children. Expatriate human rights monitors and aid workers were also killed.[14a] This convinced many observers, including the UN, that security and state control had badly deteriorated in these areas and prompted speculation that a major, potentially genocidal crisis was once more brewing in Rwanda.[8b]

4.29 The actions by the RPA in the north-west, to control the insurgents, increased friction between the security forces and the Hutu population. An international human rights organisation reported an alleged incident in September 1999, in which some RPA members had detained several civilians suspected of theft and beat them so severely over several days that one died. During 2000 International human rights organisations were granted access to military detention facilities, where civilians are sometimes detained.[14a]

4.30 Hutu Interahamwe militiamen armed with machetes reportedly killed around 30 civilians and wounded 40 others in north-west Rwanda on 24 December 1999. [35q] Forces of aggression perpetrated another massacre of around 100 civilians at the beginning of January 2000. Rwandan soldiers reportedly gathered together around 100 people, massacring them in groups inside three churches in Ngoya. [51a]

4.31 In August 2000 President Kagame said that security was not a problem in Rwanda and asked the population to stop seeking refuge elsewhere.[24v] At the beginning of September Kagame reiterated the government's position and said that all Rwandans still in exile were free to return home and help in the reconstruction of the country.[24w]

4.32 On 22 September 2000 the head of the national reconciliation commission said over 3,500,000 returning Rwandans had been resettled and reintegrated into the country. Also, that identity cards no longer showed the holder's ethnicity.[46m]

4.33 In June 2001 the Interahamwe militia and ex-FAR forces (estimated to be between 20,000 and 50,000 in number) were reported to be leaving their bases in the DRC and returning to Rwanda, ahead of the implementation of the Lusaka peace accord which seeks to disarm and demobilise them in the DRC.[46r][46u] Despite two weeks of fighting, as the forces returned into Rwanda, the government said it was satisfied that the security situation was under control.[46w]

E. International Instruments and General Practice

4.34 Rwanda is a signatory to the 1951 UN Convention relating to the Status of Refugees and the 1967 Protocol. It has also acceded to the following UN international instruments: the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Convention on the Suppression and Punishment of the Crime of Apartheid; the International Convention against Apartheid in Sports; the Convention on the Prevention and Punishment of the Crime of Genocide; the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity; the Convention on the Rights of the Child; and the Convention on the Elimination of All Forms of Discrimination against Women.[26a]

4.35 The conflict in Rwanda since 1990, has meant that in practice there have been numerous breaches of the provisions contained in these international instruments, most notably during the 1994 genocide. The RPF-dominated government, in power since then, has also demonstrated scant attention to its international obligations, under these instruments. Whilst Rwanda's judicial system began to function on a limited basis in 1996, and continued to do so during 1997, its judicial institutions still demonstrate a lack of knowledge and application of human rights aspects of domestic legislation and of international human rights laws and instruments to which Rwanda is party. **[29a]**

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5. HUMAN RIGHTS

A. General Assessment

5.1 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. The vast majority of those in positions of authority at that time were killed or, having participated in the genocide, either fled the country in the aftermath or found themselves placed under pre-trial detention in the numerous prisons and local detention centres throughout Rwanda. The nature and magnitude of the crimes, the methods employed and the brutality with which they were committed, clearly demonstrate an overwhelming and widespread disregard for human rights in Rwanda.[29a]

5.2 The National Human Rights Commission (NHRC) has opened 10 provincial branches, in provinces isolated from Kigali, in a bid to promote human rights and prevent violations among the entire Rwandan community. It hopes to establish a further 15 offices in 2002.[46z]

5.3 Political activity and freedom of movement are restricted and the authorities have harassed and threatened journalists. Whilst various observers have accused local authorities of using excessive force in arrests and interrogation, there have been no reports of systematic torture. The fundamental law prohibits torture, however a Non-Government Organisation (NGO) credibly reported that beatings at the time of arrest are common and some released detainees reported being tortured.[14a]

5.4 In 1997 human rights violations largely took place in six of Rwanda's regions, namely, Ruhengeri, Gikongoro, Gisenyi, Byumba, Kibuye and Kigali. In view of the seriousness of the incidents, the UN placed a number of these areas under its highest security phase short of evacuation. In the wake of attacks, the UNHCR and other international organisations could only function in their roles of monitoring the return of and conditions for refugees, and the general human rights conditions in Rwanda, under armed military escort in many areas. In these circumstances, the UNHCR suspended its promotion of voluntary repatriation of refugees to Rwanda.[30a] In December 1997, the UN High Commissioner for Human Rights blamed both the RPA and Hutu rebels for a dramatic increase in violence and serious human rights abuses towards the end of that year, and criticised the government for its failure to promote reconciliation.[32a]

5.5 The human rights situation in Rwanda continued to deteriorate during 1998, as the Hutu insurgency gathered strength. There was an increase in the number of disappearances and killings at the hands of the RPA and the insurgents at the beginning of the year. Killings by the RPA appeared to decrease by the end of 1998.[7j][14a] Further escalation of the conflict within Rwanda's borders was threatened in August 1998, when President Laurent Kabila of the DRC, accused Rwanda of backing the rebellion there. It appeared to be spearheaded by Tutsis, both from the Congolese Tutsi community, known as the Banyamulenge, and from Rwanda and Burundi.[18a] The Rwandan government accused Kabila of

instigating genocide against Tutsis in the DRC,[32d] and of providing military training for 10,000 Rwandan Hutu rebels.[33a]

5.6 The Constitution prohibits arbitrary interference with privacy, family, home or correspondence and the authorities generally respect these prohibitions. Forced conscription has been practised by the RPA, particularly after they entered the DRC conflict. Citizens who served in the military may be recalled to compulsory duty at any time.[14a]

5.7 In January 1999 the National Assembly passed a law establishing a National Human Rights Commission. Members, one of whom is a Batwa, were selected in May 1999.[14a] On 10 November 1999 the UN Human Rights Commission's special representative for Rwanda reported that the country was progressing out of the shadow of genocide and laying foundations for a democratic society. Positive developments in social and human rights over the year included, successful local elections, the establishment of a human rights commission, a unity and reconciliation commission and the proposal to use traditional justice systems (gacaca) to speed up genocide trials.[46a]

5.8 On 13 June 2000 the Rwandan Parliament elected Ms Aloysie Cyanzayire as Vice President of the Supreme Court in charge of the gacaca courts section. The speeding up of genocide trials was the main objective of the gacaca courts.[23n] In July 2001 genocide suspects in Kigali prison asked the government to speed up the gacaca process so that they could testify before the courts.[23t]

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B. Specific Consideration

Freedom of Assembly and Political Association

5.9 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. [14a] However, whilst the RPF has a minority of cabinet seats and assembly places, it continues to dominate the government's policies. [9a] 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. [6b]

5.10 The fundamental law provides for freedom of peaceful assembly, however, the authorities limit this right in practice. They legally may require advance notice for outdoor rallies, demonstrations and meetings. Authorities generally prohibit night-time meetings. The MRNDD and the CDR, 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, which was due to end in 1999, but has since been extended for a further four-year period, effective from 20 July 1999. [14a]

5.11 The Constitution provides for freedom of association, however the Government limits this right in practice. Private organisations are required to register and the government generally grants licenses without undue delay. All unions must register with the Government. [14a]

5.12 Political killings by both the insurgents and the RPA increased in 1997. At the beginning of the year, the insurgent militias (believed to then number some 15,000) [16a] began a campaign of political assassinations [3b] and were subsequently responsible for hundreds of killings. During 1997, the RPA were also responsible for thousands of deaths, including that of many unarmed civilians, in security sweeps and in revenge for earlier killings by the insurgent militias, especially along the north-western border with the DRC, where it took particularly repressive measures. [14a] During early 1998, political killings by both the RPA and the insurgents escalated, with those suspected of collaboration with either side being targeted by the other, but with high numbers of innocent and unarmed civilians being caught in the middle. [7]

5.13 In late May 2001 former president Pasteur Bizimungu announced the formation of a new political party, the Democratic Party for Renewal (PDR). [46s] Following the announcement Bizimungu was reported to have then been placed under house arrest. The government cabinet allegedly said it could cause insecurity in the country. The cabinet is also reported to have outlawed the creation of new parties until the drawing up of a new constitution in about two years' time. [17r] In June 2001 the government denied it had placed Bizimungu

under arrest, but stated that his bid to launch a new political party was illegal.[44h] A US based Rwandan opposition alliance ARENA (Rwandan Alliance for the Renaissance of the Nation) condemned the government's action towards the former president.[46t] On 14 June 2001 three of the founders of the PDR defected from the party citing the promotion of ethnicity among Rwandans as the substantial reason.[23r] In July 2001 parliament said it supported the government's decision to ban the PDR.[46y]

Freedom of Religion

5.14 There is no state religion.[14a] Approximately half of the population adhere to traditional animist beliefs, and most of the remainder are Christians, mainly Roman Catholics. There are Protestant and Muslim minorities.[3a] The Constitution provides for freedom of religion, and the government generally respects this right in practice. However, priests and nuns have continued to be targeted by insurgents since the 1994 genocide.[15b]

5.15 The Government forbids religious meetings at night as insurgents allegedly used the guise of such meetings to assemble their supporters.[14a]

5.16 During the 1994 genocide, numerous churches were attacked in order to destroy the notion that people could be protected there. Also, because people tended to congregate there in great numbers, in order to escape the killers. The ranks of the priesthood were decimated, with Tutsi priests and nuns being particular targets, and with all denominations affected. Whilst the Church was criticised for not taking a firmer stand against the mass killing, in which some of its clergy have been accused of collaboration, many priests were known as critics of human rights abuses. Some were conspicuous in their efforts to resist the killers and protect the hunted.[1a] There had been nine Roman Catholic bishops and 370 priests in Rwanda, but by the end of 1994, three bishops and 106 priests had been killed, with 130 priests having sought refuge abroad.[4]

5.17 On 20 August 1999 the trial against the former Bishop of Gikongoro[14a], Augustin Misago, began at the Kigali magistrates court. Misago was charged with genocide and other crimes against humanity and faced the death penalty if found guilty. The Vatican sharply criticised the arrest and called for the bishop's release. [35l] Misago was the first Catholic bishop charged with genocide.[14a] He denied the charges against him.[35n] On 15 June 2000 Misago was acquitted.[14a] Sections of the Rwandan society denounced the verdict. He had been detained in Kigali prison since his arrest on 14 April 1999.[35y][43h][47n][43b]

5.18 In 1999 a Rwandan priest, Father Athanase Serumba, accused of ordering over 2,000 ethnic Tutsis to be bulldozed in his church, was traced to Italy. The destruction of his church at Nyange on 16 April 1994, was one of the most notorious massacres of the genocide. Two of Serumba's subordinate priests were convicted and sentenced to death by the Rwandan authorities in 1999 for their role in the slaughter. Serumba is one of three dozen priests and nuns implicated in killings but who were, according to the human rights organisation, African Rights, reassigned by the church to parishes in Europe.[49a]

5.19 On 30 March 2000 it was reported that two nuns were to stand trial in Belgium, accused of instigating killings, which resulted in the loss of as many as 6,000 lives. African Rights claimed to have evidence which proved the involvement of the nuns.[16e] In June 2001 a Belgian court found the two nuns guilty of abetting the 1994 massacres and sentenced them to prison terms of 12 to 15 years.[35ad] The Rwandan government expressed that it welcomed the convictions. The trial was closely monitored by human rights groups in a bid to deter war criminals from seeking sanctuary abroad.[35ac] In September 2001 a Rwandan priest was extradited from Switzerland to the ICTR.[35ag]

5.20 On 19 April 2000 cabinet members decided to close all religious sects in Rwanda. The decision came after hundreds of doomsday cult members died in neighbouring Uganda.[38z]

Freedom of Speech and of the Press

5.21 The Fundamental Law provides for freedom of speech and of the press, however, the Government restricted freedom of the press in practice, despite some improvements. The government intimidated journalists whose reporting was contrary to official views. Most journalists practice self-censorship due to a fear of government reprisals. There are several privately-owned newspapers, which publish weekly in English, French or Kinyawanda. The government owns the only national radio station (Radio Rwanda) and the only television station, which broadcasts for only 5 hours per day. The British Broadcasting Corporation (BBC) broadcasts on FM from Kigali in several languages.[14a]

5.22 In 2000 the government gave temporary permits to NGO's, including the Rwandan Journalist Association, in order for them to operate legally until a new legislation, passed by the National Assembly in 1999, becomes law. It had not been passed by the end of 2000. Without a licence, they may not legally act on behalf of members or apply for assistance from NGO's or other donors.[14a]

5.23 A leading female journalist working for the state-owned weekly newspaper 'Imvaho' ('truth') was arrested on 9 September 1999 on charges of genocide. She has been charged with using the paper to incite ethnic hatred both before and during the 1994 genocide.[35m]

5.24 The government-owned telecommunications company is the sole internet service provider, although during 2000 several licenses were granted to private companies that plan to provide internet services in the future.[14a]

5.25 In June 2001 the Rwandan parliament were said to be debating a "Media Bill" which would impose a minimum jail term of 20 years, or even death, for any local journalist found guilty of using the mass media to incite genocide. It also proposes that journalists be compelled to reveal their sources. The government says the bill is intended to pave the way for an independent media, although journalists see it as a blow to the freedom of the press.[35a][46x]

Ethnicity

5.26 Before the 1994 genocide, an estimated 85 percent of citizens were Hutu, 14 percent were Tutsi, and 1 percent were Batwa (Twa). However Hutus and Tutsis are not clearly distinct groups since the two have intermarried for generations. The mass killings and migrations in 1994 probably affected the ethnic composition of the population, but the extent and nature of the changes is unknown. The government eliminated references to ethnic origin from the national identity cards in 1996. The Batwa are no longer designated as an "ethnic group." [14a]

5.27 The insurgent militias, many of whose members were responsible for the 1994 genocide, have pursued their aim to eliminate Rwanda's Tutsis by violence. Whilst they appeared to be operating with military tactics and objectives in the first part of 1997, by late summer their efforts had degenerated into a pattern similar to that during the genocide.[14a] In October 1997, it was reported that Tutsi genocide survivors in the north-western regions of Gisenyi and Ruhengeri were fleeing their homes to escape attacks and seeking refuge in churches and public buildings.[8a]

5.28 During 1998, Hutu rebels continued to direct their attacks primarily at Tutsis, and in particular at those who lived through the genocide period.[8c]

5.29 Despite the government's public commitment to ethnic reconciliation, the precarious security situation, particularly in north-western Rwanda, has led many Tutsis, especially in the RPA, to attack Hutus indiscriminately. Most of the urbanised Hutu had fled either because they were among the leaders of the genocide, or, because they feared the RPF, to a greater extent than did the Hutu in more rural and remote areas.[6b] The Hutu insurgents are reported to have

pressed-ganged hundreds of their own ethnic group into death squads, killing those who refused to join, which underlines the overriding political motivation of the insurgency.[20d]

5.30 Hutu returnees are subject to a high level of control and the reintegration process seems to be proceeding very slowly, if at all. Educated and qualified returnees who try to obtain salaried jobs have encountered many problems and some have taken up basic agricultural work instead. Others have found their homes to be occupied by Tutsis. Most of those returnees either born or brought up abroad, tend to be educated and are therefore in a more advantageous position with regard to employment. Since the Hutus remain fearful of the Tutsi security forces, they tend not to press too much for the restitution of their properties.[6b]

5.31 The Batwa, indigenous survivors of the Twa (Pygmy) tribes of the mountainous forest areas bordering the DRC, remain marginalised and continue to be treated as inferior citizens by both Hutus and Tutsis. Few Batwa have gained access to the educational system, resulting in minimal representation in government institutions.[14a] It has been estimated that during the 1994 genocide some 10,000 Batwa were killed and another 3,000 imprisoned.[27c] However, there is no reliable information on specific human rights abuses perpetrated against the Batwa population since the 1994 upheaval.[14a] In June 2000 the Twa urged President Kagame to involve them more in the country's development efforts.[46d]

Women and Children

5.32 Violence against women is common.[14a] Many of the women who survived the 1994 genocide did so only at the price of being abducted and raped by their captors. The Interahamwe regarded Tutsi women as the spoils of the killing, and many who were abducted and raped, were subsequently killed.[1a] Violence continued after 1994. In September 1996, a report compiled by international human rights groups accused Hutu extremists of engaging in the systematic abuse of Tutsi women. The report urged the ICTR to investigate the allegations and prosecute those responsible, but by July 1997, only one such case had been brought.[3b] Wife-beating and domestic violence occur frequently and are normally handled within the context of the extended family and rarely come before the courts. Despite constitutional provisions, women continue to face discrimination. They have limited opportunities for education, employment and promotion.[14a]

5.33 On 8 September 1999 statistics stated that over 51.8 percent of the Rwandan population were illiterate.[38m] This percentage remained the same at 11 September 2000.[46i] In May 2001 the African Evangelistic Enterprise (AEE), a Christian non-government organisation, announced that it was to fund and implement an anti-illiteracy campaign in Rwanda. The AEE stated that over 70 per cent of Rwandan women, above the age of 30, are illiterate.[38ad]

5.34 In April 2000 a court found 10 men guilty of rape and sentenced them to 20 years in prison. These lengthy sentences for rape were a first in the justice system. Several other rape trials were held throughout the country and the perpetrators received the maximum sentences under the law.[14a]

5.35 In January 2001 the National Council adopted a law punishing deliberate abortion with five to fifteen years imprisonment. Those who attempt to abort can face imprisonment of six months to three years.[24y]

5.36 Over 85 per cent of children separated from, or who lost their parents during, the 1994 genocide and the massive repatriation in 1996, have been reunited with family members or placed in foster homes.[14a] Few children in Rwanda escaped unscathed: research indicates that almost 80 per cent lost relatives, 40 per cent lost both parents and 55 per cent their siblings, whilst almost 70 per cent witnessed murder.[16c] Many Tutsi children were also killed. Schools, children's homes and orphanages were attacked. Boys as young as ten years of age, whose fathers were members of the Interahamwe, directly participated in the massacres

leaders were members of the interahamwe, directly participated in the massacres themselves, attacking children and even adults, whilst others were forced to kill. School teachers and others employed in education have also been accused of complicity in the killings.[1a]

5.37 Although the penal code prohibits the imprisonment of children with adults, the International Committee of the Red Cross (ICRC) reported that 185 children, mostly aged 2 or younger, were incarcerated with their mothers. In 1999 ICRC reported that approximately 570 children were incarcerated on genocide-related charges.[14a] In December 2000 UNICEF said that nearly 500 boys, who are believed to have committed crimes and participated in the 1994 genocide, are now attending a re-education course with a view to helping them return to their communities. The boys were aged below 14 years at the time of the atrocity and under Rwandan law children of that age cannot be held responsible for their acts. [46o]

5.38 Children have also been affected by ongoing hostilities, which escalated during 1997 and 1998. This included attacks on schools in which Hutu and Tutsi children were killed together when they refused to separate.[15c] Women and children are also believed to be among the Hutu militia responsible for these atrocities.[20c] The Rwandan government has accused the rebels of press-ganging 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.[35a]

5.39 Although the law does not specifically prohibit forced or bonded labour by children, such practices are not known to occur. The law prohibits children under the age of 18 from working without parents' or guardians' authorisation and they generally may not work at night. The minimum age for full employment is 18 years and 14 years for apprenticeships, providing they have completed primary school. The Ministry of Public Service and Labour has not reportedly enforced child labour laws effectively.[14a]

5.40 Around 300 English-speaking students at the bilingual Butare National University took to the streets of Kigali in protest on 16 August 1999. Many had failed exams in courses offered in French. They claimed to be victims of the language barrier. The current government have encouraged the use of English and Kinyarwanda alongside French in an attempt to introduce a policy of multilingual education in Rwanda.[45a] All university students are expected to have proficiency in English and French in Rwanda. It was reported that the government provided major classes in both languages but that these students had refused to study French.[14a] University students who conducted their studies abroad in English-speaking countries, protested strongly against the education provided in French. (The students returned following the Rwandan Patriotic Front's (RPF) conquest of the country.) When the students tried to present their grievances at the Prime Minister's office in Kigali, police allegedly reacted by beating them, then arresting six.[41a]

5.41 On 10 December 1999 over forty students applied for asylum in Uganda, claiming that they were being hunted by Rwandan security agents, following their demonstration in August.[48a] The UN High Commissioner for Refugees (UNHCR) said they would not provide humanitarian assistance to the students because there was no indication of persecution against them.[47a] The students left for an unknown destination on 24 December following the UNHCR's announcement that it would not help them attain asylum in a third country.[44b] On 25 September 2000 the sixty students in exile asked the government for a pardon so they could return home.[23o]

5.42 On 30 October 1999 following a screening exercise of Ugandan resettlement camps, over 60 Rwandans, mainly women and children, were found to be without documents. They faced deportation back to Rwanda for not having been granted refugee status in Uganda and therefore staying in the camp illegally.[44a]

5.43 Rwandan security authorities arrested a nine-year-old boy on charges of

multiple murder in November 1999. The police said the boy confessed to the murders. It is believed his father is in prison facing charges relating to the 1994 genocide.[17b]

5.44 On 11 January 2000 a country progress report stressed the need to promote women's fundamental rights to health. It reported that women enjoy less existing healthcare than men because of ignorance and financial incapacity for health services. It said health programs should be implemented to take into account women's specific needs, particularly for young girls and to ensure that primary health care was affordable. The Rwandan health sector is reportedly crippled by a devastated infrastructure and insufficient medical equipment.[38v]

5.45 At the end of September 2000 the Rwandan government demanded the immediate return of around 30,000 children who were flown to Europe and Africa in 1994 by NGOs. The children were left behind by fleeing parents during the genocide.[45e]

5.46 Around 4,500 minors alleged to have been involved in the 1994 genocide remain in adult prisons awaiting trial.[43k] Rwanda said it would speed up the trials of minors by setting up a mobile team of investigators to look at their cases. Some of the children were under the age of 14 years old at the time of the genocide.[35z]

5.47 Over 200 former child soldiers were taken to a rehabilitation centre near Kigali in August 2001. The children ranged in age from 10 to 18 years and most stated they were forcibly recruited and trained in eastern DRC.[46ab]

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C. Other Issues

Refugees, Freedom of Movement, Exit and Return

5.48 The constitution provides for freedom of movement, foreign travel, emigration and repatriation, however the government restricted them in practice. Citizens must show identification when requested. Travel authorisation is not needed and citizens can move or settle temporarily anywhere without a residence permit. However, citizens must obtain a new national identification card when making a permanent move to a new commune.[14a] The refugee problem is not new to Rwanda. Hundreds of thousands of Tutsi fled the country during the 1950s and 1960s and remained refugees for more than thirty years, one of the longest exiles in modern African history.[13a] The second major phase of internal displacement occurred during the genocide of April to July 1994, when a further two million,[14a] mainly Hutus in the south, fled the advance of the RPA.[13a] Over 600,000 persons were displaced in the north-west in late 1998 and moved into camps as a result of insurgency. During late 1998 and the first half of 1999, the displaced persons were moved into 183 villages under the Government's policy of villagization. The government claimed the moves were voluntary, observers however believe that many were compelled to move. In March 1999 the former chairman of the Mouvement Democratique Republicain (MDR) political party, was arrested for presumed involvement in massacres of Tutsis in the 1960's.[14a]

5.49 During the genocide, approximately two-thirds of the population were uprooted. In addition to the two million people who were internally displaced, more than 1.7 million, including many of those who had organised and participated in the killings, fled to neighbouring countries.[14a] By the end of 1995, most of the internally displaced had returned to their homes, whilst an estimated 1.3 million refugees returned to Rwanda during 1996. Malnutrition and poor sanitation in a number of refugee camps, for Rwandans and other nationals within Rwanda, were said to be serious problems.[13a]

5.50 The return of the vast majority of Rwandan refugees in late 1996 was officially welcomed by the Rwandan government and many in the international community. The size and suddenness of the repatriation however, posed enormous resettlement and reintegration challenges in a society where ethnic tensions have lingered in the aftermath of genocide.[13a] Among the refugees also came armed militias which, given the magnitude of the return, were able to cross the border with their weapons and subsequently intensify their campaign to destabilise the regime.[21d] As a consequence, violence in Rwanda increased dramatically during 1997.[16a]

5.51 Some refugees and international observers insisted that repatriation conditions in Rwanda were dubious.[7f] It was claimed that many Rwandan officials were not fully committed to the return of refugees, that government-sponsored radio broadcasts sometimes characterised refugees as murderers, and that many returnees were unable to reclaim their homes and properties (mostly occupied by Tutsi refugees who had returned in 1994 and 1995)[30a], despite proclaimed government policy that assured them of their ability to reoccupy their homes within fifteen days. In addition, conditions in Rwanda were said to be unfit for repatriation as such a large scale return would create a situation that was not fit

for repatriation on such a large scale, with a judicial system that was not fully functioning, continuing military attacks on civilians, and several hundred arrests and subsequent detentions of the new returnees from the DRC by the end of 1996.[13a] Since then, there has also been an increase in killings and attacks against genocide survivors and those associated with them, by returnees, possibly out of fear of denunciation for acts committed during the genocide.[12b] In such circumstances, the UNHCR had by July 1997 ceased its promotion of voluntary repatriation to Rwanda.[30a]

5.52 In the eastern region of the DRC, it is thought that many Rwandan refugees had been killed by Laurent Kabila's rebel Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL), in its attempt to counter ex-FAR and Interahamwe operations. There have been allegations of massacres and widespread serious human rights violations in the region, including by the RPA, who have been accused of the systematic murder of refugees there.[9a] Between October and December 1997, the DRC forcibly expelled around 4,500 Rwandan refugees, many of whom had fled Rwanda.[7i] This followed the DRC's announcement in early October that the border between Kivu and Rwanda was being closed and that all international agencies dealing with refugees had to leave the region. Although the Rwanda-Congo border was partially reopened in late October for diplomatic and economic purposes only, it remained firmly closed to potential refugees from Rwanda. President Kabila stated that the presence of Rwandan refugees in the DRC would not be tolerated.[8a]

5.53 Tanzania had expelled the majority of its Rwandan refugees by the end of 1997, including several hundred who had lived there since the 1950s.[8a] The Tanzanian government subsequently stated that those individuals of Rwandan origin who were in possession of Tanzanian citizenship cards, or spouses of Tanzanian citizens, including those who may have been wrongfully expelled, would be allowed to stay.[24a] Uganda and Burundi had closed their borders to Rwandan refugees by the end of the 1997, which meant that for the first time since 1994, Rwandan Hutus were effectively trapped within Rwanda's borders, leaving them particularly vulnerable to the RPA and the insurgents.[8a] The vulnerability of refugees in Rwanda was underlined in December 1997, when insurgents killed up to one thousand Tutsis and wounded a further thousand at Mudende refugee camp in the north-western region of Gisenyi.[23b] It was the second attack on Mudende refugee camp, the first having occurred in August 1997.[16a]

5.54 During 1998, the continuing insurgency within Rwanda, together with the new rebellion in the DRC, exacerbated the problems of refugees and displaced people. Thousands of Rwandans were displaced as a result of the insurgency within Rwanda's borders, with 4,000 affected in the central region of Gitarama in April alone.[8c] Meanwhile, the outbreak of rebellion in the DRC in August 1998 brought a fresh influx of Congolese refugees to western Rwanda.[23g] A further development during 1998 was the reported refusal of the Rwandan government 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.[27e]

5.55 By late summer 1998 the RPA appeared to have gained the upper hand against the insurgents. 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.[14a]

5.56 The Government encouraged some of these returnees to settle temporarily in makeshift camps and centres where their security could be better assured. In December 1998 the UN Office of the Humanitarian Co-ordinator estimated that there were 625,713 displaced people in Ruhengeri and Gisenyi Prefectures. The Government began relocating these people in Government selected village sites in the latter part of 1998.[14a]

5.57 The Government co-operates with the office of the UN High Commissioner for Refugees (UNHCR) and provided first asylum to a number of refugees. The

law does not provide for the granting of refugee or asylum status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. The Constitution recognises the right to asylum "under conditions determined by law", although there is no law in place to recognise refugees.[14a]

International Involvement

5.58 The role of the international community with regard to Rwanda, has been the subject of harsh criticism since the genocide of 1994. France and Belgium have been accused of playing a prominent role in sowing the seeds of ethnic hatred during the colonial years, and of ignoring repeated massacres of Tutsis, which culminated in the genocide.[23c] France is further criticised for its support of the Habyarimana regime, and its offer of sanctuary to Hutus responsible for the genocide, when the French established their 'safe area' in south-western Rwanda, between June and August 1994.[22a] France faced renewed harsh criticism in January 1998, when reports emerged that it had exported arms to the former Hutu regime in Rwanda even after the genocide had started and after France itself had voted for the UN arms embargo in May 1994.[16b] Other countries accused of providing arms and other forms of military assistance, including training, to the perpetrators of the genocide, even whilst they subsequently worked to rebuild their military infrastructure, largely in the DRC in 1995, included the DRC itself, China and South Africa.[11e]

5.59 Meanwhile, the UN and the wider international community have been accused of failing to take measures to halt the genocide,[2] of being unwilling to devote the necessary political and financial resources for a regional solution,[27b] and of turning a blind eye to the fact that many refugee camps on Rwanda's borders were, for over two years, becoming the military training ground for forces to renew their acts of genocide in 1997.[23c] In November 1997, the UNHCR agreed with the Rwandan government's analysis that the root problem was the failure of the international community to separate former members of the Interahamwe and FAR from genuine refugees in the camps of eastern Democratic Republic of the Congo.[8a] They argued that only then would it have been possible to allow the genuine refugees to return home without risk of further violence and to bring more speedily to justice those responsible for the genocide.[21d] The US, whilst also acknowledging that such separation was necessary, has been accused of refusing to perform this task itself and of failing to encourage other states that were willing to do so.[8a] During his visit to Rwanda in March 1998, President Clinton publicly apologised for the failure to recognise the genocide early enough, or to act quickly enough to prevent it. Also, for allowing the refugee camps on Rwanda's borders to be used by the former Rwandan army and militia as recuperation and training grounds.[8c]

5.60 In March 1996, a four-volume international report, sponsored by governments and non-governmental organisations from thirty-seven countries, as well as UN agencies, concluded that the international community's response had been a political failure, and that had appropriate political decisions been taken early on in the crisis, much of the humanitarian work that was subsequently required would have been unnecessary.[21a] The Rwandan government, whilst insisting that it was capable of dealing with the military situation itself, appealed to the international community to shoulder some of the responsibility for preventing, what it described at the end of 1997 as, a continuation of the genocide.[16a] However, several governments, including those of South Africa and the US, have been criticised for providing military equipment and training, respectively, to Rwanda during 1996 and 1997, in view of the current government's own poor human rights record both before and during this period.[7h]

5.61 Despite the inadequacy of international political efforts to halt the violence in Rwanda, there has been a very positive degree of humanitarian support by many countries.[2] Between 1994 and 1997, the UK,[9a] France, South Africa, Israel, and the US all made substantial contributions towards national reconstruction in Rwanda. This was particularly in the judicial, health, educational and agricultural spheres, including financial aid to various UN agencies, non-governmental organisations and international bodies administering relief programmes there.[3b] Between 1994 and 1996 the UNHCR assisted over 1.5 million Rwandans living in

between 1994 and 1996, the UNHCR assisted over 1.3 million Rwandans living in camps in Tanzania and the DRC (former Zaire). Whilst a UNHCR request at the end of 1996 for an international military force to assist in rescuing refugees caught up in the conflict in former Zaire was not met, rescue operations were subsequently conducted by UNHCR itself in co-operation with other UN agencies, the International Committee of the Red Cross (ICRC) and other non-governmental organisations, which had allowed some 250,000 Rwandans to return at the time of the mass repatriation.[28a] However, human rights observers claimed that the return of 1.3 million refugees at that time was not followed by the necessary monitoring and assistance to ensure permanent reintegration, and that those relatively few refugees remaining in the DRC and Tanzania appeared to have been forgotten.[27b]

5.62 In February 2001 it was reported that at least 22,000 Rwandans, most of whom had fled in 1994, still reside in various refugee camps in northern Tanzania. Over 2,000 are said to have left the camps to return to Rwanda by the end of 2000. A Ugandan Government newspaper reported that 15,000 Rwandans had arrived in Uganda to escape alleged harassment by Tanzanian officials.[43o]

5.63 Within its borders, the UN Human Rights Field Operation in Rwanda (HRFOR) had a mandate to carry out activities related to the promotion and protection of human rights and the investigation of the human rights situation there.[7d] Together with the UN High Commissioner for Human Rights/Centre for Human Rights (UNHC/CHR), it contributed significantly to the international response to the Rwandan government's appeal for assistance in its national reconstruction efforts.[29a] In addition to other international, as well as local, human rights groups, the ICRC has also been active within Rwanda's borders, most notably in its work to improve conditions for prisoners.[14a] However, the increase in violence during 1997, including the killing of foreign and Rwandan nationals working for international organisations, forced virtually all humanitarian and human rights organisations to withdraw their personnel from the north-western regions and to severely cut back, or abandon, their programmes. In humanitarian terms, the result was devastating, with those most in need of assistance, including returnees, being deprived of access to basic food and medical facilities.[7h] In July 1998, the HRFOR finally withdrew from Rwanda altogether because of the Rwandan government's increasing dissatisfaction with its monitoring role.[35b]

5.64 In June 1995, the UN established the International Criminal Tribunal for Rwanda (ICTR) in Arusha for a four-year term, to investigate allegations made against some 400 individuals of direct involvement in the genocide. Formal proceedings began in late November 1995.[3b] At the end of 1997, there had been some administrative improvements,[21e] and the ICTR did appear to be pursuing a more effective arrest policy.[14a] This was evident in July 1997, when it announced that seven prominent people, including former prime minister, Jean Kambanda, and former senior military commander, Gratien Kabiligi, had been arrested in Nairobi, for their part in the genocide. All were subsequently transferred to Arusha for investigation by the ICTR.[21c] In September 1998, Kambanda was sentenced to life imprisonment,[9b] and in October 1998, Jean-Paul Akayesu, former teacher and mayor, was also sentenced to life imprisonment for his part in the genocide.[18b] In July 2000 the appeals court began to hear Kambanda's appeal to have his guilty plea revoked.[31j] The UK government attaches great importance to the work of the ICTR, to which it has committed its support.[10a]

5.65 In July 1999 an agreement was reached between the governments of Rwanda and the USA to allow planes from either country to have unrestricted access to each other's skies.[24j] On 4 August both sides lifted visa restrictions, effective immediately.[38g]

Regional Issues and Foreign Relations

5.66 The government maintains close relations with President Museveni's administration in Uganda, home to the RPF until 1994. Rwanda also has close relations with Tanzania, the anglophone African states[9a] and, until July 1998, [9b] the new government of the DRC, which came to power with Rwandan military assistance in 1997 and was formally recognised by Rwanda in May 1997 [25j].

assistance.[3a] and was formally recognised by Rwanda in May 1997.[3b] In January 1998, Rwanda's defence minister and vice-president, Paul Kagame, indicated that the DRC was collaborating with Rwanda, in dealing with the state of insecurity in its north-western regions, by helping to control the movement of insurgents between the two countries.[24b] By August 1998, Rwandan relations with the DRC had deteriorated dramatically, with President Laurent Kabila accusing Rwanda of launching an invasion of his country.[9b] Relations between Rwanda and Burundi have been undermined frequently in recent years, by the problems arising from the regular flow of large numbers of refugees between the two countries as a result of ethnic and political violence.[3a] On 29 July 1999 Rwanda and Burundi officials met and agreed to improve their bilateral relations. The sanctions imposed upon Burundi in July 1996 were lifted in early 1999.[38d]

5.67 Rwanda and Burundi agreed in September 1999 to adopt a free visa policy to facilitate the free movement of people between the two countries. The Burundian delegation said the visa requirement had been maintained due to the security problems in the region at present. When the situation improves the visa would no longer be necessary.[38o] In early February 2000, clashes took place in western Burundi between Rwandan and Burundian rebel groups.[17f]

5.68 President Kabila's forces had worked closely with Rwanda and Uganda, but relations deteriorated by mid-1998. By June 1999 the rebels controlled large areas in the north and east. Africa led efforts to find a negotiated settlement, with President Chiluba of Zambia chairing a series of summits under the auspices of the Southern African Development Community. A cease-fire agreement was signed by Heads of State (or their representatives) in Lusaka on 10 July. Following further negotiations the MLC rebels signed on 1 August and the RCD on 31 August.[9c]

5.69 On 21 December 1999 the UNHCR and the DRC government started an operation to integrate Rwandan refugees into Congolese society. The operation was to ensure that Rwandan refugees, who fled to the Congo more than two years earlier, were fully integrated socially and economically into society.[36b] On 16 January 2000 the Rwandan president said his country would pull its troops out from the DRC once UN peacekeepers arrived and the peace envisaged by the Lusaka peace accord begins to hold.[38w] On 22 April 2000 President Kagame reaffirmed his commitment to the accord.[38aa]

5.70 On 12 February 2000 it was reported that Tanzanian authorities were expelling all Rwandans in the country without citizenship. Those not living in camps were said to be causing insecurity in the country.[24q]

5.71 In March 2000 the Ugandan president announced that Rwanda was now on the list of those countries considered to be hostile towards Uganda. Rwanda was shocked and surprised by Uganda's decision to blacklist it.[38ab]

Medical

5.72 In January 2001 the Rwandan government announced that it had signed agreements with four research-based pharmaceutical companies. The agreements would allow easier access to anti-retroviral care and treatment for HIV/AIDS sufferers in Rwanda. There could be price cuts of up to 90 percent depending on the product. Also, free distribution of a drug with proven efficacy for inhibiting the transmission of HIV infections from mother to child. The agreements should allow for an increase of four to five times the number of patients who might benefit from these treatments. A combination of free drugs would be available to patients for a cost ranging between 64 and 161 US dollars, per patient per month.[24z]

5.73 In January 2001 it was announced that civil servants would be issued with mutual medical insurance cards from March 2001. The government initially introduced the medical insurance company of civil servants two years ago.[24x]

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ANNEX A

CHRONOLOGY OF MAJOR EVENTS, 1899-2001

1899 Germany colonises Rwanda, which is thereby absorbed into German East Africa.

1919 Under the Treaty of Versailles, the former German colony of Ruanda-Urundi is made a League of Nations protectorate to be governed by Belgium. The two territories, later to become known as Rwanda and Burundi, are administered separately under two different Tutsi monarchs.

1926 The Belgians introduce a system of ethnic identity cards, differentiating Hutus from Tutsis.

1933 A census of the Rwandan population is carried out by the Belgian authorities, and mandatory identity cards stating the ethnic identity of the bearer are extended.

1957 Parmehutu is formed while Rwanda is still under Belgian rule.

1959 The Tutsi king, Mwaami Rudahigwa, dies. Hutus rise up against the Tutsi nobility and kill thousands. Many others flee to Uganda, Tanzania, Burundi and Zaire.

1962 Rwanda gains independence from Belgium. There is widespread killing of Tutsis and a further massive exodus of refugees, many to Uganda. The Hutu nationalist government of Grégoire Kayibanda's Parmehutu comes to power.

1963 Further massacres of Tutsis occur, this time in response to a military attack by exiled Tutsis in Burundi. More refugees leave the country and it is estimated that by the mid-1960s, as many as half the Tutsi population is living outside of Rwanda.

1967 Massacres of Tutsis are renewed, following a further unsuccessful attempt by exiles to return by force.

1973 Tutsis are purged from the universities, whilst there is a further outbreak of killings directed at the Tutsi community. The chief of staff of the army, General Juvénal Habyarimana, seizes power and pledges to restore order. He installs a one-party state and introduces a policy of ethnic quotas in all public service employment, whereby Tutsis are restricted to 9% of available jobs.

1975 Habyarimana's political party, the MRND, is formed. Hutus from the president's home area of northern Rwanda are given overwhelming preference in public service and military jobs. This pattern and the exclusion of the Tutsis continues throughout the 1970s and 1980s.

continues throughout the 1970s and 1980s.

1986 Rwandan exiles in Uganda are among the victorious troops of Yoweri Museveni's National Resistance Army, which takes power, overthrowing the dictator, Milton Obote.

1988 The exiles then form the RPF, a Tutsi-dominated organisation, with a minority of Hutu dissidents.

1989 Coffee prices collapse, causing severe economic hardship in Rwanda.

1990 On 1 **October**, the RPF invade Rwanda from Uganda, and after heavy fighting in which French, Belgian and Zairean troops are called upon to assist the government, a cease-fire is signed on 29 March 1991.

90-91 The Rwandan army begins to train and arm civilian militias known as the Interahamwe. For the next three years, Habyarimana delays on the establishment of a multi-party system with power-sharing, to which he had agreed in principle, under pressure from Western aid donors, in July 1990. Also throughout this period, thousands of Tutsis are killed in separate massacres around the country, whilst opposition politicians and newspapers are also targeted.

1991 In **July**, assent is given to the creation of the first opposition parties, and the PCD, PL and PSD are subsequently formed.

1992 In **November**, prominent Hutu activist, Dr Leon Mugusera, appeals to Hutus to send the Tutsis "back to Ethiopia" via the rivers.

1993 In **February**, the RPF launches a fresh offensive and guerrillas reach the outskirts of Kigali. French forces are again called in to assist the government and fighting continues for several months. In **August**, at Arusha in Tanzania, following months of negotiations, Habyarimana agrees to greater power-sharing with the Hutu opposition and also with the RPF. He also agrees to integrate the RPF's armed wing, the RPA, into a new Rwandan army and to merge the presidential guard with elite RPF troops into a smaller republican guard. 2,500 UN troops (UNAMIR) are subsequently deployed in Kigali to oversee the implementation of the accord. On **28 December**, a contingent of the RPF arrives in Kigali in accordance with the Arusha Accord.

93-94 Between **September** and **March**, Habyarimana delays the implementation of the Arusha Accord, whilst the training of militias intensifies and the extremist radio station, Radio Mille Collines, begins to broadcast exhortations to attack the Tutsis. Human rights groups warn the international community of impending calamity.

1994 In **March**, numerous human rights activists evacuate their families from Kigali, in the belief that massacres are imminent. On **6 April**, Habyarimana and the president of Burundi, Cyprien Ntaryamira, are killed when Habyarimana's aeroplane is shot down near Kigali airport. Extremists, opposed to the Arusha Accord which they suspect is about to be implemented, are believed to be responsible. That night, the killing begins. On **7 April**, the Rwandan armed forces and the Interahamwe set up roadblocks and go from house to house, killing Tutsis and moderate Hutu politicians, including the prime minister, Agathe Uwilingiyimana. Thousands die on the first day as UN troops are forbidden to intervene, on the grounds that this would breach their monitoring mandate. On **8 April**, the RPF launches a major offensive to end the killings and rescue 600 of its troops surrounded in Kigali, where they had been based as part of the Arusha Accord. On **21 April**, the UN votes to reduce its number of forces from 2,500 to 250, following the murder of ten Belgian soldiers who had been assigned to guard the Hutu prime minister, Agathe Uwilingiyimana, who was also killed on 7 April. Meanwhile, tens of thousands of refugees escape into Tanzania, Burundi and the DRC, including Hutus fleeing the advance of the RPF. On **17 May**, as the killing of Tutsis continues, the UN agrees to send 6,800 troops and policemen to Rwanda, with powers to defend civilians. A further UN Security Council resolution states

that "acts of genocide may have been committed". Also on **17 May**, the UN imposes an arms embargo on Rwanda for a period of one year. By **22 June**, the deployment of mainly African UN forces has still not taken place, as a result of which the UN Security Council authorises the deployment of French forces in south-western Rwanda. There, they create a 'safe area' in territory controlled by the government, but the killing of Tutsis continues there, although some are protected by the French. On **17 July**, the Rwandan army is defeated and the government flees to the DRC, followed by many more thousands of refugees. The majority of the French depart and are replaced by Ethiopian UN troops. On **19 July**, the RPF sets up an interim government of national unity in Kigali. A cholera epidemic kills thousands of refugees in the camps in the DRC. There are conflicting UN reports regarding a series of reprisal killings said to have been carried out by the RPF. Several hundred civilians are said to have been executed, whilst the killing of Tutsis continues in the refugee camps. On **21 August**, the last French troops leave the 'safe area', causing further population movements. By the end of August, the security situation within the camps in the DRC has deteriorated due to the activities of ex-government army troops. In **November**, a multi-party protocol of understanding is concluded, providing for a number of amendments to terms of the 1993 Arusha Accord, relating to the establishment of a transitional legislature. The most significant of the new provisions is the exclusion from the legislative process of members of those parties implicated in alleged acts of genocide during 1994. On **12 December**, a seventy-member transitional national assembly, whose membership includes five representatives of the armed forces and one member of the national police force, is installed.

1995 In late **April**, RPA troops fire on displaced persons during an attempt to dismantle the Kibeho camp in southern Rwanda, amidst confusion arising from the activities of some hostile elements within the camp and a sudden attempt by large numbers to break through the military cordon, which is estimated to have resulted in as many as 5,000 deaths. On **5 May**, the new legislature announces its adoption of a new constitution, based on selected articles of the 1991 constitution, the terms of the 1993 Arusha Accord, the RPF's victory declaration of July 1994 and the November 1994 multi-party protocol of understanding. In **June**, the UN establishes the International Criminal Tribunal for Rwanda (ICTR) in Arusha for a four-year term, to investigate allegations made against some 400 individuals of direct involvement in the genocide of 1994. In **August**, the UN agrees to suspend the arms embargo of Rwanda, which had been imposed against the previous administration in May 1994, for one year, in order to allow the government to safeguard against the threat of an armed offensive by Hutu extremists encamped in neighbouring countries. Also in **August**, following a widely criticised attempt to repatriate forcibly some 15,000 Rwandans from the DRC, its government agrees to entrust the repatriation process to the UNHCR. In late **November**, the ICTR begins formal proceedings.

1996 In **February**, due to the slow pace of ICTR proceedings, the Rwandan government announces the creation of special courts within its existing judicial system. At the end of **February**, reports emerge that violent acts of reprisal by the RPF against returning and fleeing refugees have claimed the lives of some 100,000 Hutus since April 1994. In **March**, the UNHCR estimates that there are 1,684,645 Rwandan refugees scattered throughout several countries in the region, including 1,057,350 in the DRC, 531,016 in Tanzania, 92,279 in Burundi and 4,000 in Uganda. However, during 1996, more than 1.3 million refugees are repatriated and by the end of the year, the number of Rwandan refugees in neighbouring countries has fallen to 257,000. In **April**, the UN urges all central African states to observe an arms embargo against former FAR troops and to ensure that their territories are not used as bases for armed groups to launch cross-border raids into Rwanda. On **30 August**, a new law is adopted, establishing procedures for punishing those guilty of genocide and crimes against humanity. Between **15 November** and **31 December**, more than 1.3 million refugees are repatriated, whilst the number of Rwandan refugees in neighbouring countries falls to 257,000. As a result of the mass influx of refugees, the Rwandan government, together with the UN World Food Programme and other relief agencies, distribute food aid to the returnees in an attempt to avert a humanitarian crisis.

1997 Between **January** and **August**, at least 6,000 people, the majority unarmed

1997 Between January and August, at least 8,000 people, the majority unarmed civilians, are estimated to have been killed, by armed insurgents and by the RPA, in particular in the north-western regions of Rwanda, where conflict between the two intensifies. In **July**, the ICTR announces that seven prominent people, including the former prime minister, Jean Kambanda, and the former senior military commander, Gratién Kabiligi, have been arrested in Nairobi for their part in the 1994 genocide. In **October**, between 5,000 and 8,000 unarmed civilians are killed by the RPA at a large cave at Nyakimana in Gisenyi region. Between **October** and **December**, the killing of unarmed civilians by the RPA and armed opposition groups increases, with possibly thousands of deaths in that period. The killings occur mainly in the context of intensified armed conflict in the north-west of Rwanda, in the regions of Gisenyi and Ruhengeri, but towards the end of 1997, they increasingly take place in the more central regions of Gitarama and rural Kigali. Also between **October** and **December**, the Democratic Republic of the Congo forcibly expels around 4,500 Rwandan refugees, many of whom had recently fled Rwanda to escape the persistent violence in the north-west of the country. This follows the Democratic Republic of the Congo's announcement in early **October** that the border between Kivu and Rwanda is being closed and that all international agencies dealing with refugees have to leave the region. In **November** and **December**, insurgents stage several attacks on local communal jails, attempting to free Hutu prisoners, and in the process kill hundreds of individuals. In **December**, up to one thousand Tutsis are killed and a further thousand are wounded at Mudende refugee camp in the north-western region of Gisenyi. In retaliation, several hundred Hutu civilians in the area are killed by Tutsi civilians, assisted by the RPA. By the end of **December**, Tanzania, Uganda and Burundi have all closed their borders to Rwandan refugees, which means that for the first time since 1994, Rwandan Hutus are effectively trapped within Rwanda's borders, leaving them particularly vulnerable to the RPA and armed insurgents.

1998 In **March**, President Clinton publicly apologises for the failure to recognise the genocide early enough, or to act quickly enough to prevent it, and for allowing the refugee camps on Rwanda's borders to be used by the former Rwandan army and militia as recuperation and training grounds. On 24 **April**, twenty-two people convicted of genocide are publicly executed. Meanwhile, rebel attacks increasingly spread from the north-western regions of Gisenyi and Ruhengeri to the central region of Gitarama. In **May**, the Rwandan Ministry of Education puts the revised number of those killed during the genocide at over 1.3 million. By **June**, the civil war has claimed thousands more lives, whilst disappearances are also said to be increasing. In **July**, the HRFOR is compelled to withdraw from Rwanda because of the Rwandan government's hostility and subsequent refusal to allow it to continue in its monitoring role. In **August**, President Laurent Kabila accuses Rwanda of backing the new rebellion in the Democratic Republic of the Congo. Meanwhile, the Rwandan government accuses Kabila of instigating genocide against Tutsis there, and of providing military training for 10,000 Rwandan Hutu rebels, which it warns might compel it to intervene in the interests of state security. Meanwhile, rebels strike in rural Kigali, where 110 are killed in a single attack. In **September**, former prime minister, Jean Kambanda, is sentenced by the ICTR to life imprisonment for six counts of genocide and crimes against humanity. In **October**, Jean-Paul Akayesu, former teacher and mayor, is also sentenced to life imprisonment for his part in the genocide. Also in **October**, the government announces plans to set free 10,000 genocide suspects with no concrete evidence against them. In **December** more than 250 Hutu rebels were killed by the Rwandan army during a two week operation in the north-west.

1999 In **January** more than 2,200 Rwandans who had crossed in the Democratic Republic of Congo at the beginning of the armed Hutu insurgency at the beginning of 1998 have started to return to Rwanda. Also in **January** it was announced by Rwandan radio that about 900 genocide suspects had been convicted and sentenced by the Rwandan courts in 1998. In **March** local elections were held for the first time in 10 years. In **April** the first Rwandan war crime suspect was sentenced by a European court. In **June** the government announced the planned introduction of VAT. Major Anne Marie Nyirahakizimana became the first female ex-FAR officer to receive the death penalty. In **July** Nine people were sentenced to death by a court in Western Rwanda. Four people are sentenced to death in Rushashi, Kigali Foreign Minister, Amri Sued Ismael is replaced by Dr Augustin Iyamuremye. In **August** the trial of a bishop charged with genocide began in

Kigali. Prisons in Rwanda were thought to be holding around 130,000 prisoners, mostly genocide suspects. Students clashed with police over protests against the education in French provided by Rwandan schools. In **October** the government announced plans to change the country's flag, motto, anthem and street names. In **November** the Government temporarily suspended co-operation with the ICTR. Genocide suspect arrested in France. Rwandan security authorities arrested a nine year-old boy on charges of multiple murder. In **December** Georges Rutaganda, second vice-president of the Interahamwe was sentenced to life imprisonment by the ICTR.

2000 In **January** the US Supreme Court ruled to extradite a genocide suspect to the

ICTR. Genocide suspect arrested in Belgium. The ICTR sentenced the first private citizen to life imprisonment for genocide related charges. Rwanda announced that VAT would be introduced in July 2000. Parliament passed a new law to establish a new National Police Force. In **February** courts continued to sentence people to death for genocide. Genocide suspect arrested in Denmark. Second genocide suspect arrested in France. Parliament voted for the law establishing 'Gacaca' courts. Former army officer Tharcisse Muvunyi is arrested in the UK. Pierre-Celestin Rwigyema resigned as Prime Minister. In **April** Paul Kagame became the first ethnic Tutsi President since Rwanda won independence from Belgium in 1962. In **May** Carla del Ponte revealed that she had been granted a permanent visa to Rwanda. In **July** a report was issued which blamed the UN Security Council, under the guidance of the US, Belgium and France for the deaths of Rwandans in the 1994 genocide. Rwigyema was dismissed as leader of the Republican Democratic Movement Party (MDR). In **September** President Kagame said that all Rwandans still in exile were free to return home and help in the reconstruction of the country. Announced that identity cards no longer showed the holder's ethnicity. Tharcisse Muvunyi was transferred to the ICTR in **October**. A new Civilian Rwandan National Police (RNP) replaced the gendarmerie and the communal police.

2001 In **February** the Rwandan National Electoral Commission (NEC) revealed that adult foreigners, who have resided in the country legally for at least a year, would be eligible to vote in the local government elections in **March**. MDR leader Celestin Kabanda was dismissed in **February**. In **March** thirteen prisoners were freed in a trial viewed as a trial run for the new 'gacaca', traditional court system. In **May** a trial run of the gacaca court system took place. Also in **May** former president Pasteur Bizimungu announced the creation of a new party called the Democratic Party for Renewal. The government said the launch of a new party was illegal and it was banned. On **8 June** the ICTR gave its first 'not guilty' verdict to the former Mayor, Ignace Bagilishema. On **24 June** Emmanuel Twagira Mukiza was elected as president of the Democratic Movement Party. Also in **June** a Belgian court found two nuns guilty of involvement in the genocide. In **July** genocide suspects in Kigali prison asked the government to speed up the gacaca process so that they could testify. In **August** over 200 former child soldiers were taken to a centre near Kigali aimed at rehabilitation.

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ANNEX B

PROMINENT PEOPLE

Jean-Paul Akayesu

A former teacher and mayor of the central village of Taba, who in October 1998 was sentenced by the ICTR to life imprisonment for his part in the genocide.

Vincent Biruta

One of the leaders of the PSD, formed in Kigali in 1991 by a breakaway faction of the MRND. Current minister of health.

Augustin Bizimungu

Army chief of staff during the genocide between April and July 1994, following which he, along with others in the government and army, fled to the DRC.

Pasteur Bizimungu

Former head of state and president of Rwanda, appointed by the RPF on 17 July 1994, for a period of five years. A Hutu and vice-chairman of the RPF. Resigned as President on 23 March 2000.

Martin Bucyana

Leader of the CDR, who was murdered in apparent retaliation for the murder of the PSD's Félicien Gatabazi in late February 1994, provoking a series of violent confrontations resulting in some 30-40 deaths.

Félicien Gatabazi

Member of the PSD and minister of public works and energy, who was a prominent supporter of the Arusha Accord, and who was murdered in late February 1994.

Vincent Gwabukwisi

President of the UDPR, formed in Kigali in 1992.

Juvénal Habyarimana

Army chief of staff, who seized power and set up a one-party state in 1973. He

subsequently introduced a policy of ethnic quotas in all public service employment and formed the MRND in 1975. In the early 1990s, he came under pressure to establish a multi-party system, and eventually agreed to power-sharing with the Hutu opposition and RPF in August 1993, but subsequently delayed implementation. On 6 April 1994, he was killed along with the president of Burundi, Cyprien Ntaryamira, when Habyarimana's aeroplane was shot down at Kigali airport. Extremists, suspecting that the president was about to implement the Arusha Accord, were believed to have been responsible.

André Hakizimana

Leader of the PPJR, formed in Kigali in 1991.

Prosper Higiho

One of the leaders of the PL, formed in 1991, which split into two factions between late 1993 and early 1994: the pro-MRND faction, led by Justin Mugenzi and Agnès Ntamyariro; and the anti-MRND faction, led by Higiho, Esdra Kayiranga and Joseph Nsengimana, who is the government's current minister of civil service and labour.

Sylvestre Habi

Vice-president of the UDPR, formed in Kigali in 1992.

Augustine Ndayishimiye

One of the leaders of the PSD, formed in Kigali in 1991 by a breakaway faction of the MRND. Current minister of agriculture, environment and rural development.

Gratien Kabiligi

Former senior military commander of the Rwandan army, arrested in Nairobi in July 1997 for his part in the 1994 genocide, and subsequently transferred to Arusha, Tanzania, to be investigated by the ICTR.

Robert Kadija

Leader of the Interahamwe, the 30,000 strong youth wing of the MRND, comprising civilian militias, trained and armed by the Rwandan army from 1990, to carry out a campaign of intimidation and terrorism against the Tutsis and moderate Hutus who supported democracy and negotiations with the RPF. Kadija's father is known to have been a Tutsi who managed to change his ethnic identity to Hutu. Together with the Rwandan army, the Interahamwe was a principal instrument of the genocide between April and July 1994.

Paul Kagame

Previous vice-president, minister of defence and chairman of the RPF. Named as interim president on 24 March 2000 following the resignation of Pasteur Bizimungu.

Jean Kambanda

Prime minister during the genocide of 1994, who was arrested for his involvement, in Nairobi in July 1997, and was subsequently transferred to Arusha, Tanzania, to be investigated by the ICTR. After subsequently pleading guilty to the charges, was sentenced to life imprisonment for six counts of genocide and crimes against humanity in September 1998.

Froduald Karamira

Leader of the pro-MRNDD faction of the MDR (formerly known as Parmehutu), which between late 1993 and early 1994, split into two factions: the pro-MRNDD faction, led by Karamira, with mainly Hutu support, and the anti-MRNDD faction, led by Faustin Twagiramungu, with multi-ethnic support. Karamira is the most senior politician to be tried for genocide crimes by Rwanda's courts, which found him guilty and sentenced him to death on 14 February 1997. His appeal was rejected on 13 September 1997, and the sentence was carried out in public on 24 April 1998.

Grégoire Kayibanda

Leader of Parmehutu, the Hutu nationalist party which was formed under Belgian rule in 1957 and came to power following independence in 1962. He was overthrown in a bloodless coup led by Juvénal Habyarimana in July 1973.

Esdra Kayiranga

One of the leaders of the PL, formed in 1991, which split into two factions between late 1993 and early 1994: the pro-MRNDD faction, led by Justin Mugenzi and Agnès Ntambyariro; and the anti-MRNDD faction, led by Prosper Higiro, Kayiranga and Joseph Nsengimana, who is the government's current minister of civil service and labour.

Silas Majyambere

President of the UPR, formed by Hutu exiles in 1990 in Belgium, where it has since been based.

Bernard Makuza

Prime Minister from 8 March 2000. Makuza, a Hutu, is a member of the MDR.

Justin Mugenzi

One of the leaders of the PL, formed in 1991, which split into two factions between late 1993 and early 1994: the pro-MRNDD faction, led by Mugenzi and Agnès Ntambyariro; and the anti-MRNDD faction, led by Prosper Higiro, Esdra Kayiranga and Joseph Nsengimana, who is the government's current minister of civil service and labour.

Augustin Mutamba

Leader of Parerwa, formed in Kigali in 1992.

Jean N Nayinzira

Leader of the PCD, formed in 1990, and the government's current minister of information.

Mathieu Ngirumpatse

Chairman of the MRNDD, banned by the RPF in 1994 from participation in transitional government and legislature.

Emmanuel Nizeyimana

Leader of the RTD, formed in Kigali in 1991.

François Nsabahimana

Chairman of the RDR, formed in 1995 by exiled former supporters of

Habyarimana, which has drawn support from refugee camps in the Democratic Republic of the Congo and Tanzania.

Joseph Nsengimana

Leader of the PL, formed in 1991, which split into two factions between late 1993 and early 1994: the pro-MRNDD faction, led by Justin Mugenzi and Agnès Ntambyariro; and the anti-MRNDD faction, led by Prosper Higiro, Esdra Kayiranga and Nsengimana. The government's current minister of civil service and labour.

Dismas Nsengiyaremye

Member of the MDR and prime minister of the transitional coalition government between April 1992 and July 1993, when he was replaced by Agathe Uwilingiyimana, because of his insistence that the government include RPF representatives.

Jean Ntagungira

Leader of Pader, formed in Kigali in 1992.

Charles Ntakirutinka

One of the leaders of the PSD, formed in Kigali in 1991 by a breakaway faction of the MRND.[3b] Current minister of communications.

Agnès Ntambyariro

One of the leaders of the PL, formed in 1991, which split into two factions between late 1993 and early 1994: the pro-MRNDD faction, led by Justin Mugenzi and Ntambyariro; and the anti-MRNDD faction, led by Prosper Higiro, Esdra Kayiranga and Joseph Nsengimana, who is the government's current minister of civil service and labour.

Théogène Rudasingwa

Secretary-general of the RPF, which dominates the current coalition government.

Marc Rugenera

One of the leaders of the PSD, formed in Kigali in 1991 by a breakaway faction of the MRND. Current minister of tourism.

Pierre-Célestin Rwigyema

Prime minister from August 1995 - 28 February 2000 when he resigned. Leader of the Hutu-dominated MDR.

Seth Sendashonga

Minister of the interior and communal development between July 1994 and August 1995, when he was replaced following his criticism of the security forces' handling of the refugee crisis. In 1996 became leader, together with Faustin Twagiramungu, of the newly-formed FRD, based in Belgium. In May 1998, was assassinated in Nairobi, and whilst the Rwandan government is suspected of involvement, it has denied the allegations.

Théodore Sindikubwabo

Speaker of the CND prior to the genocide, who on 8 April 1994, announced that he had assumed the office of interim president of the republic, in the wake of

Habyarimana's death.

Emmanuel Twagilimana

Secretary-general of the UPR, formed by Hutu exiles in 1990 in Belgium, where it has since been based.

Faustin Twagiramungu

Former leader of the anti-MRNDD faction of the MDR (formerly known as Parmehutu), which split into two between late 1993 and early 1994. He was prime minister between July 1994 and August 1995, when he was replaced due to his criticism of the government's lack of adherence to the Arusha Accord with regard to power-sharing, and of the security forces' use of violence in their management of the refugee crisis. Currently leader of the FRD, formed in Belgium in 1996 with other Hutu moderates living in exile, which advocates the return of Rwanda to UN Trust Territory status, pending the resolution of its internal security difficulties.

Agathe Uwilingiyimana

Member of the MDR and prime minister between July 1993 and 7 April 1994, the first day of the genocide, when she, along with other prominent Hutu politicians, was murdered.

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ANNEX C

COMMON ABBREVIATIONS/POLITICAL GROUPS

ALIR

L'Armée de Libération du Rwanda (Rwandan Liberation Army), emerged in 1998 as the armed wing of PALIR (see **PALIR**), comprising Hutu rebels of the former FAR and Interahamwe (see **FAR** and **Interahamwe**), which subsequently claimed responsibility for ongoing massacres in Rwanda, primarily in north-western regions.

CDR

Coalition pour la Défense de la République (Coalition for the Defence of the Republic), formed in Kigali in 1992. Extremist Hutu organisation, allied to the MRNDD (see **MRNDD**), it operates an unofficial militia known as Impuzamugambi (see **Impuzamugambi**), which together with the Interahamwe (see **Interahamwe**) participated in the genocide. Participation in transitional government and legislature was proscribed by the RPF-led administration in 1994.

CND

Conseil National du Développement (National Council for Development), the national assembly under the Habyarimana regime.

FAR

Forces Armées Rwandais (Rwandan Armed Forces), the Hutu army of President Habyarimana's regime, which attempted to halt the invasion of the RPF (see **RPF**) in October 1990. When stalemate ensued, Habyarimana came under pressure to agree to a power-sharing agreement which was eventually signed at Arusha, Tanzania, in August 1993. Following Habyarimana's death in April 1994, the new extremist Hutu government began the genocide against the Tutsis and those Hutu moderates who opposed them, with the backing of the FAR, which was eventually defeated by the RPF in July 1994. It then became based across the border in the Democratic Republic of the Congo (formerly Zaire), together with members of the former Hutu extremist government, where they threatened to renew the civil war. Cross-border incidents continue to exacerbate the troubled security situation in Rwanda, particularly in the north-west.

FRD

Forces de Resistance pour la Démocratie (Forces of Resistance for Democracy), formed in 1996 by Hutu moderates in exile in Belgium, where it has since been based; advocates the return of Rwanda to UN Trust Territory status.

since been based, advocates the return of Rwanda to UN Trust Territory status, pending the resolution of its internal security difficulties. Led by Faustin Twagiramungu.

FRI

Front de Résistance Intérieure (Interior Resistance Front), an armed front operating within Rwanda, whose creation was announced by PALIR (see **PALIR**), in June 1996.

GOM

OAU-sponsored Military Observer Group, established in July 1992, comprising representatives from the RPF and the transitional government of Rwanda, together with officers drawn from the armed forces of Nigeria, Senegal, Zimbabwe and Mali, to contain the RPF frontline. Was incorporated into UNAMIR in December 1993.

HRFOR

UN-sponsored Human Rights Field Operation in Rwanda, following the genocide was given a mandate to carry out activities related to the promotion and protection of human rights and the investigation of the human rights situation in Rwanda. Whilst the HRFOR was initially hindered by confusion, delays, lack of expert personnel and resources, by the end of 1995 it was said to be playing a useful role in the protection of human rights. In July 1998, the HRFOR finally decided to withdraw from Rwanda because of government hostility and the subsequent refusal to allow it to continue in its monitoring role.

ICTR

UN-sponsored International Criminal Tribunal for Rwanda, comprising six members and headed by a Senegalese lawyer, Laity Kama, established in June 1995 for a four-year term. Based in Arusha, Tanzania, the tribunal intended to investigate allegations made against some 400 individuals of direct involvement in the planning and execution of the 1994 genocide, and started proceedings in late November 1995. In September 1998, it sentenced former prime minister, Jean Kambanda, to life imprisonment after he pleaded guilty.

Impuzamugambi = 'Those who have only one aim.'

The youth wing of the CDR (see **CDR**) and its civilian militia, which joined with the Interahamwe (see **Interahamwe**) in carrying out intimidation raids against the Tutsi population and Hutus who supported the implementation of democracy. During the genocide, the two militias became indistinguishable.

Interahamwe = 'Those who stand together.'

The youth wing of the MRNDD (see **MRNDD**), comprising civilian militias, trained and armed by the Rwandan army (see **FAR**) from 1990, to carry out a campaign of intimidation and terrorism against the Tutsis and moderate Hutus who supported democracy and negotiations with the RPF (see **RPF**). Together with the Rwandan army, it was a principal instrument of the Rwandan genocide between April and July 1994. It is estimated to have numbered around 30,000 at that time.

MDR

Mouvement Démocratique Républicain (Democratic Republican Movement), formerly known as Parmehutu (see **Parmehutu**). Between late 1993 and early 1994, it split into two factions: the pro-MRNDD faction, led by Froduald Karamira, with mainly Hutu support, and the anti-MRNDD faction, led by Faustin Twagiramungu, with multi-ethnic support. It was the main opposition party and, since July 1994, has been the main coalition partner. Leader Pierre-Célestin

Since July 1994, has been the main coalition partner. Leader Pierre Clémentine Rwigyema was dismissed as leader on 30 July 2000. Interim leader Celestin Kabanda was dismissed as leader in February 2001.

MRND(D)

Mouvement Révolutionnaire National pour la Démocratie et le Développement (National Revolutionary Movement for Democracy and Development, MRND), until April 1991 the National Revolutionary Movement for Development, **MRND**), formed by Juvénal Habyarimana in 1975, and remained in power until his death in 1994. Sole legal party until 1991; draws support from hardline Hutu elements and operates the unofficial militia known as the Interahamwe. Many of its leaders were among the main organisers of the genocide. Chaired by Mathieu Ndirumpatse. Banned by the RPF in 1994 from participation in transitional government and legislature.

OAU

Organisation of African Unity, formed in 1963, to promote unity and solidarity among African states, 52 of which are members, including Rwanda.

Pader

Parti Démocratique Rwandais (Rwandan Democratic Party), formed in Kigali in 1992, has a central committee of four members, whose secretary is Jean Ntagungira.

PALIR

Peuple en Armes pour la Libération du Rwanda (People in Arms for the Liberation of Rwanda), emerged in June 1996, when it announced the creation of an armed front within Rwanda, called FRI (see **FRI**). In June 1998, its armed wing appeared to have been renamed, **ALIR** (see **ALIR**).

Parerwa

Parti Républicain Rwandais (Rwandan Republican Party), formed in Kigali in 1992, and led by Augustin Mutamba.

Parmehutu

Parti de l'Emancipation du Peuple Hutu (Party for the Emancipation of the Hutus), formed in 1957 during Belgian rule, and came to power under the leadership of Grégoire Kayibanda following independence in 1962. It was the dominant party between 1962 and 1973, and was later renamed the **MDR** (see **MDR**).

PCD

Parti Chrétien Démocrate (Christian Democrat Party), formed in 1991 and led by Jean Nepomucène Nayinzira. The smallest of the four main opposition parties and current coalition partner.

PDI

Parti Démocratique Islamique (Democratic Islamic Party), formed in Kigali in 1992. Represents the small Rwandan Muslim community.

Peco

Parti Ecologiste (Ecologist Party), formed in Kigali in 1992. Closely allied with the **MRND** and later with the interim government in power during the genocide.

the MRNDD and later with the interim government in power during the genocide.

PL

Parti Libéral (Liberal Party), formed in 1991, and split into two factions between late 1993 and early 1994: the pro-MRNDD faction, led by Justin Mugenzi and Agnès Ntambariro; and the anti-MRNDD faction, led by Prosper Higiro, Joseph Nsengimana and Esdra Kayiranga. Ranked third among the opposition parties, and current coalition partner.

PPJR

Parti Progressiste de la Jeunesse Rwandaise (Rwandan Progressive Youth Party), formed in Kigali in 1991 and led by André Hakizimana. Pro-MRNDD before and during the genocide.

PSD

Parti Social Démocrate (Social Democrat Party), formed in Kigali in 1991 by a breakaway faction of the MRND (see **MRNDD**). The second largest of the main opposition parties, and current coalition partner.

PSR

Parti Socialiste Rwandaise (Rwandan Socialist Party), formed in Kigali in 1991, concerned with the rights of workers.

RDR

Rassemblement pour le Retour des Réfugiés et la Démocratie au Rwanda (Association for the Return of Refugees and Democracy in Rwanda), formed in 1995 by exiled former supporters of Habyarimana; has drawn support from refugee camps in the Democratic Republic of the Congo and Tanzania. Chaired by François Nsabahimana. In June 1997, it announced that it intended to transform itself into a political party.

RPA

Armée Patriotique Rwandaise (Rwandan Patriotic Army), the RPF army (see **RPF**).

RPF

Front Patriotique Rwandais (Rwandan Patriotic Front), also known as Inkotanyi, it comprises mainly Tutsi exiles, but claims multi-ethnic support. Formed by exiles in Uganda in 1988, following their participation in the victory of Yoweri Museveni's National Resistance Army against the Ugandan dictator, Milton Obote. In October 1990, its armed wing, the Rwandan Patriotic Army (**RPA**), invaded Rwanda from Uganda and after heavy fighting in which French and Zairean troops were called upon to assist the government, a ceasefire was signed on 29 March 1991. However, conflict continued and subsequent attempts to broker an effective ceasefire were largely unsuccessful. In February 1993, the RPF launched a fresh offensive and reached the outskirts of Kigali. The fighting continued for several months until the Arusha Accord of August 1993, whereby Habyarimana agreed to the integration of RPF troops into a new Rwandan army, which was not to take place. On 8 April 1994, the RPF launched a major offensive to end the genocide and to rescue its 600 troops in Kigali, where they had been stationed under the terms of the Arusha Accord. Following the defeat of the Rwandan army, the FAR (see **FAR**), in July 1994, the RPF set up an interim government of national unity in Kigali, amidst reports that its own troops were carrying out a series of reprisal killings throughout the country. It has remained in power since, and although it currently has a minority of cabinet and assembly seats, it continues to dominate the government's policies.

the government's policies.

RTD

Rassemblement Travailiste pour la Démocratie (Workers' Association for Democracy), formed in Kigali in 1991, and led by Emmanuel Nizeyimana. Pro-MRNDD before and during the genocide.

UDPR

Union Démocratique du Peuple Rwandais (Democratic Union of Rwandan People), formed in Kigali in 1992, and led by Vincent Gwabukwisi (president) and Sylvestre Hubi (vice-president). Pro-MRNDD before the genocide, but then joined the opposition.

UNAMIR

United Nations Assistance Mission to Rwanda (incorporating GOM and UNOMUR), despatched to Rwanda in December 1993 for an initial period of six months, as a result of the Arusha Accord of August 1993, to guarantee the transition to peace and democracy. On 21 April 1994, its numbers were reduced from 2,500 to 250, following the murder of ten of its Belgian soldiers. However, in June 1994, its mandate was extended for a further six months (**UNAMIR II**), with a view to expanding its numbers to 5,500. Its mandate was subsequently extended until March 1996, and by the end of the following month its last members had left Rwanda.

UNAR

Union Nationale Rwandaise (National Rwandan Union), formed towards the end of the period of Belgian rule in the 1950s, by Tutsis who wished to distance themselves from their colonial rulers, in anticipation of a post-independence battle for power with the Hutus.

UNOMUR

United Nations Observer Mission Uganda-Rwanda, deployed on the Ugandan side of the border in June 1993, in order to ensure that no military supply lines would be maintained for the RPF. In December 1993, it was incorporated into UNAMIR (see **UNAMIR**), and its mandate was formally terminated in September 1994.

UNOR

United Nations Office for Rwanda, established following the departure of UNAMIR (see **UNAMIR**) in April 1996, and comprising a special representative, five officials and twelve local staff. Its mandate is to serve as a small co-ordinating, advocacy and advisory office, whilst the special representative is tasked with co-ordinating UN activities in Rwanda, including the repatriation of Rwandan refugees.

UPR

Union du Peuple Rwandais (Union of Rwandan People), formed in 1990 by Hutu exiles in Belgium, where it has since been based. Led by Silas Majyambere (president) and Emmanuel Twagilimana (secretary-general).

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(a) 03/02/00

(b) 28/05/01

(c) 29/05/01

[51] BBC World Monitoring Service - L'Avenir, Kinshasa

(a) 06/01/00

[52] Business Intelligence International Ltd

(a) 10/01/00

[53] Tomric Agency

(a) 20/01/00

[54] Not Used

[55] United Nations

(a) 29/03/00

(b) 25/04/00

