

RWANDA ASSESSMENT

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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, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2 The assessment has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights 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-seeker producing countries in the United Kingdom.

2. GEOGRAPHY

2.1 The Rwandan Republic is a land-locked country in east-central Africa, just south of the Equator, bordered by the Democratic Republic of the Congo (DRC) to the west, Uganda to the north, Tanzania to the east and Burundi to the south. [1a][1b] Rwanda covers an area of 26,338 square kilometres. According to an estimate by the UN in 1999 the population at that time was 7,235,000. [1a] Most recent Government estimates put the population at 8.2 million, however a census conducted between 16 and 30 August 2002 should establish an accurate figure for the population. [16e] The population is comprised of three ethnic groups, the Hutu, Tutsi and Twa though the latter are not officially designated an ethnic group within the

country. [1a][2a] The country is divided into 12 provinces (formally known as prefectures), each province is in turn sub-divided into districts (formally communes) which in turn are divided into sectors and finally cells; the capital city is Kigali. [1a][7][9b][27][40]

2.2 The official languages of Rwanda are French, English and Kinyarwanda, a Bantu language with close similarities to Kirundi, the main language of Burundi with which it is largely inherently intelligible. [1a][32] Historically, Rwanda has long been united by language and everyone speaks the local language, Kinyarwanda. [1b][31b][32][38] Kinyarwanda is also spoken in the neighbouring countries of DRC, Tanzania and Uganda. Speakers of Kinyarwanda in Tanzania and Uganda represent relatively small proportions of the population; however estimates of speakers in the DRC range from 250,000 (Ethnologue) to as many as 4,000,000 (UNHCR). [31b][32] In addition, almost all Rwandans speak a second language; in rural areas this is most likely to be Swahili whilst most educated people brought up within Rwanda speak French to varying levels. In contrast, many returned long-term exiles educated in an anglophone country speak English. [38] Where spoken, English is mainly used as a second language, particularly amongst those of the Tutsi minority who previously lived in an English speaking country in the region such as Uganda. [7][31a]

3. ECONOMY

3.1 Rwanda is very poor with an estimated 70% of the population living in poverty. The 1994 genocide destroyed the country's social fabric, human resource base, institutional capacity, and economic and social infrastructure. [2a] In excess of 91% of the active population are employed in the agriculture sector, this almost exclusively equates to subsistence agriculture. [2a][27] The country faces two main physical hardships in its economic development. The population density is one of the highest in Africa and its geographical location leaves the country a long distance from the sea. The country has one of the lowest levels of gross national product (GNP) in the world. In 1999 total earnings through exports amounted 25.7% of the bill for imports. Rwanda's major export earner is coffee followed by tea. [1b]

4. HISTORY

Summary of events since independence

4.1 Rwanda gained its independence from Belgium on 1 July 1962. Much of the country's recent history has been characterised by tensions between Rwanda's two main ethnic groups, the Tutsi and the Hutu. [1a] Large-scale interethnic violence in the country between Hutu and Tutsi has erupted on three occasions since independence, resulting each time in tens or hundreds of thousands of deaths. The most recent and severe outbreak of such violence occurred in 1994. [2a]

4.2 Historically the Tutsi, despite representing approximately 14% of the population, were the dominant tribe in a kingdom established several centuries ago. [1b] In 1959 a rebellion resulted in the overthrow of the monarchy and led many Tutsi to flee the country. [1a][13a] A referendum in 1961 resulted in the monarchy being replaced with a republic. Following independence the first President Grégoire Kayibanda and the governing Mouvement démocratique républicain (MDR), a pro-Hutu party also known as the Parti de l'émancipation de peuple Hutu (Parmehutu), dominated political life. In 1973 the Minister of Defence and head of the National Guard, Major-General Juvénal Habyarimana deposed Kayibanda and established a military government. Under Habyarimana's regime the MDR was banned from 1973 until 1991, meanwhile in 1975 a new ruling party, the Mouvement révolutionnaire national pour le développement (MRND), was formed. President Habyarimana survived a coup attempt in 1980 and was subsequently re-elected as president in 1983 and again in 1988 when he was the sole candidate. [1b]

Outbreak of Civil War

4.3 On 1 October 1990 an estimated force of 10,000 guerrillas representing the exiled, Tutsi dominated Rwandan Patriotic Front (RPF), also commonly referred to in French as the Front patriotique rwandais (FPR) or in Kinyarwanda as Inkotanyi, crossed the border from Uganda. This marked the beginning of a period of civil war that resulted in many civilians in the border region being killed and up to 100,000 being displaced before a cease fire was reported to have been agreed in July 1992. However, subsequent discussions between the Government and the RPF failed to resolve difficulties regarding the implementation of the agreement. Meanwhile the ruling MRND had changed its name to the Mouvement républicain national pour la démocratie et le développement (MRNDD) in April 1991. [1b]

4.4 The break down of negotiations in early February 1993 was followed by resurgence in violence. This saw the RPF make advances from the north and for a time looked poised to occupy Kigali. An estimated 1 million civilians fled into Uganda and Tanzania to escape the fighting. The Government accepted a cease-

fire at the end of February 1993 though fighting continued with varying intensity. In August 1993 in Arusha, Tanzania President Habyarimana and the RPF formally signed a peace agreement. This provided for the formation of a new transitional Government to be headed by a mutually approved Prime Minister. Faustin Twagiramungu, leader of the moderate faction of the MDR, was to be installed in this position on 10 September 1993; the timetable for this transition was not achieved. This was attributed to the increasingly fragile security situation and both sides urged the prompt dispatch of a neutral UN force to implement the accord. Between September 1993 and March 1994 the establishment of the transitional Government was further delayed; Habyarimana was accused by his opponents, including moderate Hutu parties, of obstructing progress. [1b]

Genocide of 1994

4.5 On 6 April 1994, Rwandan President Juvénal Habyarimana and the president of Burundi, Cyprien Ntaryamira, were killed when the presidential aeroplane was shot as it approached Kigali airport. In Kigali the presidential guard immediately initiated a brutal campaign of retributive violence against political opponents of the late president even though it was unclear who had been responsible for the attack. Politicians and civilians fled the capital and the brutality of political assassinations was compounded by attacks on the clergy, the UN Assistance Mission to Rwanda (UNAMIR) forces who had been deployed in Rwanda in the latter part of 1993, and members of the Tutsi tribe. Hutu civilians were forced, under the pain of death, to murder their Tutsi neighbours. The mobilisation of the Interahamwe was encouraged with the presidential guard and some factions of the military. The Interahamwe was comprised of unofficial militias reputedly numbering 30,000 and affiliated to the ruling MRNDD and a second party, the Coalition pour la défense de la république (CDR); they were committed to the massacre of government opponents and Tutsi civilians. During this time there were also inflammatory broadcasts from Radio-Télévision Libre des Mille Collines in Kigali. [1b]

4.6 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 challenged by the RPF and subsequently rejected by moderate factions of the MDR and Parti libéral (PL) and by the Parti démocratique chrétien (PDC) and Parti social-démocrate (PSD). In mid April 1994 the RPF resumed military operations from its northern stronghold. [1b]

4.7 The systematic killing of Tutsi and moderate Hutu that began on 6 April 1994 continued for a period of three months. [39] During this period there was a collapse of civil order and at least 800,000 people were killed; some estimates put the number of deaths at one million. [1b][39] In late May 1994 there were unverified reports that the RPF, which by that time claimed to control over half of the country, were carrying out retaliatory attacks against Hutu civilians. [1b] This added to an already major refugee crisis that saw some two million people flee into neighbouring countries and several hundred thousand others become internally displaced. [1b][39] Meanwhile, some 600,000 Rwandan Tutsi, some of whom had lived in exile for 30 years, followed the advance of the RPF back into the country. [39]

RPF takes power

4.8 On 18 July 1994, having gained control of the country, the RPF declared a cease-fire. [39] On 19 April 1994 Pasteur Bizimungu, a Hutu member of the RPF was named as president. [1b][7] The following day Faustin Twagiramungu was named as Prime Minister of a new Government of National Unity. RPF members were assigned most cabinet posts including the organisations military chief, Major-General Paul Kagame, who became both Minister of National Defence and Vice President. [1b]

4.9 In November 1994 a multi-party protocol of understanding was concluded, providing for a number of amendments to the 1993 Arusha peace accord. The most notable of these provisions was the exclusion of members of those parties implicated in alleged acts of genocide from the legislative process, the MRNDD and the CDR. [1b] At the end of 1994 Hutu refugees continued to resist UN and Government attempts to persuade them to return home. This was attributed to persistent allegations that the RPF armed forces, the Tutsi dominated Armée patriotique rwandaise (APR) were conducting a systematic campaign of reprisal attacks. [1a][1b] However, Hutu militias were reported to have assumed control of several camps and reports emerged of Hutu civilians intending to return to their homes being subjected to violent intimidation by the Interahamwe. [1a]

4.10 In August 1995 Prime Minister Twagiramungu 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. His replacement was another Hutu, Pierre Célestin Rwigyema, also of the MDR. In November 1995 the International Criminal Tribunal for Rwanda (ICTR) based in Arusha, Tanzania, began formal proceedings (see paragraph 6.122). [1a]

4.11 In October 1996 civil war broke out in neighbouring Zaire (known since May 1997 as the DRC), the following month some 600,000 people returned to Rwanda within a period of six days. [39] During 1997 as refugees continued to return to Rwanda so ethnic unrest and violence continued throughout the year, particularly in the north west. International human rights organisations alleged 3,000 unarmed civilians had

been killed by Government troops. These claims were refuted by the Government and whilst they acknowledged there had been 1,800 deaths, they stated that those killed were Interahamwe militiamen. The pattern of violence continued into 1998 with further reports of serious human rights abuses, including the massacre of unarmed civilians, by both the Government and rebel Hutu forces in the north-west. [1a]

4.12 Between February and May 1999 16 deputies resigned or were expelled from the national Transitional National Assembly for misconduct, incompetence or allegations of involvement in the genocide. In June 1999 the period of political transition was extended for a further four years following agreement between the major political parties. [1a][12a] Meanwhile, 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. [37a] There have since been further convictions of Rwandan war criminals in European courts. [3a]

4.13 On 6 January 2000 the Rwandan parliament speaker, Joseph Kabuye Sebarenzi, was asked to resign following various accusations, including mismanagement of Assembly funds (see paragraph 6.47), he resigned on 7 January 2000. [10e][35a] Sebarenzi fled the country, initially to Uganda, and is now in the United States. [1b] In February 2000 Rwigyema resigned from the post of Prime Minister after the Transitional national Assembly voted to investigate allegations regarding his abuse of power. Bernard Makuza, formally the Ambassador to Germany, replaced Rwigyema. Shortly after taking up the post Makuza announced a reorganisation that saw six serving ministers leave the Government. [1a]

4.14 The new Government was the first since 1994 in which parties were not represented in accordance with the 1993 Arusha peace accords. At its inauguration Vice-President Paul Kagame failed to swear allegiance to President Bizimungu. [1a] On 23 March 2000 Pasteur Bizimungu resigned as president and subsequently relocated to the USA for a period before returning to Rwanda. [1b][2a][7][18a] The then vice-president, Paul Kagame served as provisional President until 17 April 2000 when members of the legislature formally elected him to the position. [1b] This was the first non-violent presidential change in the country's history. [2a] In July 2000 the former Prime Minister Rwigyema was removed from the post of leader of the MDR by the party's political bureau and subsequently sought asylum in the United States. [1a] [1b]

4.15 In October 2000 Rwanda convened a Summit on Reconciliation and Unity; however this measure failed to convince opponents that Kagame was serious about national reconciliation. As a result, political opposition to the Kagame regime continued to grow, largely amongst Rwandan expatriate communities. [1b] In March 2001 a group of Rwandans, including Sebarenzi, formed a new party in exile in the United States called the Alliance rwandaise pour la renaissance de la nation (ARENA). [7][9c] A number of other opposition parties were also formed outside Rwanda during 2001. [3a] In March 2001 the country held its first secret-ballot elections to elect council members at the district level, more than 90 percent of eligible voters participated. [2a]

4.16 At the end of May 2001, former president, Pasteur Bizimungu, by this time back in Rwanda, launched a new political party, Parti Démocratique pour la Renouveau - UBUYANJA (PDR). [7][9g] The Government banned the PDR in June 2000 and pressurised prominent Tutsi members to resign. [2a][3c][7] In doing so, the Government inferred that PDR was a radical Hutu party and, following the resignation of the Tutsi support, the Government was able to label the PDR as a Hutu party. [7] Throughout the remainder of 2001 there were repeated incidents of harassment of PDR founders including Bizimungu himself. [2a][3c] On 26 December 2001 Gratien Munyarubuga, a taxi driver and member of the opposition PDR, was killed by two of his passengers. [2a]

4.17 On 31 December 2001 the Government of Rwanda unveiled a new flag and national anthem as part of its drive to promote national unity and reconciliation following the 1994 genocide. The new national anthem refers to the Rwandans as one people, rather than to Tutsi, Hutu and Twa. [13a] Many believe that 'Rwanda Rwacu', the old anthem adapted from a traditional folk tune 30 years ago, glorified the Hutu as they fought to throw off Tutsi oppression. The new anthem entitled 'Rwanda Nziza' along with the flag were selected in a contest organised by the Government following the passing of legislation for the changes in the late 1990s. [11a][13a]

4.18 Two alliances of opposition groups operating in exile were created during the first four months of 2002. The Alliance démocratique Rwandaise (ADR) were formed in January 2002 and the Alliance for Democracy and National Reconciliation (ADRN) was launched in Belgium in April 2002. [9d][18a] The ADRN incorporated ARENA, FDLR and the pro monarchy party Nation-Imbaga. [18a] On 19 April 2002 Bizimungu was arrested for engaging in illegal activity. The following day Charles Ntakirutinka, Secretary General of the PDR, was also arrested. [9g]

4.19 In June 2002 Gacaca, a form of popular justice that aims to process cases of persons involved in the 1994 genocide was launched. Gacaca judges had been elected by their own communities in October 2001 and subsequently underwent training in April 2002. [7][9i] On 30 July 2002 President Kagame and his DRC counterpart signed a South African brokered peace agreement that aims to bring an end to a four year war between the two nations. [13c] On 5 October 2002 it was reported that all Rwandan armed forces had been withdrawn from the DRC. [9q] For history prior to 1994 please refer to the Europa Yearbook (source [1a]).

5. STATE STRUCTURES

Part I

Part II

5. STATE STRUCTURES

THE CONSTITUTION

5.1 The Transitional National Assembly adopted the Rwandan constitution, known as the "Fundamental Law" on 5 May 1995. **[1b][2a]** It is based on selected articles of the 1991 constitution, the terms of the Arusha Accord of October 1993, the Rwandan Patriotic Front's (RPF) Victory Declaration of July 1994 and the November 1994 Multiparty Protocol of Understanding. **[1b]**

5.2 In June 1999 the Transitional National Assembly approved a draft law establishing a commission, which was to prepare a new constitution. **[1a]** The Legal and Constitutional Review Commission (LCRC) was established in November 2000; its 12 members were appointed at this time. The LCRC is charged with consulting the population and drawing up a new constitution to be presented to the population at the end of the period of transition in July 2003. **[2a][7]** Under the terms of its remit the LCRC is to search, collect and gather opinions proposed by the population, explain to the population the value of a constitution and elaborate on the draft laws that will govern the last part of the transition. In carrying out its terms of reference the LCRC is mandated to work with the local community, central Government, religious denominations, professional groups, civil society, as well as schools and universities. The commission president is Tito Rutaremara; his deputy is Alfred Makuzamfura and the former president of the Supreme Court, Mr Jean Mutsinzi is the secretary-general. **[21a]**

Citizenship and Nationality

5.3 According to information gathered by the Research Department of the Immigration Refugee Board (IRB), Ottawa, Canada, birth on Rwandan territory does not in itself confer Rwandan citizenship. A person whose father is a Rwandan citizen or both parents are of Rwandan origin, is entitled to Rwandan citizenship. However, the "Code de la nationalité Rwandaise" does make provision for a person whose mother is of Rwandan origin and father is foreign to opt for Rwandan citizenship between the ages of 18 and 21. To qualify the person must live in Rwanda for three years before they can exercise this option. Where the fathers' origin is unknown children are entitled to citizenship if their mother is a Rwandan citizen. **[25a]**

5.4 Persons who have attained the age of majority and who have lived all their lives outside Rwanda but have a Rwandan father are automatically Rwandan citizens unless they have renounced their citizenship. Sufficient proof that an individual qualifies for citizenship on this basis include the father's Rwandan passport, Rwandan identity card, birth certificate or his baptismal certificate. **[25b][25c]** In the case of individuals who do not qualify for citizenship, birth on Rwandan territory and living there for a long time may be considered as an asset to obtain permanent resident status. **[25m]**

5.5 A Rwandan citizen who has acquired the citizenship of another country has an automatic right to his Rwandan citizenship. This is based upon the 1993 Arusha peace accord, especially Article 7 of the Chapter on the "Repatriation of Rwandan Refugees and the Resettlement of Displaced Persons." The article stipulates that "the principle of dual citizenship is hereby accepted." **[25g]** The Fundamental Law of Rwanda has supremacy over other laws and prescribes that dual citizenship is recognised in practice in Rwanda. Although the old laws regarding citizenship have not yet been changed in accordance with the constitution in this regard, in practice they are now considered obsolete. **[25a]** Information obtained by the IRB also suggests that the reasons for the acquisition of another country's citizenship by a Rwandan citizen (marriage, naturalisation or other reasons) and conditions under which the acquisition took place are of no consequence to Rwandan authorities **[25g]**

POLITICAL SYSTEM

5.6 The Tutsi-dominated RPF has been the dominant political force in Rwanda since taking power in July 1994 following the civil war and genocide. **[1b]** Citizens of Rwanda do not currently have the right to change their government by democratic means, however general elections are currently expected to take place in

2003, at the end of the transitional period of governance. [1b][7]

5.7 Rwanda's head of state is Major General Paul Kagame who was elected as President in April 2000 by an electoral college comprising of members of legislature and the Government. The contest saw Kagame achieve a comfortable victory by 81 votes to 5 over his sole challenger. Kagame, who held the post of RPF chairman prior to his election to the presidency and continues to do so, became Rwanda's first Tutsi President. [1b] Kagame replaced Pasteur Bizimungu, who resigned on 23 March 2000. Bizimungu, a Hutu, had served as President since his appointment in July 1994 when he was a member of the RPF. [1b]

5.8 A transitional Government was also established by the RPF in July 1994 for a period scheduled to last for 5 years. [1b][2a] Representatives of the opposition MDR, PDC, PL and PSD also received seats in the Government. [1b] Parties in Government agreed to suspend political activities for a period of 5 years, during which time the transition to elected government was to have been completed. [2a] The CDR and previous ruling party, the MRNDD, both of which were implicated in planning and executing the 1994 genocide were excluded from participation in the Transitional Government and were subsequently banned by law. [1b][2a]

5.9 In June 1999 the Government announced the extension of the transitional period by 4 further years. [1b] [2a] The announcement did not mention political party activities, however the parties in Government continue to observe the suspension. [2a] These parties are not permitted to agitate or recruit members though they may operate at a level of "political bureau". [7]

5.10 The current Prime Minister Bernard Makuza was appointed in February 2000 and runs the Government on a daily basis; he is responsible for relations with the National Assembly. [1a][2a] A 70-member National Transitional Assembly was installed on 12 December 1994; its membership was increased to 74 in 2000. [1b] There are currently eight political parties represented in the National Assembly (see annex B); in addition the Rwandan Patriotic Army (RPA) are also represented. [2a][7] The political executive committees of individual parties choose assembly members, known as deputies. Whilst the RPF hold a minority of the seats within the Transitional National Assembly it is the party that influences business greatly as does President Kagame. [2a][7][29]

5.11 In April 2002, President Kagame ruled out any extension for the term of his RPF's interim administration, which is due to expire in 2003. [9f][18a] Speaking at a press conference Kagame said "I would like to disassociate myself from any idea that there will be an extension of the transition. It has not been a subject of any discussion to which I have been party." According to the Rwandan Government, once the draft constitution has been completed, it will be put to the people in a referendum. If approved, presidential and parliamentary elections will then take place. These elections are expected to take place at the end of 2003. The Government of National Unity will administer the affairs of the state until a new constitution has been written and after both parliamentary and presidential elections have been held. [9f]

Formation of new political parties

5.12 There is conflicting information concerning the issue of forming new political parties within Rwanda. [3a][4a][7][9g] Under the provisions of the existing constitution the establishment of new political parties is permitted. [4a] However, under current Rwandan law, the Government must approve political parties. In addition political campaigning is not allowed during the current period of transition, which is due to end in 2003. [4a][7][9g] On this point the British/Danish fact-finding delegation were informed by the Secretary General of the Ministry of Internal Affairs in March 2002 that at that time no parties in addition to the eight already established could be established. [7] However, there are a number of parties aside from those represented in Government that are already in existence. [1b]

5.13 In May 2001, former president Pasteur Bizimungu sought to organise a new political party, the PDR within Rwanda. [4a][7][9g] However, the government declared the party illegal and on two occasions Bizimungu was put under house arrest for brief periods after he had spoken with journalists. [4a][7] The Government alleged that the PDR was aimed at "destabilising the country". [9g] In March 2002 the British/Danish fact-finding delegation were informed by one western embassy in Kigali that the PDR were the only internal political party actively opposed to the Government. [7] AI, in its annual report covering 2001, referred to the fact that most new parties formed in the early part of the 2001 were established outside the country because of "the government's ban on new political parties during the nine year transition period ending in 2003" (See annex B). [3a][7]

Local elections

5.14 Rwanda held its first secret ballot elections to elect council members at the commune (district) level on 6-7 March 2001; 90% of persons eligible to vote participated. [2a] Prior to the poll the Rwandan National Electoral Commission (NEC) revealed that adult foreigners, who had resided in the country legally for at least a year, would be eligible to vote. [14c] International observers described the elections as generally free and fair and the Rwandan Government and some of its partners presented the elections as an important step on the road to democratisation. [2a][7] However, Human Rights Watch (HRW) reported that the law regarding the organisation of these local elections prohibited political party activity in apparent

violation of the constitution. Parties were reported to have generally observed a moratorium on grass-roots activities, as demanded by the RPF. The RPF itself ignored both the electoral law and the moratorium and both undertook recruitment of new members and did electoral campaigning in some areas. [4a] HRW also observed that 45% of posts contested had only one candidate and that some potential candidates withdrew following threats. [2a][4a] More than 80% of incumbent district mayors were re-elected. [4a]

5.15 Professor Filip Reyntjens of the University of Antwerp, Belgium, who was visited by the British/Danish fact-finding delegation, was also critical of the organisation of the March 2001 elections. He commented that these elections did not augur well for the future of democracy in Rwanda. He observed that the elections were "very indirect and of Byzantine complexity". He also referred to there being information that pressure had been brought to bear both on candidates and on voters. People who wished to be candidates were "dissuaded" from running, whereas others who were reticent were "encouraged" to do so. Reyntjens said these pressures had included visits from the army and threats of imprisonment and loss of employment. Referring to the large turnout for the elections Reyntjens suggested this was due to the fact that many people were convinced that the vote was compulsory and that they ran the risk of being fined or imprisoned if they did not participate. [7] HRW also noted that RPF and administrative officials exerted pressure on voters in some cases, ordinarily in favour of the incumbent. [4a]

5.16 The Netherlands and Canadian based anti-government organisation, Rassemblement pour la Démocratie et le Retour des Réfugiés (RDR), rejected the commune elections as non-free and unfair. The RDR condemned democratic donor countries financing of the elections, which it described as a violation of Rwandans' civil and political rights, and also a means of "prolonging indefinitely the RPF's monopoly on power". [7]

5.17 On 25-26 March 2002 some 3.5 million people turned out to vote in local authority elections. These were also described as free and fair though the voting procedure involved people queuing behind their favoured candidate and the candidate with the longest queue being declared the winner. Political parties monitored the polls but did not field candidates; each candidate stood on their own merits. Most incumbents were reported to have retained their seats. [18a]

JUDICIARY

5.18 The fundamental law provides for an independent judiciary; however, the Government does not respect this provision in practice. The judiciary is subject to executive influence and also suffers from inefficiency, a lack of resources, and some corruption. During 2001 there were occasional reports of bribery of officials ranging from clerks to judges. The justice system collapsed during the war and genocide of 1994 but with help from the international community it is slowly being rebuilt and beginning to function more normally. During 2001 court officers continued to be sworn in and assigned to courts across the country, however the Government does not have sufficient prosecutors, judges, or courtrooms to hold trials within a reasonable time. [2a] Out of a total of 785 people, less than 20 judges and 70 lawyers survived the 1994 genocide. [7]

5.19 The fundamental law provides for a system of communal courts, appeals courts, and a Supreme Court of six justices. The President nominates two candidates for each seat in the Supreme Court, the National Assembly may then choose one or reject both; however, the latter is not known to ever have happened. [2a]

Anti-Corruption Commission

5.20 The 12-member Anti-Corruption Commission charged with fighting corruption in the judiciary continued to make progress during 2001. It is chaired by the Minister of Justice and charged with investigating all activities involving corruption and the education of citizens on methods that can be used to fight corruption. Unlike in 2000, there were no reports that magistrates and prosecutors were suspended or dismissed on corruption charges during 2001. There also were no reports that magistrates were removed during the year following "not guilty" verdicts of suspects alleged to have participated in the 1994 genocide or for bringing false charges of genocide. [2a]

Genocide trials

5.21 Since 1996, Rwandan law has categorised genocide suspects. [9k] Anyone accused of "Genocide and Crimes against Humanity" between the period 1 October 1990 and 31 December 1994 are classified into one of four categories. [25i] These range from category one, covering the most serious crimes including amongst others the planners, organisers and instigators of the genocide to category four which relates to offences against property (see Annex D). [9k][25i]

5.22 In 1996 the authorities drew up a list of "first category criminals"; the list was revised and reissued in 1999 and again in March 2001. [25i] The list, issued by the Attorney General contains almost 2,900 names;

some of those listed are already in detention either in Rwanda or at the ICTR in Arusha, Tanzania. [4a][25i] Others on the list remain at large whilst a few have died. The majority of persons named on the list are Hutu. According to information provided to the IRB by a senior advisor to HRW (HRW) whilst most people on the list are suspected of planning and organising the slaughter, some may have been added to the list for different reasons. The cases of the former prefect of Kibungo prefecture, himself a victim of the genocide, and Pierre-Celeste Rwigema who stepped down after five years as Prime Minister under the current regime and whose name was added to the list for political reasons, are quoted as such examples. The HRW source notes that being on the list is not itself proof that an individual was involved in the genocide. However, the list may be regarded as a "red sign" that signals more investigations on a case-by-case basis. [25i]

5.23 In several cases persons tried, acquitted, and released have later been re-arrested after public protest against the verdicts. Eight detainees acquitted in December 2000 were never released and were to be tried a second time on "new facts." In November 2001, one of the eight died whilst still in detention. Magistrates involved in their original acquittal were transferred to other posts with the result that no judgements in genocide cases were issued in that jurisdiction in the first quarter of 2001. Three judges arrested in 2000 on charges of genocide remained in jail; two had served on panels that had acquitted accused persons in well-publicised cases prior to their own arrests. [4a] In May 2002 reports from Gitarama province indicated suspects were bribing some genocide survivors. [21b]

5.24 HRW state that as of March 2001, an overall total of 5,310 persons had been tried on charges of genocide under the formal court system, some 17% of these were acquitted. [4a][25i] During the first nine months of 2001 approximately 1,005 were tried in local courts. The primary focus of the judiciary is on resolving the enormous genocide caseload of more than 100,000 detainees. [2a] During 2001 the Government increased its use of group trials as one method of reducing the caseload and the majority of trials were in fact held on a group basis. [2a] The Government also continued with a project sometimes referred to as the Gisovu project (see paragraph 5.36) during 2001. However, Gacaca courts, a grassroots participatory form of justice, are now to serve as the Government's primary judicial process for adjudicating genocide cases. [2a] Rwanda's conventional courts will continue to hear the cases of those suspected of planning, instigating and leading the genocide. The ICTR will continue to hear the cases of the top ringleaders. [9k]

Gacaca system

5.25 The Gacaca courts combine participatory justice and reconciliation techniques exercised at the local level. [2a] The Gacaca process is loosely based on a traditional mode of settling disagreements within local communities. The Gacaca judges will sit in panels of 19 and try tens of thousands of category 2, 3 and 4 detainees. [3d][9k]

5.26 In April 2002, training began of almost 255,000 judges who will be presiding in the Gacaca courts. [9e] The trainee judges, known as "les intègres"; were elected by their own communities in October 2001 as "people of integrity". Training was provided by a total of 781 Gacaca instructors and was carried out between 4 February and 14 March 2002. All trainers were magistrates or final year law students. [7][9e] In June 2002, AI criticised the abbreviated training provided stating that it was "grossly inadequate to the task at hand, given the complex nature and context of the crimes committed during the genocide." The fact that the majority of those serving as Gacaca magistrates have no legal or human rights background was also criticised. [3d][9i] The sixth chamber of the Supreme Court and its President, Aloysie Cyanzayire, oversees the implementation of Gacaca. [2a]

5.27 On 18 June 2002, Gacaca was officially launched when thousands of people gathered to participate in trials across the country. [9i] Initial proceedings included forming the jury, which was comprised of "les intègres" and a chance for people to ask questions. There were media reports that in some locations the "les intègres" had moved away or died. This necessitated putting others in place so as to complete the jury. [11e]

5.28 In the first phase of the Gacaca process the courts are expected to identify victims of the genocide, a process that was originally expected to last two or three months. This is to be followed by the identification and categorisation of genocide suspects, anticipated to be a shorter process. [9k] Pilot trials, which commenced on 19 June 2002, are however being conducted in one selected sector from each province. Those who have already confessed their role in the genocide are involved in these initial hearings. The pilots are expected to provide insights into any unforeseen difficulties with the trials and an evaluation is due to be conducted after two months. The courts will then take off in every sector of Rwanda's 12 provinces. [11e][20a]

5.29 Speaking at the inauguration ceremony President Kagame requested all Rwandans, men, women, the youth, religious leaders and others to contribute to the process to ensure its success. Kagame said that the Gacaca court system was established to put an end to the culture of impunity, to find out the truth about what happened during the genocide and to bring about reconciliation on the basis of justice. He appealed to Rwandans to respect the Gacaca courts as much as they respect the ordinary courts, and urged everyone to be truthful. He called upon those who committed crimes to be courageous enough to confess

the crimes they committed and ask for forgiveness. [20a] Laws are already in place to punish those who give false testimonies. [11e]

5.30 In his address Kagame also said that clear distinctions should be made between the Genocide crimes and other crimes that were committed by individuals motivated by revenge. He said that the Government of National Unity has always punished perpetrators of the revenge motivated crimes severely. [20a] There has been some criticism, including the opposition PDR, regarding the fact that crimes committed by the RPF will not be considered under the Gacaca process. [7]

LEGAL RIGHTS/DETENTION

5.31 The fundamental law provides legal safeguards against arbitrary arrest and detention; however, authorities rarely observed these in practice, and security forces continued to arrest and detain persons arbitrarily during 2001. 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. [2a] In July 2001 the law suspending portions of the Code of Criminal Procedure expired; this restored the right of individuals to be informed of the reason for their arrest, be issued with a provisional arrest warrant and to have the benefit of pre-trial detention. [3a] These provisions were widely disregarded during 2001. The law permits preventive detention if authorities believe that public safety is threatened or that the accused might flee. There is no bail, but the authorities may release a suspect pending trial if they are satisfied that there is no risk that the person is likely to flee or become a threat to public safety and order. [2a]

5.32 The law provides for public trials with the right to a defence, but not at public expense. The shortage of lawyers and the abject poverty of most defendants make it difficult for many defendants to obtain legal representation. International NGO's such as Avocats Sans Frontieres (ASF or Lawyers Without Borders) provide defence and counsel to some of those in need, but it is estimated that less than 50 percent of prisoners have defence counsel. Lawyers from ASF rarely accepted individual cases during 2001 and assisted mostly in group trials; numerous individuals represented themselves without legal assistance. [2a]

5.33 Some persons were tried and convicted in absentia by the Government during 2001. On 26 September 2001 the RPA convicted three of its members of desertion and financial fraud. All three officers had reportedly fled the country to escape prosecution. [2a]

Death Penalty

5.34 Rwanda retains the death penalty; those convicted of category one genocide crimes receive death sentences if convicted; during 2001 at least 120 people were sentenced to death for such crimes. [2a][3a][25] Between 1996 and 1999 more than 30% of those found guilty in genocide trials were sentenced to death, however, in 2000 only 8.5% received the death penalty. [25] AI reported that in some cases the penalty was imposed following unfair trials. [3a] However, according to the Rwandan human rights organisation, Ligue pour la Promotion des Droits de l'Homme au Rwanda (LIPRODHOR), which actively monitored trials and interviewed released prisoners, the vast majority of genocide trials during 2001 did meet international standards. [2a] As of the end of 2001, a total of 22 death sentences relating to Genocide crimes had been carried out, all by public firing squad during 1998. [2a] No executions of persons sentenced to death took place in Rwanda during 2001. [3a]

Genocide suspects

5.35 A section of the Genocide Law is designed to encourage confessions in exchange for reduced sentences for the vast majority of those involved in the genocide. [2a] As a result of efforts by the Government, international donors, and NGO's to advertise widely the confession provisions, more than 20,000 prisoners confessed under this plea bargaining procedure between the law's implementation in 1996 and the end of 2001. [2a][4a] However, only a small number of these confessions had been processed by the end of 2001 due to lengthy administrative review and hearing proceedings, and the lack of officials to process the confessions through the system. [2a] Thousands of detainees who were aged fourteen to eighteen at the time of their alleged crimes remained in detention. Although their cases were supposed to benefit from priority processing most did not. [4a]

Gisovu project

5.36 The Gisovu project is a release program in which detainees and prisoners who are elderly, ill, without files, acquitted, or sentenced to terms outside of prison are taken to their former villages. There, residents of the village have an opportunity to make complaints against them or to confirm that there is no reason to detain them. In the first 8 months of the 2001, 3,466 detainees were reinvestigated, and 1,335 of them were released. Also, 49 individuals were arrested for the first time as a result of these investigations. [2a]

Penalties under Gacaca system

5.37 The maximum sentences that may be passed by Gacaca courts are 25 years or life for persons convicted of category 2 crimes but who have not confessed. [3d] Aside from prison sentences there will also be scope for sentences of community service to be imposed upon persons convicted. [7] Under the provisions of Gacaca those who confess their crimes may be given reduced sentences, persons who plead guilty could have their sentences cut by 50%. [3d][7] A prison sentence may also be halved where a person convicted agrees to perform community service. [9k] It is therefore possible that many people who have spent eight years in prison since the genocide, including those who have committed multiple murders could be freed after their trials. Also some people have been detained since 1994 without being formally charged. [7][9k]

Local and international reaction to Gacaca

5.38 Rwandese Government leaders readily admit that Gacaca is flawed but argue that there is no alternative. The international donor community, which is funding Gacaca, largely concurs with this assessment. [3d][7] Many of those adopting this position acknowledge the chronic overcrowding in Rwanda's prisons where as many as 120,000 held on suspicion of genocide and crimes against humanity are awaiting trial. It is widely recognised that for many individuals, trials could not take place within their lifetime. [7][9e] At the end of 2001, less than six per cent of those detained for genocide related offences had been tried. [3a]

5.39 In June 2002 AI issued a statement expressing concern over the extrajudicial nature of the Gacaca tribunals. The human rights group observes that Gacaca does not incorporate international standards of fair trial and that defendants are not afforded applicable judicial guarantees so as to ensure proceedings are fair. [3d] However, in their annual report covering 2001 HRW observed that despite the absence of some basic guarantees of due process, the innovative system offered the only hope of trial within the foreseeable future for the tens of thousands now suffering inhumane conditions in prisons and communal lockups. [4a]

5.40 The Information Officer for Avega Agahozo (AVEGA), a women's genocide survivor's group, stated that genocide survivors who will be testifying during Gacaca jurisdictions are not afraid for their security. They reportedly expressed confidence that no one would hamper their security and questioned why people were "building on false information that genocide survivors are afraid of their security and are increasingly getting traumatised due to Gacaca courts". [11d]

INTERNAL SECURITY

5.41 The security apparatus consists of the Rwandan Patriotic Army (RPA) and the civilian Rwandan National Police (RNP). In addition to these forces, a volunteer force of armed civilian local defence units, the Local Defence Forces (LDF), works throughout the country and has limited powers of arrest. Members of the security forces continued on occasion to act independently of Government authority and committed serious human rights abuses during 2001. [2a] Professor Reyntjens of the University of Antwerp expressed the view to the British/Danish fact finding delegation that the security apparatus in Rwanda does not operate independently, but with the consent of the Government and President Kagame. [7]

Rwandan Patriotic Army (RPA)

5.42 In August 2000 the RPA membership was estimated at between 49,000 and 64,000 though these figures included 6,000 paramilitary gendarmerie of which some have subsequently transferred into the Rwandan National Police (RNP). [1a][7][10f] As of July 2002 up to 30,000 of Rwanda's troops were based in the neighbouring DRC though by October 2002 all troops stationed there had reportedly withdrawn (see paragraph 6.110). [9q][13b] According to information obtained by the British/Danish fact-finding delegation, the vast majority of high-ranking officers in the army are English speaking Tutsi, whilst the low ranking officers are generally French speaking Tutsi. [7] The RPA are represented in the Transitional National Assembly where they have been allocated two seats. [1b][7][29] A number of ex-FAR soldiers have been incorporated into the RPA and this practice continues for former soldiers returning from the DRC following a period in Campes de Solidaritaire where a form of ideological training is delivered. [6][7]

5.43 The RPA carried out extrajudicial killings during 2001, particularly in the north west of the country. However, an RPA soldier in uniform shot and killed a former RPA officer in Kigali in February 2001 and, as of March 2002, the British/Danish fact-finding delegation was advised that this had not been investigated. [2a][7] The representative of a western embassy in Kigali commented to the delegation that they considered the RPA to be "a relatively well controlled army". [7]

Rwandan National Police (RNP)

5.44 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; under the programme training and accommodation was to be provided for local police. [10a] In January 2000 it was announced that the former gendarmerie, police communale and police judiciaire were all to be united to form the RNP. [10f] The RNP is responsible for national security in Rwanda and its forces consist of 3,600 police officers. As reflected in the British/Danish fact-finding report, the regional human rights organisation, Ligue des Droits de la Personne dans la Région des Grand Lacs (LDGL) spoke positively about the RNP. The police have attended human rights seminars and the prevention of torture seminars. LDGL also stated that there was now much better communication between the police and members of the public. [7]

5.45 The National Police Academy in Ruhengeri provides training for those who will take up senior posts within the RNP force; it is the only facility of its kind in Rwanda. Upon graduation of an intensive six-month course including justice, human rights, law and other related subjects, cadets are expected to take up posts as commanders of police in Rwanda's police districts. A senior police official informed the British/Danish fact-finding delegation that the aim is to have a ratio of one police officer per 1,000 citizens in Rwanda; the current figure is one police officer per 3,000 citizens. The limited forces of the RNP showed the need for a supplementary force, the Local Defence Force (LDF). [7]

5.46 A large number of police representatives have attended a one-week seminar on the prevention of torture. [7] The seminar was administrated by the local human rights organisation, Forum for Activists against Torture (FACT) in conjunction with the National Human Rights Commission (NHRC). [7][19] In addition the RNP have also received some training on human rights. The RNP itself investigates any incidents of harassment or crimes attributed to its members. [7]

Local Defence Force (LDF)

5.47 The LDF are an unpaid volunteer force of local defence units with limited powers of arrest that operates throughout the country. [2a][7] The LDF assist the RNP and the local authorities and is responsible for local security, especially during the night. LDF members wear a uniform and may be armed but it is not always the case. [7]

5.48 The ethnic make up of the LDF is normally reflective of the ethnic balance of the area represented. There are also reports that some of those who serve in the LDF have been forcibly recruited (see paragraph 5.58). [7] HRW stated in its annual report covering 2001 that the military and civilian authorities continued to use some children as part of the LDF and that the force sometimes engages in combat. [4a] As noted in the British/Danish fact-finding report, there are incidents of indiscipline within the LDF and individual members have committed crimes including rape and robbery; however, the situation is improving. [7] According to HRW members of the LDF killed more than a dozen people in 2000, AI documented two killings of civilians attributed to the LDF during 2001; this conflicted with the US Departments of States report that suggested there had been no killings attributable to the LDF during the year. [2a][3a][7]

5.49 HRW state that the LDF are nominally under the supervision of local authorities and, in many cases, LDF members responsible for crimes, including those accused of the killing of civilians, have escaped punishment. [3a][7] However, whilst acknowledging that individual members have committed crimes the Government maintain that the LDF do not enjoy impunity. The Secretary General of the Ministry of Internal Affairs advised the British/Danish fact-finding delegation that the RNP carries out investigations into crimes or reports of harassment by LDF members. [7]

Directorate of Military Intelligence (DMI)

5.50 In March 2002 the LDGL informed the British/Danish fact-finding delegation that they considered there had been an improvement in the behaviour of DMI compared to 1995-98 when they arrested many civilians. LDGL referred to the NHRC report covering 2000, which stated that the DMI, as a military organisation, had no jurisdiction to arrest civilians. According to LDGL the Government had heeded this advice and consequently DMI arrests of civilians had ceased. [7]

PRISONS AND PRISON CONDITIONS

5.51 According to the US Department of State, the ICRC has registered approximately 106,000 prisoners detained on genocide or security-related charges and estimates that an additional 5,000 prisoners are detained on charges unrelated to the genocide. However, the Ministry of Justice routinely refers to the prison population as numbering 130,000. The US Department of State estimates that 95% of individuals in prison are awaiting trial on genocide charges. [2a][7] AI stated in its report covering 2001 that Rwandese prisons hold ten times the number that they were designed to accommodate. [3a] A major contributory factor to the overcrowding and associated conditions in Rwanda's prisons is the number of people awaiting

trial for crimes relating to the genocide. [2a]

5.52 In 1994 the ICRC concluded an agreement with the Rwandan Government guaranteeing that delegates would have the right to visit all detainees in all places of detention throughout the country. In March 2002 the organisation were providing 50% of food to 93,000 prisoners. The Rwandan Government had responsibility to provide the other 50%. According to ICRC, they have also provided the majority of hygiene, sanitary and kitchen provisions in Rwandan prisons since 1994. [7]

5.53 Prison conditions are described by the US Department of State as harsh and life threatening and are characterised by chronic overcrowding, extremely poor sanitary conditions and a lack of adequate food or medical treatment. During 2001 prison overcrowding increased as prisoners were transferred from cachots, the local detention centres, into the larger national prisons. [2a] Women prisoners are detained separately from men in national prisons though males and females do not have access to their separate washing facilities in all cases. [2a][7] Although the Penal Code prohibits the imprisonment of children with adults, the ICRC reported during 2001 that many children; mostly aged 2 or younger were incarcerated with their mothers. [2a] The standard of prison conditions and the extent of overcrowding varies between individual prisons. [7]

5.54 A total of 708 deaths occurred in prisons during 2001, a decrease of 340 compared to the figure for 2000. Many deaths were the result of preventable diseases, suspected HIV/AIDS, malnutrition, or the cumulative effects of severe overcrowding. Between 80 and 100 of the recorded deaths followed a Typhus outbreak at a prison in Relima. Unlike previous years there were no reports of deaths occurring as a result of abuse of prisoners. [2a] During its visit in March 2002 the British/Danish fact-finding delegation received information from three sources suggesting that torture no longer occurred within national prisons. One individual who had spent five years between 1994 and 1999 stated that they did not recall any incidents of torture in prison since 1995. [7] However, the Danish based International Rehabilitation Council for Torture Victims (IRCT) suggest in a report published in during 2000 that torture still did occur within prisons at that time although the report suggested that this was especially the case in communal prisons (locally known as cachots) and brigades. [7][19]

5.55 A representative of the United Nations Development Programme (UNDP) described prison conditions within Rwanda as "pretty awful" to the British/Danish fact-finding delegation but also observed that there was no violence and few security personnel. A representative of an international human rights organisation in Kigali explained that the relaxed security precautions in Rwandan prisons are due to the fact that Rwandan society is very "transparent and small". Any prisoner who escapes would be in serious trouble outside the prison and he or she would find it very difficult to hide from the authorities. Convicted prisoners must each have their own cell with maximum security and minimum human rights standards met. [7]

Cachots

5.56 Cachots are local detention facilities (also referred to as local detention centres, communal prisons or brigades) designed only to hold people on remand, however due to overcrowding some people have been held for much longer periods in these facilities. [3a][7][19] Conditions in cachots are particularly poor and there are reports that men, women and children are held in the same facilities. [3a][7] Unlike in prisons, food, medical needs and other requirements for people detained in cachots has to be provided by family or friends. [7] According to the ICRC approximately 17,000 prisoners were being held in cachots in March 2002. [7] There is also evidence that torture, particularly in the form of beatings following arrest, occurs in the cachots. [3a][7][19] NHRC's survey into the conditions of cachots in 2001 stated that the condition and treatment of prisoners being held in cachots could be greatly improved if the police had more support and staff. [7]

MILITARY SERVICE

5.57 According to War Resisters International military conscription does not exist in Rwanda. [6] The British/Danish fact-finding delegation received conflicting information concerning the issue of forced recruitment. One source suggested that the army have ceased to use forced recruitment because there are currently sufficient volunteers. A western embassy in Kigali confirmed that forced recruitment had taken place in 1999 when people were recruited to fight in the DRC. However, the same source also pointed to incidents in November 2001 in Gisenyi and Ruhengeri where it was alleged that each sector had to contribute twenty men aged between 14 and 20 to the army. However, the source added that there was no evidence to suggest forced recruitment was a persistent problem. It was added that new recruits normally come from the ranks of the LDF, ex-FAR, and street children. Another source commented that forced recruitment did take place "on the streets and in the prisons". A western embassy in Kigali commented to the delegation that whilst round ups of street children did occur there was no evidence to suggest these children were recruited into the army. [7]

5.58 The fact-finding delegation were advised by two separate sources including the LDGL that forced

recruitment into the LDF did occur and that members of the LDF may subsequently transfer into the RPA and could be sent to the DRC. One source suggested this would happen by the age of 22. An AI report covering the DRC conflict also refers to this practice, suggesting that within Rwandan controlled areas within the DRC children as young as 12 may be recruited into the LDF. [7]

Conscientious Objectors and Deserters

5.59 According to War Resisters International desertion is punishable by 2 months' to 2 years' imprisonment, the penalty rises to 3 months to 3 years in aggravated circumstances, at times of war the maximum penalty is given. In the case of officers the penalty ranges from 1 - 5 years imprisonment. Desertion of two or more individuals is considered conspiracy and punishable by 3 months' to 3 years' imprisonment in peacetime or two to five years in wartime. The penalty for officers is much higher though not specified. Desertion in the presence of the enemy carries a penalty of 5 - 10 years' imprisonment, 10-15 years' for officers. Desertion in the presence of the enemy is punishable by execution. [6]

MEDICAL SERVICES

5.60 Information obtained by the British/Danish fact-finding delegation in March 2002 suggested that the availability and quality of health facilities is slowly improving in Rwanda. In main urban areas there are good doctors but the lack of facilities is holding them back. It was not possible to obtain any information regarding the situation in the countryside. In terms of the distribution of medical treatment the UNDP advised that they were not aware of any evidence of discrimination on ethnic lines. Their representative suggested that the Government is more concerned with bringing what little is available to everyone in need. It was observed that the number of supported projects in the Hutu-dominated north west (Gisenyi) region illustrates this point. However, UNDP did note that there are lots of complaints about inconsistencies in the availability of treatment for those with access to power. [7]

5.61 Malaria is the biggest killer in Rwanda and the Government is campaigning to reduce this disease; activities include encouraging the use of mosquito nets that are available at a subsidised price. [7] In August 2002 a meningitis epidemic was reported in the southern province of Butare where it first broke out in June 2002 and in Kibungo Province in the east where it had spread. By 27 August 2002 it was reported that 65 people had been killed and at least 445 others infected. [9o]

HIV/AIDS

5.62 The United Nations Development Assistance Framework (UNDAF) for 2002 - 2006 published in November 2001 estimated a prevalence rate of HIV/AIDS of 13.7% for 15 - 49 year-olds. The UNDP advise that this is 15% higher than the Sub-Saharan African average and point to rapes during the 1994 genocide and the subsequent break down of family structures as contributory factors to the high rate of infection. Maternal and infant mortality rates have increased substantively due to HIV/AIDS and a large number of children have been orphaned as a result of the disease. According to a Rwandan News Agency (RNA) report in January 2001 Avega Agahozo estimate that 66% of genocide widows are infected with HIV/AIDS. [7]

5.63 The Government of Rwanda considers the HIV/AIDS pandemic to be a "serious development constraint" as well as a major source for insecurity and impoverishment for individuals and households. The Rwandan Government has demonstrated a high political commitment to fighting the disease and has instituted the Commission Nationale de Lutte Contre la VIH/SIDA (CNLS) to which the UNDP provide policy support, and the Treatment and Research Aid Centre (TRAC) to co-ordinate both action and research. The Rwandan First Lady is particularly active in the fight against the infection and during 2001 Kigali hosted an "African First Ladies Summit" on HIV. [7]

5.64 The chairman of the Commission for HIV informed the British/Danish fact-finding delegation in March 2002 that AIDS poses a serious threat, particularly to young working class people. The commission mobilises the private sector, churches, Government ministers and in particular the Department of Health to alert people of the dangers posed and runs seminars throughout the country targeting groups such as the youth or women. Rwandan radio regularly publicises issues relating to AIDS and there are also frequent articles in the press. [7] In addition, some Rwandan women's organisations such as Pro-femmes members and Avega Agahozo provide AIDS counselling to their members. [25e]

5.65 The chairman of the Commission for HIV advised that stigmatisation of those infected with HIV is not a real problem in Rwanda. He did however add that isolated problems might arise as a result of ignorance. The UNDP confirmed to the British/Danish fact-finding delegation in March 2002 that the kind of stigmatisation prevalent in many other African countries is not present in Rwanda but the most serious problem is still that of persuading individuals to be tested. [7] Stigmatisation against those infected with AIDS was previously more of a problem in Rwanda. However, as a UNDP representative explained to the IRB in March 2001, the high number of HIV/AIDS sufferers and the great "prise de conscience" by the Rwandan authorities of the impact

of AIDS on the entire society, the stigma attached to AIDS and discrimination against patients has significantly diminished. [25e]

5.66 In January 2001 the Rwandan government announced that it had signed agreements with four research-based pharmaceutical companies. [12e] The agreements were expected to allow easier access to anti-retroviral care and treatment for HIV/AIDS sufferers in Rwanda and cut rates in the country by 60-70 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 was agreed. [12e][25e] The agreements were anticipated to allow for an increase of four to five times the number of patients who might benefit from these treatments. It was reported that a combination of free drugs would be available to patients for a cost ranging between 64 and 161 US dollars, per patient per month. [12e] However, reacting to this development a representative of the UNDP commented in March 2001 that because of Rwandan citizen's low income in general, many HIV/AIDS patients could not access the treatment even if their prices were drastically cut. [25e]

5.67 In March 2002 the UNDP informed the British/Danish fact-finding delegation that the cheap retroviral drugs negotiated by the Government in 2001 were available and people infected with the virus therefore have access to treatment. However, the chairman of the Commission for HIV added that the price of these was still relatively expensive for ordinary people. He explained that these drugs are provided when individuals' condition deteriorates. However, initially individuals are provided with medicine to treat TB and venereal diseases, conditions that he said pose a particular threat to individuals infected with HIV. The intention is that tackling these infections helps prevent the condition of those infected from deteriorating quickly. However, he also explained that when the condition of infected persons does deteriorate they are able to attend health centres and will be provided with a card giving access to the necessary consultations and drugs. [7]

People with disabilities

5.68 Information obtained by the British/Danish fact-finding delegation in March 2002 suggested that in Rwandan culture it is the responsibility of the family to care for people with disabilities and that this is mostly what happens in practice. Neither the church nor the Government has done a great amount of work in this area. There is however one dedicated hospital for the mentally ill that is run under the auspices of the Catholic Church. [7]

EDUCATIONAL SYSTEM

5.69 Primary Education, beginning at seven years of age and lasting for seven years, is officially compulsory. [1b] All families must pay school fees to enrol a child; however, school fees are routinely waived for orphans. The public schools lack essential and basic supplies and cannot accommodate all children of primary school age. UNICEF reported that 400,000 school-aged children were unable to go to school in 1999. Private schools often are too distant or too expensive to serve as a viable alternative for many children. [2b] Secondary education, which is not compulsory, begins at the age of 15 and lasts for a further six years. [1b] Entry to secondary school is by examination. [2b]

5.70 There is one state university in Rwanda; this is the National University in Butare. The university also has a campus in Ruhengeri. [1a][7] There are several other institutions of higher education within Rwanda whilst, during 2000 some 7,000 students were enrolled in higher education outside the country, mostly in Europe. [1a] The British/Danish fact-finding delegation received information from one source who stated that the Government restricted educational freedom. He claimed that the national university is infiltrated by the RPF and claimed that military students were based at the university and other further education institutions, primarily for intelligence purposes. The same source also suggested the RPF leadership fear intellectuals because it does not want debate. It was suggested to the delegation by a separate source that intellectuals could be at risk if they demonstrate opposition to the Government irrespective of whether they are of Hutu or Tutsi origin. [7]

5.71 The British/Danish delegation also received information regarding the existence of Campes de Solidaritaire (Solidarity Camps). In these camps new university students spend a month receiving military and political instructions in order to provide them with a better understanding of the necessity of national unity and reconciliation policies before entering university. One prominent intellectual in Kigali commented to the delegation that this was a way of letting students know the boundaries they must not cross whilst in university and also promote the RPF ideology. The source suggested that this was a way of asserting some ideological control over these people before they take up positions in civil society. Attendance at these camps is compulsory regardless of sex or ethnicity. The camps are often sponsored by non-governmental sources. A western embassy in Kigali confirmed the existence of these camps. [7]

5.72 According to a 1996 study conducted by the Government and the UN Population Fund, 59.6 percent of the population aged 6 and over had primary education, but only 48 percent of the entire population was

literate. Broken down by gender these statistics show 52 percent of men to have been literate compared to 45 percent of women. Only 3.9 percent of citizens had completed secondary school and only 0.2 percent had a university education. [2a]

6. HUMAN RIGHTS

6A. HUMAN RIGHTS ISSUES

Part I

Part II

6. HUMAN RIGHTS

6A HUMAN RIGHTS ISSUES

OVERVIEW

6.1 The US Department of State's report of human rights practices issued in March 2002 suggested that despite improvements in a few areas the Government's poor human rights record worsened during 2001 and the Government continued to commit numerous, serious abuses. [2b] However, in March 2002 one western embassy informed the British/Danish fact-finding delegation that there had in fact been significant improvements in the human rights situation in the country with the sole exception of the treatment of Bizimungu and open supporters of his PDR-party. It was observed that the refusal of the authorities to allow Bizimungu to attend mass represented a denial of his most basic rights. According to another western embassy in Kigali this was the sole reason why the US State Department stated in its 2002 report that the human rights situation had worsened. [7]

6.2 During 2001 the number of civilians killed decreased in line with the reduced number of rebel incursions by armed opposition groups. [3a] In recent years an increasing number of prominent figures have been prompted to flee Rwanda as a consequence of what the Europa publication, Africa South of the Sahara 2002, referred to as the increasingly harsh and dictatorial policies of the Kagame regime. [1b]

6.3 The NHRC was established on 24th May 1999 with a mandate to promote and protect human rights in Rwanda. [7][17] Tom Ndahiro, Commissioner of the NHRC informed the British/Danish fact-finding delegation that the commission has within its mandate the power to investigate the past and wherever possible to prosecute. Ndahiro also explained that NHRC is independent and has the power to discuss directly with the Government possible breaches of human rights and can also intervene to free people from unlawful detention. The NHRC are currently in the process of establishing offices in every region throughout Rwanda. According to Ndahiro this will enable NHRC to respond to the needs of the population in a more effective manner. [7]

6.4 The LDGL commented to the delegation that the NHRC publishes an annual report and its first report in 2000 on the human rights developments in 1999 contained no information on what the NHRC had done during the year to promote human rights in Rwanda. As a result of this report the NHRC received a lot of criticism. However, in the report covering 2000 the NHRC demanded that the Government end the DMI's habit of arresting civilians. The NHRC argued that as the DMI is a military organisation it has no jurisdiction over civilian arrests. However, LDGL also questioned the independence of NHRC and believed many of the members and employees of NHRC to be Government officials and not human rights activists. LDGL also argued that NHRC should intervene in many more cases than it currently does. [7]

6.5 The Legal and Constitutional Review Commission (LCRC) worked to prepare a new constitution during 2001, this will supposedly guarantee political freedoms; however, the government did not honour those guaranteed under the existing fundamental law. During 2001 there were incidents of political opponents being subjected to harassment and persons said to be critical of the government fleeing the country or being assassinated. [3a][4a]

Torture

6.6 The fundamental law prohibits torture; however, beatings at the time of arrest were common during 2001 and some released detainees reported that they had been tortured. [2a][3a] The British/Danish fact-finding delegation received information suggesting that torture is no longer used in prisons within Rwanda though it remains an issue in Cachots, the local detention facilities where many prisoners have been held for prolonged periods as a result of overcrowding. [3a][7][19] AI reported that women and children in detention were subjected to violence and sexual abuse. [3a]

6.7 In September 1999 an NGO called the Forum for Activists against Torture (FACT) was formed, it is based on support from Tutsi-doctors of Ugandan origin. FACT is a relatively new organisation with a low capacity. The primary objectives of FACT are to fight torture in Rwanda and around the world and secondly, to contribute to the recognition and the rehabilitation of torture victims. A large number of police representatives have since attended a one-week seminar on the prevention of torture organised by FACT. [7]

Extrajudicial Killings

6.8 There were credible reports that some RPA forces summarily executed rebel soldiers after they had returned from the DRC and surrendered. There is no indication that the Government sanctioned these killings; however, no known action had been taken against the members of the RPA responsible by the end of 2001 and impunity remains a problem. [2a] AI stated in their report covering 2001 that some killings attributed to the RPA, as well as the LDF, have occurred with the complicity of local government authorities. AI reported two killings of civilians by members of the LDF during 2001; nobody was charged in either case. [3a]

6.9 A RPF soldier shot dead a well known military officer and diplomat, Alphonse Mbayire, in Kigali in February 2001. Although several eyewitnesses identified the assassin, he escaped arrest. Mbayire was reportedly suspected of dissatisfaction with the government and of contacts with dissidents outside the country. [4a]

6.10 On 26 December 2001 66-year-old Gratien Munyarubuga was shot by two men who had entered his taxi as passengers. Uniformed members of the Local Defense Force reportedly stood by and failed to apprehend the killers. He was killed in the early afternoon in a wealthy neighbourhood of Kigali. [4c] Munyarubuga was a member of the opposition PDR and the party claimed that the killing was politically motivated. Munyarubuga was reported to have previously received death threats from the police. [2a][4c]

Disappearances

6.11 There were credible reports during the 2001 that several persons disappeared, many cases involved former or serving members of the RPA. [2a][3a] Most persons who were reported missing reappeared in other countries, claiming that they were forced to flee for their own safety. However, some individuals remained missing and were presumed dead at the end of 2001. There were credible reports of government involvement in all of the disappearances. [2a]

6.12 There were unconfirmed reports that in February 2001, Jean de Dieu Dufatanye, a planter who appeared to have had a business dispute with a high-level RPA contact, disappeared after travelling to Kigali reportedly to meet with an influential member of the RPF. [2a] On April 7 2001, Alexis Ruzindana, a demobilised RPA major, reportedly disappeared after departing Kigali for Cyangugu; it had been believed that he was assassinated because of his suspected opposition to the Government. [2a][3a][4a] However, there were unconfirmed reports at the end of 2001 that Ruzindana was in self-imposed exile in Uganda. [2a][3a] Ruzindana was reportedly suspected of having contacts with dissidents outside the country. [4a]

6.13 Unlike in 2000, there were no reports that Hutu residents, mostly boys and small business owners from Kibungo prefecture, disappeared from their homes or from prisons. [2a]

Abuses by Rebel groups

6.14 As of mid-August 2001, at least ten civilian killings by Army for the Liberation of Rwanda (ALIR) combatants, a Hutu rebel group composed of members of the former Rwandan armed forces (ex-FAR) and the Interahamwe militia, were reported in northwestern Rwanda. [2b][4b][7] In one instance, ALIR combatants supposedly returned the fire of a patrol that they crossed at night, killing two civilians. According to one witness, they apologized to the survivors when they learned that they had fired on civilians. In several other cases, ALIR combatants killed those whom they accused of alerting the Rwandan soldiers to their presence or those who refused to hand over goods which the combatants wanted to take. In July 2001 several ALIR combatants robbed and shot two women in what may have been the consequence of a long-standing local conflict. The women were not seriously wounded. In August 2001 ALIR combatants reportedly shot and killed a park ranger when their paths crossed on Karisimbi volcano. The ranger was part of a routine patrol tracking gorillas. [4b]

6.15 According to information provided to HRW researchers by several ALIR officers, they and their superiors ordered combatants to obey the rules of international humanitarian law. ALIR reportedly has a system of military justice, with each brigade having a prosecutor and a war council. One ALIR officer said that at least one brigade had also instituted a system of Gacaca, this often imposed more lenient penalties than those stipulated by regulations. A beating of up to 300 strokes may therefore punish crimes that could otherwise have resulted in the death penalty. Several adults and children of the ALIR who had been interviewed separately claimed that combatants had been directed not to harm civilians. [4b]

6.16 ALIR combatants have caused serious harm to residents of the northwest by looting, particularly food, clothing, and medicines. Several ALIR officers and combatants claimed that they had been ordered not to steal the personal property from the homes of civilians although they were permitted to forage for crops from the fields and for other materials as necessary to sustain themselves. The HRW reports that if this was the order, combatants violated it in numerous cases during 2001 where they have stolen such goods as radios. During 2001 ALIR combatants generally did not destroy property, such as by burning down buildings, as rebels had sometimes done in 1997 and 1998. [4b]

Human Rights Organisations

6.17 A variety of domestic human rights groups operate in Rwanda; however, none of the domestic organisations has the resources to conduct extensive human rights monitoring. Local NGO activities are often limited to receiving and compiling reports from citizens about human rights abuses and conducting selected investigations. Legislation regarding NGO registration that was introduced on 1 April 2001 gave the Government greater influence over the staff, budget and committee membership of NGOs. [2a]

6.18 A western embassy in Kigali explained the British/Danish fact-finding mission in March 2002, there are five local human rights associations operating within Rwanda, the Government has infiltrated four of these. These organisations all fall under the umbrella of Collectif des Lignes et Association de Défense des Droits de l'Homme au Rwanda (CLADHO) which is also said to be corrupted by the Government. [7] LIPRODHOR are widely recognised as the only independent organisation out of the five. [2a][7]

FREEDOM OF SPEECH AND THE MEDIA

6.19 The fundamental law provides for freedom of speech and of the press; however, the Government restricted these rights in practice. During 2001 there were numerous credible reports that the Government harassed journalists whose views were contrary to official views. Most journalists practice self-censorship due to their fear of government reprisals. [2a] In March 2002 LDGL explained to the British/Danish fact-finding delegation that the freedom of the press in Rwanda is seriously restricted. It was explained that "freedom of speech is the major problem facing Rwandan society today". LDGL argued that the genocide is being used as a tool to silence any serious debate that may involve criticism of the Government. [7]

6.20 As reflected in the British/Danish fact-finding report published in May 2002, the Government has frequently demonstrated little tolerance for criticism or opposition. One western embassy in Kigali noted that issues the Government considers to be sensitive include security, implications of Rwanda's presence in the DRC, political freedom and the ethnic issue. A former prominent human rights explained to the delegation that not a businessperson, politician or any other "prominent person" is ready to express his or her criticism towards the Government. The source stated that people who do so and are at the same time employed by the Government would be dismissed, even if they were members of the Transitional National Assembly. A representative of a human rights organisation in Kigali considered that ordinary people who do not speak out openly and who do not express any criticism against the Government are not at risk of any form of persecution by the Government. However, the source emphasised that a "culture of silence" exists in Rwanda and considered this to be an expression of a "culture of fear". [7]

6.21 Responding to the detention of members of the local NGO, AMI, the international human rights organisation AI commented in a news release that "The Rwandese authorities seem determined to stifle any suggestion, however tenuous, of peaceful political dissent." These detentions were believed to have been linked to an article in an AMI publication (see paragraph 6.119). AI also accused the authorities of "resorting to unlawful detentions and violating the fundamental right to peaceful freedom of expression." [3b] LDGL also commented to the British/Danish fact-finding delegation about the case of the AMI and in particular the organisation's president, Florian Ntezimana. [3b][7] It was explained that at the beginning of February 2002 the Prosecutor of Butare wrote a letter to members of AMI advising that all activities of the organisation had been stopped. AMI members also received letters from the prefect of Butare telling them to disassociate themselves from Ntezimana because he was a "dangerous man". According to LDGL the reason the Government considered Ntezimana to be "dangerous" was because he had dared to question the Government's attitude towards the contentious issues of national unity, peace and reconciliation. The human rights organisation maintained that this was synonymous with the Government's attitude towards those who dare raise their voices against it. [7]

Media Institutions

6.22 The Government exercises tight control over the electronic media and maintains a monopoly over local television and radio, which in principle is nominally independent from government influence. [2a] The Government owns the only national radio station, Radio Rwanda, and the only television station, Télévision Rwandaise (TVR), which broadcasts 5 hours of programming per day. [1b][2a] The radio station, Radio Rwanda, has a wide audience and each Sunday broadcasts a phone-in programme, which discusses and

debates controversial subjects. [2a] Radio Rwanda journalists are civil servants of the National Office of Information. The British Broadcasting Corporation broadcasts on FM from Kigali in several languages. The German broadcasting service Deutsche Welle Relay Station Africa also broadcasts from Kigali. [1b][2a] On 4 August 2001 Voice of America (VOA) began broadcasting in the country. [2a] Radio is by far the most popular medium within Rwanda. [36] The Government-owned telecommunications company, Rwandatel, and the government-supported Kigali Institute of Technology provide Internet service; however, during 2001 several licenses were granted to private companies that plan to provide Internet services in the future. [2a]

6.23 Printed media sources are limited. There is the government owned press, Imvaho, La Relève and fewer than ten privately owned newspapers, these publish weekly or in some cases twice weekly in English, French, or Kinyarwanda; no daily newspaper is published in Rwanda. [2a][7][36] Most publications survive on advertising space brought by state administrations and major public-sector companies. Circulation never exceeds 4,000 copies and virtually all the readership is concentrated in the Kigali area. [36]

6.24 As reflected in the British/Danish fact-finding report there are varied opinions as to the independence of different titles. However, the Kinyarwanda publication, Umuseso, is generally said to be independent of the Government and, in the view of one western embassy in Kigali, is the only truly independent publication. When Umuseso began publishing it did not face any problems with the Rwandan Government or its security forces, but this situation deteriorated in December 2000 when Rwanda Newline, with which Umuseso was closely affiliated, published an article about the presence and conditions of Rwandan soldiers in the DRC. Since then Rwanda Newline and Umuseso both experienced serious economic difficulties caused by the withdrawal of advertisers and also experienced the suspension of publications. In May 2001 Newline, which had been an English language publication, ceased publication. Two other titles to have ceased publication are The Rwanda Herald in the autumn of 2001 and Le Partisan in January 2002 (see paragraph 6.30). [7]

Press Law

6.25 In December 2001, President Kagame surprised his own cabinet by refusing to sign a contentious media bill that prescribed the death penalty for journalists found guilty of inciting genocide. Officials at the Ministry of Local Government and Social Affairs responsible for drafting the bill stated that it was intended to foster a professional and responsible media. However, journalists voiced shock and outrage at its content and complained that they had not been properly consulted. [5] Article 89 was one of three controversial clauses in the original draft; it specified that: "Any attempt, via the media, to incite a part of the Rwandan population to genocide, is liable to the death sentence". [9][36] In its annual report the international press defence NGO, Reporters sans frontières (RSF), described this clause of the original draft as an open door to arbitrary condemnation of critical journalists and opponents. [36]

6.26 In June 2002, the Rwandan parliament cleared a revised bill that, if approved by the Supreme Court and President Kagame, should provide the country with greater media freedom. A major development was the exclusion from the bill of the three articles to which journalists had objected. James Vuningoma, head of the Association of Rwandan Journalists stated that a consensus had been reached within the profession for such legislation to be incorporated into a body of genocide law, and not a law pertaining solely to journalists. Vuningoma also commented that the bill would authorise the operation of local private broadcasting stations and news agencies. [9] At present the broadcasting sector is exclusively at the service of the Government. [36]

Journalists

6.27 On 27 June 2002, The International NGO, Reporters without Borders (RSF) included Rwanda in a blacklist of 30 countries where journalists are abducted, tortured, and murdered with complete impunity. [16a] There have been on-going reports of journalists and in some cases their families being threatened, harassed detained and imprisoned. In some cases this treatment has led to some journalists deciding to leave the country. [2a][5][7]

6.28 Ismail Mbonigaba, Chief Editor of Umuseso newspaper and Acting Director of Rwanda Independent Media Group (RIMEG) claimed to the British/Danish fact-finding delegation in March 2002 that the threats to the freedom of journalists and the press are being carried out by the Criminal Investigation Department of the Police. According to Mbonigaba, the Criminal Investigation Department has in the past bribed people who work at Umuseso in order to receive information on what articles are about to be published. Mbonigaba also described an incident when someone approached his wife and informed her that she was going to become a widow. This incident also coincided with threatening phone calls. Mbonigaba explained that threats are now accumulating and there are risks being an independent journalist in Rwanda today. Mbonigaba added that journalists were not subjected to torture in Rwanda. He also claimed that the Government heavily influences the Rwandan Journalists Association (RJA) and, as a consequence, RJA is unwilling to help Umuseso when they are in conflict with the Government [7]

6.29 RSF report that two journalists were jailed during 2001 and that four others were arrested. [36] Journalists who interviewed Pasteur Bizimungu since the formation of the PDR in May 2001 have been interrogated, threatened by the military authorities and forced to surrender tape recordings. [3a]

6.30 Following the publication of an article about Rwanda's presence in the DRC in December 2000 John Mugabe, the political editor of Newsline, left Rwanda in the first half of 2001 and now has political asylum in Holland. A second leading journalist, Shyaka Kanuma, has gone to South Africa. [7][36] Amiel Nkuliza, a leading journalist with Le Partisan fled the country in early 2002 following the publication of an article that resulted in his detention between 31 December 2001 and 3 January 2002. The controversy revolved around an interview with the Secretary-General of the MDR who was also detained (see paragraph 6.46).

[7][5] During his detention Nkuliza was also questioned in connection with the murder of a founder of the PDR. [7][5] According to the RNA a police spokesperson who commented on the Nkuliza case disclosed that "the articles were more or less the articles that were published by Kangura newspaper that incited ethnic hatred". Kangura was published between 1990 and 1994 in Rwanda; the newspaper incited ethnic hatred and massacres of ethnic Tutsi and politically moderate Hutu. The editor of the Kangura is now facing genocide charges at the ICTR. [11b]

6.31 In August 2002 a locally prominent Rwandan journalist, Yvonne Uwanyiligira, who fled her country on 29 July 2002 arrived in Belgium and sought asylum. She told IRIN that after being accused of collaborating with the outlawed PDR she was also accused of stealing money and equipment from the Centre for the Promotion of Free Speech and Tolerance in the Great Lakes (CPLTGL) where she had been employed as the executive secretary. She stated that this was a common accusation made against people who flee the country. She denied having stolen anything and claimed to have already committed herself to the CPLTGL's chairman to refund the organisations money spent on transport for herself and her four children. Uwanyiligira joined CPLTGL after being dismissed in November 2001 from her post of director of the Media House in the Rwandan capital, Kigali. She was accused at the time of mismanagement and attending a workshop in Burkina Faso "without authorisation". Uwanyiligira stated that the climate of fear was becoming widespread in Rwanda and that despite the new media bill, there was no freedom of the press. [9m]

6.32 Rwanda has at least 10 journalists imprisoned on accusations of crimes relating to the genocide. RSF comment in their annual report covering 2001 that of these cases, two can be considered as attacks on press freedom. [36]

FREEDOM OF RELIGION

6.33 The Constitution provides for freedom of religion, however, whilst the Government generally respects this right in practice, it imposes some restrictions. Since 1 April 2001 churches and religious organisations, in common with all NGOs, have been required to register with the Ministry of Justice in order to be granted the status of a "legal entity". The registration requirement is not new, and groups can maintain their up-to-date valid registrations, renewing them only when they expire. [2b] Major religious groups and churches reportedly had no difficulties in registering with the Ministry of Justice; a point confirmed by the British/Danish fact-finding delegation in March 2002. [2b][7]

6.34 There is no state religion. The Government permits religious instruction in public schools. In some cases, students are given a choice between instruction in "religion" or "morals". In the past, missionaries established schools that were operated by the Government. In these schools, religious instruction tends to reflect the denomination of the founders, either Catholic or Protestant. Christian and Muslim private schools operate as well. [2b]

6.35 The Government has previously forbidden religious meetings at night on the grounds that insurgents formerly used the guise of night time "religious meetings" to assemble their supporters before attacking nearby targets. However, during 2001 such restrictions were lifted and religious meetings were permitted at night. Relations among the different religious groups are generally amicable and disputes between groups are rare. However, in July 2000, some local authorities increased tensions between groups when they harassed members of the Jehovah's Witnesses for not participating in nightly security patrols and publicly pointed out that Catholics, Muslims, and Protestants participated regularly. [2b]

6.36 Several members of the clergy of various faiths have faced charges of genocide in Rwandan courts, at the ICTR, and in foreign courts, notably in Belgium. Catholic Bishop Misago, who was cleared of genocide related charges in June 2000, again appeared on the list of accused génocidaires after the prosecution announced its intention to appeal the verdict. On 25 October 2000, two Catholic priests were released when their 1998 convictions on genocide charges were overturned on appeal. [2b]

Religious Groups

6.37 A 2001 study conducted by researchers from Johns Hopkins University reported that 49.6 percent of the population were Catholic, 43.9 percent Protestant, 4.6 percent Muslim, 1.7 claimed no religious beliefs, and 0.1 percent practised traditional indigenous beliefs. This study indicated a 19.9 percent increase in the number of Protestants, a 7.6 percent drop in the number of Catholics, and a 3.5 percent increase in the number of Muslims compared to the United Nations Population Fund survey in 1996. The figures for

Protestants include the growing number of members of Jehovah's Witnesses and Evangelical Protestant groups. Since 1994 there has been a proliferation of small, usually Christian-linked sects. [2b]

6.38 Unlike in previous years, during 2001 few Catholic officials claimed that the Government was prejudiced against the (Catholic) Church; senior clergy reported that relations had improved because of collaboration and dialog in the areas of education and reconciliation. The Church and the Government moved closer to a resolution of the question of using churches as genocide memorials, and several churches were returned to serving the community. The Government, within its limited financial means, has sponsored or participated in a number of religious forums aimed at increasing interfaith understanding and support. [2b]

Jehovah's Witnesses

6.39 In July 2000, there were reports of detentions of members of Jehovah's Witnesses by local officials and of radio broadcasts by local officials announcing restrictions on the Jehovah's Witnesses' right of assembly and worship. However, discussions between church leaders and government officials together with U.S. Embassy officials resulted in a reversal of the Government's policy, and in May 2001, leaders of Jehovah's Witnesses in the country reported that they enjoyed religious freedom and that no members of their church were detained or in prison. [2b] In March 2002 the British/Danish fact-finding delegation was informed that problems had previously occurred in Kibungo Province after "home churches" or "prayer groups" in local neighbourhoods had disturbed other residents. The delegation was further advised that "Kingdom Halls", the place of worship for Jehovah's Witnesses, existed throughout the country in large numbers. [7]

Religious sects

6.40 On 19 April 2000 cabinet members reportedly decided to close all religious sects in Rwanda. The decision came after hundreds of doomsday cult members died in neighbouring Uganda. [10g] The British/Danish fact-finding delegation was informed that there are a number of small religious sects that continue to operate in Rwanda. From time to time there are warnings about particular sects on the radio, for example where a particular sect advocates that children should attend prayer meetings rather than school. [7] Government officials noted their concerns regarding doomsday cults developing in the country in the press. [2b] The delegation were informed that one sect leader who had left the country approximately one year ago (this is believed to have been in 2001) had taken with him a number of children (see paragraph 6.68). [7]

FREEDOM OF ASSEMBLY AND ASSOCIATION

6.41 The fundamental law provides for freedom of assembly; however, authorities limited this right in practice. They may legally require advance notice for outdoor rallies, demonstrations, and meetings. Authorities generally prohibit night time meetings, although they have relaxed this restriction for religious groups. Radio Rwanda denounced "illegal" meetings, press conferences, and "other activity not in line with the law" during 2001. The Government prevented the meetings of some human rights NGOs, press conferences held by members of the political opposition, and some meetings held in private homes. [2a]

6.42 All associations and NGO's in Rwanda must register and apply for a license under NGO legislation passed by the Transitional National Assembly. Without a license, an association legally may not act on behalf of its members nor apply for assistance from NGO's or other donors. Prior to the law coming into effect on 1 April 2001, the Government issued temporary permits to some NGO's. However, all license applications from international NGO's and local human rights organisations were still being processed at the end of 2001. Registration must be lodged by the beginning of April 2002. [2a] The Government has the right to refuse registration if it believes that an organisation has not fulfilled its declared purpose. [7]

Political Activists

6.43 Since his resignation as President in March 2000 Bizimungu has claimed that during his presidency he had been surrounded by "Kagame's faithful" and had served as a "figure head" who was so minimal that he was the last to be told the affairs of state. [18b] As reflected in the British/Danish fact-finding report a number of sources, including some western embassies, referred to the RPF leadership being in the control of a small and shrinking clique. A source from one embassy commented that this comprised of as few as five Anglophone Ugandan Tutsi (of Rwandan nationality) and referred to an underlying tension between them and the Francophone Rwandan Tutsi. [7]

6.44 Professor Reyntjens of the University of Antwerp commented to the British/Danish fact-finding

delegation that it is not the various political parties in Rwanda that are at risk of harassment and persecution but the individual opposition member, including members of the RPF. A person may be at risk of persecution irrespective of which party he or she is affiliated with. The issue is whether a person is considered to support the opposition against the present Government. President Kagame does not want an active opposition within Rwanda and the Government infiltrates any group or organisation that it considers a threat. [7] Since the formation of the PDR there have been several incidents of harassment of both members and, according to an AI news release, individuals believed to be members (see paragraph 6.54). [3c][7]

6.45 Since 2001 AI have reported the detention without trial of several people suspected of criticising the Government or being associated with critics. [3a][3c] Leaders of political parties have reportedly come under increased pressure. [3a] In March 2001 Theobald Rwaka, Vice President of the PDC and founder of LIPRODHOR, lost his position as Interior Minister after numerous disagreements with the Government. He fled the country in April 2001 following accusations of treason and was believed to be in self-imposed exile in Uganda or another country at the end of 2001. [2a][3a]

6.46 The authorities have also reportedly targeted members of a faction of the MDR. [3b][3c][36] The secretary-general of MDR, Pierre Gakwandi, was detained in Kigali central prison on 4 January 2002, accused of giving a press interview considered "ethnically divisive" and "defamatory of serving government officials". [3b][11b][36] Information obtained by the British/Danish fact-finding delegation in March 2002 suggests that harassment of MDR members does not compare to that experienced by PDR members since May 2001. According to one source spoken to by the delegation the only party that had offered a genuine opposition to the Transitional National Government apparatus was the MDR. However, the source referred to the dismissal of the first two Prime Ministers of the Transitional National Government as evidence of the MDR's opposition being silenced. [7]

6.47 Of several other political figures who have gone into exile since 2000 one notable case involved the Speaker of the Transitional National Assembly, Kabuye Sebarenzi. He had actively pressed for good governance and accountability though, following his move from the RPF to the PL and his attempts to draw attention to ministers accused of corruption, his fortunes waned. In December 1999 the PL vote for a new president was postponed, reportedly on the orders of Kagame. Sebarenzi had been expected to win that election which would have improved his chances of winning a future election for the national presidency. In early January 2000 Sebarenzi was forced to resign from the Transitional National Assembly on a range of fabricated charges. [1b]

PDR activists and supporters

6.48 With the setting up of the PDR in May 2001 Bizimungu unleashed a cycle of punitive measures. [7] [18b] In a country where political opponents have previously all gone into exile he became a "dissident" within Rwanda. [18b] The Transitional National Assembly ruled the PDR illegal in June 2001 and pressurised prominent members of the new party, particularly Tutsi, to leave and renounce it publicly. [2a] [3c][7] In doing so the Government inferred that the PDR was a radical Hutu party. [7] As reflected in the British/Danish fact-finding report, a source from a western embassy in Kigali informed the delegation that the Government of Rwanda was quickly successful. [7] In June 2001, three of the six persons involved in founding the PDR defected citing the "promotion of ethnicity among Rwandans" as a substantial reason for quitting. [7][9g] Following the resignation of the Tutsi support, the Government was able to label the PDR as a Hutu party. [7] Street gangs also attacked Bizimungu and another prominent supporter of the new party [4a]

6.49 Since June 2001 there have been further incidents of harassment against individuals associated with the PDR, including incidents of assaults by unidentified assailants and periods of detention. [7][3a] During the British/Danish fact-finding mission, sources from two western embassies in Kigali expressed reservations about the murder of a supporter of the PDR in December 2001 as being an ordinary murder case. [7] Police reportedly arrested Catherine Mujawamariya, also a founder of PDR, on December 10. They have also detained others who sought to visit Bizimungu or have prevented them from seeing him. Both Bizimungu and party spokesman, Charles Ntakirutinka, have been restricted from leaving the capital. [4c]

6.50 In March 2002 a source from a western embassy in Kigali expressed the view to the British/Danish fact-finding delegation that the PDR is not an ethnic party. The delegation also received information from a separate source that most prominent members of the party, including Bizimungu and Ntakirutinka, had personal escorts wherever they went. The authorities state that the purpose of the escorts was to provide personal security. However, the source contended that the presence of these escorts was primarily to monitor the activities of the individuals and intimidate those who visited them. The source alleged that the escorts had unsuccessfully attempted to prevent those they were supposedly protecting from entering the embassies of Belgium and the UK. The source also stated that on one occasion three western diplomats representing Belgium, UK and USA were asked to leave the home of Bizimungu; this was confirmed to the delegation by two further western embassies in Kigali. The delegation was also informed that in view of the harassment faced by its members, the PDR no longer publicised the identity of supporters. [7]

6.51 On 19 April 2002, Pasteur Bizimungu was arrested for engaging in illegal political activity. The following day, former Public Works Minister and the PDR's Secretary-General, Charles Ntakirutinka, was also arrested. Bizimungu's arrest took place following a raid on his home in which documents were found indicating he was conducting illegal political activities designed to breed discontent and endanger national security. If convicted, the penalty for this offence is up to 10 years in prison and a fine of US \$227. Ntakirutinka's arrest followed the seizure of documents and computer equipment from his home. [9g]

6.52 On 22 April 2002, after the completion of investigations, the Rwandan National Police (RNP) handed over Bizimungu and Ntakirutinka to the prosecutor-general's office. Police had accused the two of breaching state security, sowing seeds of division and spreading rumours that could cause fear in the population. A RNP spokesman said "Despite having been advised by the Government not to establish a political party until the end of the transitional period when multiparty politics could be resumed, they have been involved in clandestine mobilisation for their party". He stated that searches conducted on the residences of the two PDR leaders had revealed publications containing anti-government propaganda, which could spread rumours that would cause fear and discontent. He added that the publications also called for rebellion against the Government, and predicted the return of genocide. In addition the spokesman stated that documents had been found which linked Bizimungu to a bank case in which clients lost their money. [9h]

6.53 On May 26 2002, it was reported that Bizimungu and Ntakirutinka were continuing to appear in court calling for proof of what they were accused of. They also appealed against the way they were arrested and jailed, saying that laws had not been applied and that accusations against them were unfounded. However, since the initial charges the prosecution has presented other more serious accusations such as Pasteur Bizimungu having a 70-man army living in Gisenyi at the home of his brother, Patrick Nduwumuremyi. [10b] In a press statement issued in June 2002, AI called for the unconditional release of Bizimungu and Ntakirutinka, describing the pair as prisoners of conscience. In the same statement the human rights group also supported the claim that there was no credible evidence to support the charges against Bizimungu and Ntakirutinka. [3c]

6.54 In June 2002, AI issued a press release calling for the unconditional release of 20 men and women "detained in recent months seemingly for their entirely non-violent and legitimate connection" with Bizimungu. The 20 detainees include accountants, civil servants, teachers, shopkeepers and peasant farmers. All were suspected of belonging to the banned PDR and, according to Amnesty, risked intimidation or ill-treatment by the authorities in order to coerce them into making statements incriminating Bizimungu or other party leaders. [3c]

Ingabo Z'umwami (Army of the King)

6.55 In April 2000 HRW reported that since mid 1999 the Rwandan authorities had identified a new security threat to the country. This threat is supposedly coming from supporters of the monarchist group Ingabo Z'umwami (translated from Kinyarwanda as the Army of the King). The king or umwami of Rwanda was driven into exile in 1961. According to HRW the supporters of the former king Kigeri V Ndahindurwa include both Hutu and Tutsi. Ndahindurwa is Tutsi but by custom the king represented all Rwandans. In their report published in April 2000 many of the king's supporters were reported to be genocide survivors who were disappointed with the RPF Government's failure to deliver on their demands for justice and support. The multi-ethnic nature of the monarchist group posed a major challenge to the authorities; opposition groups had previously been discredited for being composed of only Hutu and for including persons implicated in the genocide. [7]

6.56 Between 15 and 20 November 1999, HRW reported that the authorities in the Nyamirambo area of Kigali arrested more than 200 young people in the street suspected of being part of the Ingabo Z'umwami. They had supposedly been awaiting transport to take them to places where they would receive military training. The men were detained for two days and then handed over to the DMI, which reportedly released them after they had confessed to unspecified crimes. HRW reported in April 2000 that Rwandan national and local authorities had on several occasions warned citizens not to support the Army of the King. People in the north west were also told that insurgents might return and claim to be supporting the king. [7]

6.57 In March 2002 the British/Danish fact-finding delegation were informed by a Government representative that when the ALIR attacked the north west in 2001 they had claimed to be Ingabo Z'umwami in order to secure support. The delegation was advised by a western embassy in Kigali that monarchist movements are not of any real political relevance. The embassy stated that it had been unable to verify the reports of the 200 arrests in 1999. In a separate incident which had reportedly involved the distribution of leaflets in support of the Ingabo Z'umwami the embassy advised that they found no real evidence of this. Two other monarchist groups that exist are both in exile; these are Unar which is based in Canada and the Belgium based Nation-Imbaga Y'inyabutatu Nyarwanda. [7]

EMPLOYMENT RIGHTS

6.58 The Ministry of Public Service and Labour sets minimum wages in the small modern (salaried) sector. The Government, the main employer, effectively sets most other wage rates as well. There is no single minimum wage in Rwanda; minimum wages vary according to the nature of the job. The minimum wages paid are insufficient to provide a decent standard of living for a worker and family, and in practice, workers accepted less than the minimum wage. Often families supplement their incomes by engaging in small business activity or subsistence agriculture. [2a]

6.59 Officially, government offices and the private sector entities their employees to have a 40-hour workweek; the maximum working week is 45 hours. There is no mandated rest period. The law controls hours of work and occupational health and safety standards in the modern wage sector, but inspectors from the Ministry of Public Service did not enforce these standards aggressively. Workers do not have the right to remove themselves from dangerous work situations without jeopardising their jobs. [2a]

6.60 The law prohibits forced or compulsory labour; however, some prisoners are assigned to work details, these generally involve rebuilding houses, clearing land, or other public maintenance duties. [2a][7] Prisoners also may be hired out to perform work at private residences and businesses. In April 2001 there were unconfirmed reports that the Government used prisoners as forced labour at a mine in the DRC. [2a]

Trade Unions and the Right to Strike

6.61 The Constitution provides the right to create professional associations and labour unions, and the Government generally respects this right in practice. The labour movement has been hampered in practice because of the massive disruptions caused by the 1994 genocide. Unions in Rwanda continue to regroup and assert themselves.

Union membership is voluntary and open to all salaried workers, including public sector employees. Approximately 7 percent of the national workforce are engaged in the modern (salaried) sector, and approximately 75 percent of these are union members. [2a]

6.62 There are no restrictions on the right of association, but all unions must register with the Ministry of Justice for official recognition. There are no known cases in which the Government has denied any trade union organisation recognition. The law prohibits unions from having political affiliations, but in practice this is not always respected. There are 27 registered unions under 2 umbrella groups: 17 are under Central Union of Rwandan Workers (CESTRAR), and 10 are under the National Council of Free Unions in Rwanda (COSYLI). [2a]

6.63 The law protects workers from employer interference in their right to organise and administer trade unions. The Constitution provides for collective bargaining, although only the CESTRAR has an established collective bargaining agreement with the Government. In practice the Government is involved intimately in the collective bargaining process since most union members are in the public sector. The law prohibits anti-union discrimination, but no formal mechanisms exist to resolve complaints involving discrimination against trade unions. Trade union activists have complained that some employers threaten to fire employees who attempt to join a union. [2a]

6.64 The Constitution provides for the right to strike, except for public service workers. A union's executive committee must approve any strike, and the union must first try to resolve its differences with management according to steps prescribed by the Ministry of Public Service and Labour. [2a]

Equal Employment Rights

6.65 Despite constitutional provisions, women continued to face discrimination during 2001. Women traditionally perform most of the subsistence farming within Rwanda. Since the genocide, which left numerous women as heads of households, women have assumed a larger role in the modern sector, and many run their own businesses. Nevertheless, women continue to have limited opportunities for employment and promotion. [2a]

Child Labour

6.66 Except for subsistence agriculture, the law prohibits children under the age of 18 from working without their parents' or guardians' permission, and they generally cannot work at night. The minimum age for full-time employment is 18 years, and 14 years for apprenticeships, providing that the child has completed primary school. The Ministry of Public Service and Labour and the Ministry of Local Government did not enforce child labour laws effectively during 2001; in part this was due to the large number of households headed by children. [2a] Many children are reportedly exploited as domestic labourers. [4a]

6.67 In 2000 the Ministry of Public Service and Labour and the Ministry of Local Government and Social Affairs, in collaboration with UNICEF, announced a national program aimed at educating children about their rights. The programme has been implemented, but no information was available as to its effectiveness by the end of 2001. It is rare to see child labour outside the agricultural sector. During 2001 the Government ratified the International Labour Organisation Convention 182 on the Worst Forms of Child Labour. The law does not prohibit specifically forced and bonded labour by children; however, there were no reports that such practices occur. [2a]

PEOPLE TRAFFICKING

6.68 The law does not prohibit trafficking in persons; however, there were no reports during 2001 that persons were trafficked to, from, or within the country. However, approximately 30,000 children live abroad, and the Government claims most were taken without the consent of their parents during the genocide. Many of the children abroad have been adopted. In 2000 the Government asked that 41 children adopted in Italy be repatriated, and the Governments of Rwanda and Italy began discussions on the issue; however, it was unclear whether those discussions were ongoing at the end of 2001. [2a] A leader of a religious cult had, according to information provided to the British/Danish fact-finding delegation in March 2002, left the country approximately one year previously with an unspecified number of children. He was understood to be in Western Uganda where he and the children were believed to have sought refugee status. The church was making attempts to secure the return of the children through its contacts in Uganda. [7]

FREEDOM OF MOVEMENT

6.69 The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the US Department of State reported that the Government limited these rights in practice during 2001. [2a] In March 2002 the British/Danish fact-finding delegation were informed by various sources that there are no restrictions of movement for the population within Rwanda. Whilst there are still reports of the presence of ex-FAR (Ex-Forces Armées Rwandaises) and Interahamwe rebels within the Nyungwe Forest that borders Burundi, the population is able to travel freely within the country. [7] Unlike in previous years, there were no reports of deaths from landmines or unexploded ordnance during 2001. Travel authorisation is not required and citizens may move anywhere temporarily without a residence permit. However, citizens must obtain a new national identity card when making a permanent move to a new district; these are issued routinely. [2a]

Identity Cards

6.70 Citizens of Rwanda must show identification upon request, however it is generally the case that checkpoints within Rwanda are either the Revenue Authority or traffic police. [2a][7] Since the 1994 genocide, two changes have been made to the ID card. [25h] The first change was introduced in 1995 and involved the removal of the reference to tribal origin or "ethnie" as it was referred to on the cards. [7][25h] The second change, which only began to be introduced in 2001, involves using the recently established administrative entities (province, city/town, district and municipality). All the cards are printed at the same place and are issued free of charge; replacement cards are issued at a charge of 300 Rwandan francs (a sum equivalent to less than £0.50). Applicants do not require any documentation to obtain an ID card although applications must be made in person. The Minister of Local Administration and Social Affairs advised the IRB in December 2001 that both old and new versions of the ID card remained valid. [25h]

Immigration and Embarkation

6.71 In March 2002 the British/Danish fact-finding delegation visited Kanombe International Airport in Kigali. Former military personnel who have been integrated into the police force operate the airport. The Chief Security Officer explained that when properly documented Rwandan nationals return to the country after a long absence they are asked the reason for their absence. This aside they are dealt with the same as any other Rwandan returning from abroad. The delegation were also advised that it would be extremely difficult for someone wanted by the authorities or seeking to make an illegal departure to leave the country via Kanombe International Airport in Kigali. A second source unconnected with the Rwandan authorities also suggested that this was the case. [7]

6.72 On 20 September 1999, Rwanda and Burundi agreed to adopt a visa free policy to facilitate the free movement of people between the two countries. Apart from the ordinary transit visa, Rwandan or Burundian nationals could get a free 30-day single entry visa in the embassies of the two countries, or on border posts. Leave to remain could be extended at the immigration offices within the respective countries. At the time of its introduction it was agreed that the visa requirement would no longer be considered

necessary if the security situation were to improve in the region. [10c]

6.73 Information obtained by the IRB in June 2001 indicated that a visa and a valid passport, or a Communauté des pays des Grands Lacs (CPGL) card, were the entry documents required for nationals to travel between the two countries. The CPGL comprises of Rwanda, Burundi and DRC. The Government of Rwanda refuses admission and transit to nationals of Burundi without the proper entry documents. [25f]

Returning refugees

6.74 Refugees continue to return to Rwanda from several countries within the region. More than 85,000 Rwandan refugees remain in the DRC, Tanzania, Uganda, Burundi, Malawi, Zambia, Angola, Congo Brazzaville, Cameroon, Central African Republic, Togo, and Benin. However, due to the conflict in the DRC, many refugees have returned to the country. According to the UNHCR, approximately 12,000 Rwandan citizens returned to the country from the DRC during the first 9 months of 2001. Since 1999 approximately 72,000 Rwandan citizens, mostly Hutu, have returned to the country. Most of the refugees that fled the Kibungo Province for Tanzania in 2000 because of drought and rumours of a government crackdown have since returned. [2a]

6.75 The Rwandan Government actively encourages the return of refugees. [7][22] During 2001 two transit centres in the west of the country processed new returnees, providing routine background checks and health screenings. Returnees received a three-month food supply, plastic sheeting, blankets, sleeping mats, soap, cooking utensils, and transportation to their home areas. All returnees received government-issued identity cards. UNHCR reported that it continued to intervene in situations where local residents accused individual returnees of crimes linked to the 1994 genocide. However, the agency reported that they received relatively few reports of threats or harassment against returnees during 2001. UNHCR acknowledged that there were insufficient numbers of protection staff to monitor all returnees on a regular basis. [22]

Villagisation Policy

6.76 Rwanda is amongst the most densely populated countries in the world and land pressures have long dominated Rwandan life and the government's policies. As more than 2 million refugees returned to Rwanda in the years following the genocide the Government announced an ambitious programme to reorganise the country's immense rural population into hundreds of new villages, in a policy called "villagisation". [22] Between 1997 and 2000 more than one million people have been resettled under the provision of controversial villagisation schemes. [3a][22] These resulted in the resettlement of rural people in new "villages" but in many cases such schemes reportedly resulted in hardship, insecurity, and increased communal violence. [3a] In early 1999 the Government initiated a resettlement programme for displaced persons in the north west of the country. This aimed to re-house approximately 300,000 predominantly Hutu people into cluster settlements. The Government received criticism for the enforced nature of their resettlement. [1a] As a result of the withdrawal of international funding AI report that such schemes have since come to a virtual stop. [3a]

Recognition and treatment of refugees from other states

6.77 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"; however, there is no law in place to recognise refugees. The Government co-operates with the office of the UN High Commissioner for Refugees (UNHCR) and has provided first asylum to 34,578 persons. [2a] The vast majority of people granted refugee status were refugees from the DRC who fled their country during the unrest of 1996 though approximately 2,000 are Burundi nationals. [2a][22] Government authorities restricted the movement of Burundian refugees at Kigeme camp in Gikongoro Province, virtually all of whom were ethnic Hutu. Refugees were reportedly subject to arrest if they left the camp without authorisation. Government officials said they placed Kigeme camp in an isolated location to give the refugee population land for farming, but some aid workers suspected that government officials viewed the refugees as a potential security threat. [22] Approximately 500 Burundians are still awaiting compensation for their property seized in 1997 when the Government revoked their refugee status, granted in the 1970's. [2a]

6.78 On 5 September 2002 UNHCR expressed grave concern over the apparent forced repatriation, since 31 August 2002, of some 1,500 refugees from Rwanda to North Kivu, eastern DRC. The refugees, originally from the DRC, were settled in two camps in western and central Rwanda. They had reportedly been repatriated and forcibly returned in four separate convoys to the Masisi region of North Kivu. The convoys had been jointly organised by the Government of Rwanda and the Rwandan backed rebel group, RCD-Goma. The local authorities had assured UNHCR that the process was entirely voluntary but the refugees claimed they had been intimidated into leaving and told that if they didn't return voluntarily, force would be used. [9p] However, after visiting one of the camps with the Minister for Local Government and Social Affairs on 6 September 2002 a UNHCR representative termed the rumours of forced repatriation as unfounded. According to Radio Rwanda the representative said that the refugees had wanted to voluntarily return to their homes and those who did not wish to do so were free to remain in Rwanda and would enjoy

the normal hospitality accorded to them. [12]

Security Situation

6.79 In August 2000 the UN Special Representative of the Commission on Human Rights reported that the security situation in Kigali had improved considerably since 1998 and that the city was generally considered safe. [7] The same month President Kagame said that security was not a problem in Rwanda and asked the population to stop seeking refuge elsewhere. [12c] At the beginning of September 2000 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. [12d] In March 2002 a Government representative informed the British/Danish fact-finding delegation that there had been no serious security problems in Rwanda for three years and that rebel incursions in 2001 had not posed any threat to security. [7]

6.80 In the north west of Rwanda renewed fighting between the RPA and members of the rebel ALIR was reported in May 2001. [2a][7] Incursions by the ALIR continued until July 2001 during which time government installations, especially medical centres, were particular targets. [3a][4b] The unrest followed the rebels return to the country from the DRC in May 2001 and resulted in numerous killings. [2a] The hostilities were the most serious to have occurred in Rwanda since 1999. However, the fighting differed from previous violence in northwestern Rwanda by virtue of the relatively small number of civilian deaths. [2a][4b]

6.81 Both parties appear to have ordered their forces to show greater respect for civilian lives than in the past. ALIR combatants killed at least ten civilians, mostly in the course of looting, but they do not appear to have targeted civilians in general, nor did they target Tutsi in particular. In the course of combat, Rwandan government troops killed at least dozens of people who were travelling in the company of the ALIR combatants and who appear to have been civilians but they have made no reported reprisal attacks against people living in the north west. [4b] It was also reported that at least 15 civilians who threatened to alert the Rwandese authorities were killed, reportedly by ALIR forces. [2a][3a] The RPA defeated the rebels and reportedly killed 2,000 rebel combatants and captured a similar number; those captured were later sent for "re-education" in "solidarity camps". The ALIR had several child soldiers within their ranks, some of whom served in the combat. [4a]

6.82 The most recent rebel incursions within the country occurred in September 2001 in the Nyungwe Forest region in the south west of the country where skirmishes between the RPA and reportedly occurred. [3a][7] On this occasion the RPA fought several skirmishes. [4a] The ex-FAR reportedly have a presence in the Nyungwe Forest that is on the border with Burundi. [7]

6.83 According to HRW a number of disaffected RPA soldiers fled to Uganda during 2001 where the Rwandan government said they were organising rebel forces to launch an attack. Rwanda accused Uganda of aiding these efforts; this was one of the reasons for heightened tensions and rumours of war between Rwanda and Uganda near the end of 2001. [4a]

6B. HUMAN RIGHTS - SPECIFIC GROUPS

ETHNIC GROUPS

6.84 Before April 1994 an estimated 85 percent of citizens were Hutu, 14 percent were Tutsi, and 1 percent were Batwa (Twa). However, Hutu and Tutsi are not clearly distinct groups, since the two have intermarried for generations. In 1994 political and ethnic violence resulting in mass killings was estimated to have resulted in the death or external displacement of 35 - 40% of the population. [1a][2a] These events, together with the migrations that also occurred at the time have probably affected the ethnic composition of the population, but the extent and nature of the changes are not currently known. [2a]

Hutu/Tutsi relations

6.85 There is a history of inter-ethnic violence between the Hutu and Tutsi. Historically the Tutsi were the dominant tribe though a rebellion in 1959 resulted in the overthrow of the monarchy in 1959 and was accompanied by widespread massacres of Tutsi and the flight into exile of countless others. [1a][13a] From independence in 1962 up until the genocide of 1994 the Hutu dominated the political scene. [1b][2a] The killing of much of the Tutsi population took place under the direction of a Hutu-dominated government. [2a] Since July 1994 the Tutsi dominated RPF have held power in Rwanda; the Government has not addressed statutorily the inherited problem of ethnic quotas in education, training, and government employment, but discrimination against the Tutsi minority in these areas effectively ceased with the change of government in 1994. [1b][2b]

6.86 Since 1994 the Government has called for national reconciliation and committed itself to abolishing policies of the former government that had created and deepened ethnic division. The National Unity and Reconciliation Commission, charged with educating the public on such issues as ethnic understanding, peace building and history was active during 2001. [2a] However, in an interview with the French

newspaper Le Monde prior to his arrest Bizimungu had stated that the collaboration between Hutu and Tutsi within the RPF "had never been frank and loyal". He also referred to his own role as that of a "useful Hutu". [18b]

6.87 Intermarriage between the Hutu and Tutsi ethnic groups is very common in Rwanda. [7][25k] The ethnicity of children is always in line with the ethnicity of their fathers; women do not pass on their ethnicity to their children. [25k] According to information given to the British/Danish fact-finding delegation individuals in mixed marriages might face problems like discrimination or harassment from civilians but not from the authorities. [7] Some organisations and individuals accuse the Government of favouring Tutsi, particularly English-speaking Tutsi, in government employment, admission to professional schooling, recruitment into or promotion within the army, and other matters [2a]. There are also reports of a rift between the elite ruling Tutsi and the Tutsi survivors of the genocide. [7]

The Twa

6.88 With the removal of ethnic labels from identification cards, the Twa (or Batwa) are no longer designated officially as an ethnic group. Less than 1 percent of the population is considered Twa. The Twa, survivors of the Twa (pygmy) tribes of the mountainous forest areas bordering the DRC, exist on the margins of society and continue to be treated as inferior citizens by both the Hutu and Tutsi groups. There are seven Batwa organisations focused on the protection of their interests, access to land, housing, education, and eradication of discrimination against them; however, they generally were unable to protect their interests during 2001. Few Batwa have been educated formally, resulting in minimal representation in government institutions. [2a]

6.89 In September 2001 the President of the Batwa community Zephyrin Kalimbi told a conference on the indigenous people in Africa, held in Kigali, that his people had been denied their land rights and evicted from their ancestral homes. He accused the Rwandan Government of neglecting the Batwa. According to the RNA "the Minister of State in the Lands Ministry agreed that in the past the Government had not done enough to help the Batwa. The Minister said that the Government was now working to raise the Batwa's status". [7]

6.90 In October 2001 the RNA reported that Rwanda's National Assembly had passed a law against "any person practising discrimination and segregation in the country". In passing the law the Speaker of the Parliament explained that it provided for a flexible framework that makes it possible and legal to enforce positive discrimination in favour of vulnerable groups like the Batwa. The Speaker promised full enforcement of the law that has been passed as a result of the country's 1994 genocide. [7]

WOMEN

6.91 Domestic violence against women is common within Rwanda; wife beating and domestic violence occur frequently. Such incidents are normally were handled within the context of the extended family and rarely come before the courts. When the Government did become involved during 2001, such as in cases involving serious injury, the courts took such incidents seriously. Numerous suspects have been tried and convicted for crimes of violence against women and girls. [2a] Despite the widespread prevalence of rape during the genocide, few accused have been tried on this charge, in part because the predominantly male judicial personnel showed little concern for such prosecutions and in part because victims hesitated to come forward. [4a][25l]

6.92 In April 2000 it was reported that there had been a continuous rise in the number of crimes of sexual abuse during the previous five years. The same month it was reported that 10 people had each been sentenced to 22 years in connection with sexual assaults; the first serious attempts to tackle an escalating problem. [25d] Since 2000 numerous rape trials have resulted in convictions with perpetrators who were convicted receiving maximum sentences of between 20 to 30 years imprisonment. [2a]

6.93 The 1992 Family Code has generally improved the legal position of women in matters relating to marriage, divorce, and child custody. [2a] Under the provisions of the inheritance law, which came into effect at the end of 1999, women are allowed to inherit property from their husbands and fathers and couples are allowed to choose the legal property arrangements they wish to adopt. [2a][7] Civil society groups and human rights NGO's provide training on women's rights under the matrimonial regimes and the inheritance law. [25d]

6.94 The Ministry of Gender and Women in Development is charged with handling issues of particular concern to women. The Minister is an active advocate of women's rights. Since the 1994 genocide, a number of women's groups have emerged. These organisations have been extremely active in promoting women's concerns, particularly those faced by widows, orphaned girls, and households headed by children. [2a] Avega Agahozo is an organisation that provides support to female survivors of the genocide. [7] In June 2002 the minister announced an 18-month programme to combat gender and sexual violence. One

aspect of this initiative is the training of service providers involved in dealing with issues of gender and sexual violence. Health officials, police and Gacaca (traditional court) judges will also be trained to help women and girls who suffered during the genocide. NGOs have been identified to implement the programme. There will also be a media campaign, involving radio and television, to create awareness of the magnitude and negative impact of gender-based violence in society. [9]

CHILDREN

6.95 As reflected in the US Department of State report covering 2001 the Government is committed to children's rights and welfare, and it attempts to provide education and health care to every child. [2a] However, HRW states in its annual report covering 2001 that the authorities did little to protect children from abuse and exploitation. [4a] According to the International Federation of Red Cross and Red Crescent Societies, figures in June 2001 estimated that there are 400,000 orphans in Rwanda. [25] The Government aim to establish an exact figure through a population census that was conducted in August 2002. [16a] In 2000 the United Nations Children's Fund (UNICEF) estimated that 60,000 children aged 18 or under head households whilst the US Department of State quoted a figure of at least 85,000 in its report covering 2001. [2a][7] There are reports that some children have lost their property to adults. [4a] The Government works closely with international NGO's to secure assistance for children who are heads of households, and sensitises local officials to the needs of children in such situations. [2a]

6.96 In 2000 FACT reported a new and alarming phenomenon that has emerged in Rwanda, the rape of children aged between one month and 12 years of age. The organisation reported approximately 1,000 such rapes during the period 1999/2000. Some victims have contracted sexually transmitted diseases such as AIDS. [19] The state run ARI news agency reported in June 2001 that of 1,000 children raped, the courts were processing at least 600 cases. The perpetrators involved in 300 of these had already been found guilty and the guilt of those accused in another 200 cases was being presumed. [9]

6.97 In 2000 local authorities arrested 1,300 street children and ordered them to return to their communes of origin or face the penalties for vagrancy and other crimes attributed to them; many subsequently returned to the street. During 2001 the local authorities occasionally rounded up street children and placed them in foster homes; many ran away, and there were unconfirmed reports that some joined the RPA to perform non-military duties. [2a] HRW reported that during 2001 local officials in Kigali supervised a harsh campaign to rid the city of thousands of street children. Police and the LDF forcibly rounded up the children and sometimes beat them before detaining them in ill-equipped centres. [4a]

6.98 Hundreds of minors under the age of fourteen at the time of their supposed crime and as such not criminally responsible under Rwandan law were held in prison on charges of genocide until December 2000. After years of promises, the authorities then finally released over four hundred to a "solidarity camp" for re-education. Hundreds of others remained illegally in detention until September 2001 when they were sent for "re-education;" they were released in November 2001. [4a]

Child Care Arrangements

6.99 According to UNHCR more than 50,000 children were separated from their parents during the 1994 genocide and national upheaval. [7] In February 2002 a Government official put the number of children still living in orphanages, of which there are 26 in the country, at 3,600. [25] By the end of 2001 more than 98 percent of the children who were lost, or were separated from their parents during the genocide and subsequent repatriations, had either been reunited with family members or placed in foster homes. [2a] According to HRW some of the fostering arrangements are unofficial. [4a] Different national and international NGOs including UNICEF, the Red Cross, the International Rescue Committee (IRC), Barakabaho and Bamporeze are involved in helping Rwandan orphans. The assistance provided includes clothing, shelter, food, education and health care. The government of Rwanda also contributes 5 per cent of its internal revenue to Fonds d'assistance aux rescapés du génocide (FARG) an assistance fund for genocide survivors. Through FARG orphans of the 1994 genocide benefit from free health care and free education. [25]

HOMOSEXUALS

6.100 There are no specific regulations concerning homosexuality under the Penal Code and under the provisions of the law homosexuality is legal. Section 362 of the code prohibits sexual relations with a person under the age of 18 and provides for a penalty of 2 months to 3 years' imprisonment or a fine of up to 10,000 Rwandan Francs (approximately £13.50). [28]

Genocide Survivors

6.101 According to the genocide survivors organisation Ibuka executive secretary, the main problem faced by the survivors of genocide is that, sometimes, they have to live near those who have participated in the genocide who are returning from the prison or from exile. [7][25i] Their fear is based on the fact that some of them are often subjected to pressures from corrupt judicial or administrative officials who do not want those who were involved in the genocide to be denounced. [25i] A representative of one western embassy in Kigali commented to the British/Danish fact-finding delegation that with the advent of Gacaca some survivors feared for their lives as under the process many murderers may walk free whilst others who have never been imprisoned now fear being identified. The source referred to the murder on 12th March 2002 of a local representative of Ibuka in the Kicukiro District of Kigali. The source also informed the delegation that he had also been informed of two recent instances of poisoning which was described as "a common practice". [7]

6.102 Genocide survivors are represented by a number of organisations within Rwanda. [7][12i] However, the two main organisations dedicated to the representation of genocide survivors are Ibuka and Avega Agahozo. [7] Ibuka, which translates as "remember," is Rwanda's largest NGO; it was founded on 14 December 1995. [7][25i] Its main mission is to preserve the memory of the genocide and to defend rights and interests of survivors. The Ibuka secretary general's office is based in Kigali though there are branch offices in all provinces, communes, districts and sectors of the country. Ibuka comprises of two kinds of membership: individuals and organisations. At present, membership includes thousands of individuals, by definition all survivors of the 1994 genocide are members, and 10 organisations. However, the Ibuka membership is also open to any person who did not participate in the genocide and who is convinced of the Ibuka mission. While many members are Tutsi, especially those who are survivors of the 1994 genocide, Ibuka has some members from the Hutu and the Twa ethnic groups. Ibuka does not provide any documents to its members as proof of their membership. [25i]

6.103 Avega Agahozo is another large NGO that particularly assists women. [7] According to a study on violence against women in Rwanda conducted in 1999 by Avega-Agahozo, 80.9 percent of survivors showed symptoms of trauma, 69 percent were HIV positive, 13 percent had broken vertebrae, 12 percent had lost leg usage and 7.9 percent had their legs amputated. The study focused on physical and psychological torture, and sexual violence during the genocide. The exact number of survivors of sexual and gender violence committed between 1990 and 1994 is not known; however during a speech in June 2002 the Minister of Gender and Women's Development said it was believed that 250,000 women were raped and that 30,000 pregnancies occurred from rape. [9i]

6.104 In March 2002 a western embassy in Kigali informed the British/Danish fact-finding delegation that it did not accept that the wider population had any reason to be fearful of the work of these groups. Likewise, the source was not aware of any problems faced by members of these organisations from the authorities regarding their activities. [7]

6C. HUMAN RIGHTS - OTHER ISSUES

Conflict with the DRC

6.105 On 30 July 2002 President Kagame and his DRC counterpart, Joseph Kabila, signed a South African brokered peace deal designed to bring to an end a four-year war between the two countries. The conflict, which stems from the presence of Hutu rebels involved in the genocide on DRC territory, has resulted in the death of two million people. Six other countries in the region have also entered into the conflict. [13c]

6.106 Rwanda has been at war with its neighbour, the Democratic Republic of Congo (DRC), since 1998. [1b] In July 2002 it was estimated that up to 30,000 Rwandan troops were based in the DRC where up to 12,000 Rwandan Hutu rebels are believed to operate. [13b] The rebel's comprise of ex- Forces Armées Rwandaises (FAR) and Interahamwe militia who were involved in the 1994 genocide and fled to the Kivu region of the DRC following their defeat by the RPA. [1b][7][13c] The two groups have combined and recruited additional fighters to create the ALIR. [23] RPA troops have been both fighting the Hutu rebels and supporting an armed opposition group, Ressement Congolais pour la démocratie-Goma (RCD-Goma) in its fight against the DRC Government and other armed political groups. [2a][3a] All the forces involved have been involved in serious human rights abuses against civilians. [3a]

6.107 The ICG (International Crisis Group) stated in a report published in October 2001 that the threat posed to Rwanda by these Hutu-dominated militias and rebel movements in the eastern DRC is serious, and that little has been done by the international community to counter it. [7] The RPA, in conjunction with their RCD-Goma allies, had controlled large areas of eastern DRC. [3a] In March 2002 a western embassy in Kigali advised the British/Danish fact-finding delegation that originally, Rwanda's presence in the DRC was for security reasons but other factors have since come into play. The source explained that the security threat did not justify the presence of troops 1000 km from the border and commented that now Rwanda were in the DRC, they had many economic reasons to remain. [7]

6.108 Under the terms of the peace deal Rwanda will pull back troops currently stationed in DRC. [13c] For

its part the DRC have undertaken to disarm and arrest Hutu rebels; the UN would then be asked to assist in the repatriation of Rwandans in co-ordination with the two governments. [13c][13d] However, some international observers have expressed the view that the 90 day timetable in which to implement the terms of the agreement is impracticable. [13b]

6.109 In a statement in July 2002 responding to news of the agreement the Democratic Forces for the Liberation of Rwanda (FDLR), an organisation representing Rwandan Hutu Rebels in the DRC, rejected the peace deal. They signalled that rebels would not voluntarily return to Rwanda. Before signing up to the agreement the Rwandan delegation had insisted that they wanted Rwandan Hutu rebels sent back to Rwanda or to the ICTR in Arusha, Tanzania. [13d]

6.110 In mid September 2002 the withdrawal of Rwandan troops was reported to be underway with the first of the withdrawing troops as well as two cargo planes carrying heavy artillery reported to have arrived in Kigali on 18 September 2002. [16f] By 5 October 2002 the withdrawal of troops was reported to be complete. A final verification process to check each location where the soldiers had been stationed was due to take place before the UN confirm the withdrawal. [9q] Rwanda had previously maintained that it would not withdraw its forces so long as elements responsible for the 1994 genocide continued to operate on DRC soil. [16f] However, the Government of Rwanda, which has faced intense international pressure over its exploitation of resources in the DRC, shifted its position. Anxious to show the outside world that its presence in Congo, far from being the root cause of that country's problems, had in fact been a stabilising factor the speedy withdrawal of troops enabled the Rwandans to reclaimed the political initiative in the conflict. [9q][16f] The DRC government is now under pressure to honour its side of the agreement. By early October it had banned the FDLR and other Rwandan armed rebel groups, arrested an FDLR leader and transported him to the ICTR, and sent an "exploratory mission" of 66 Rwandan ex-combatants to Rwanda. [9q]

Humanitarian Issues

6.111 The USAID-funded Famine Early Warning System (FEWS NET) reported on 13 August 2002 that small pockets of food insecurity were likely to appear by October or November 2002 in 12 of Rwanda's 95 districts; mainly those in high altitude zones. What was described as an "initial, very rough estimate" suggested 150,000 to 200,000 were likely to be affected, representing approximately 2 percent of the country's population. Accordingly, it added, "Humanitarian agencies (particularly the World Food Programme) should plan to increase their current food assistance programme, preferably in the form of food-for-work opportunities". The extent and duration of aid would, it said, depend upon the rainfall pattern during the next season. However, an overall evaluation of the situation had concluded that the food situation would be fairly good in Rwanda up to the end of 2002. [9n]

Reclaiming of land and property

6.112 UNHCR reported that many returnees managed to regain possession of their former houses, while others settled on new land provided by the government. Numerous international aid agencies, led by the UN Development Programme, provided long-term reintegration assistance. [22] The British/Danish fact-finding delegation received information from two western embassies in Kigali to suggest that not all returnees are successful in having their property returned. It was explained that it is an extremely complicated situation, particularly when a family that had fled during the genocide and a family that had fled the country several years previously both claim the same piece of land. It was further explained that such situations lead to many disagreements, threats and incidents of corruption of judges presiding over particular cases. [7]

Corruption

6.113 Corruption within Rwanda has affected all levels of government. [1b] Amri Sued Ismael who had allegedly been charged with embezzlement was replaced as Foreign Minister on 7 July 1999. [12b][23k] In early September 1999 the Rwandan Minister of Education admitted that around 26 million US dollars had been embezzled from the ministry's project to rehabilitate schools in the country following the 1994 genocide. [10b] In October 1999 a legislative commission of inquiry convicted several government ministers of corruption. [1b] Charles Ntakirutinka, now associated with the PDR, was found to have participated in a vehicle-procurement fraud in 1997. [1b][9g] On 7 October 1999, Ntakirutinka and a second minister were forced to resign following a vote of no confidence in parliament; a third minister implicated escaped a similar fate by one vote. [10d] On 30 October 1999 a report by a parliamentary commission, set up to investigate the embezzling of the education project, accused the Prime Minister Rwigema, of diverting funds to items not proposed in the project. [33a] Rwigema escaped a vote of no confidence by parliament on 23 December 1999, but resigned from his post on 28 February 2000, amid mounting allegations of financial impropriety. President Bizimungu accepted the resignation. [14g][35b]

6.114 In August 2001 Radio Rwanda reported that well known businessman, Valence Kajeguhakwa, and his associates, to whom the report did not refer by name, were wanted by the authorities on charges of financial corruption, dishonesty and fraud. According to the report Kajeguhakwa was accused of cheating more than 3billion Rwandan francs from customers of the African Continental Bank in Rwanda which he

owns. [12h]

6.115 According to HRW whilst accusations of corruption may be well founded, the pattern of accusation, whether of political leaders or dissident journalists, suggests that political reasons underlie at least some of these charges. One western embassy in Kigali informed the British/Danish fact-finding delegation in March 2002 that accusations of corruption against Tutsi opponents of the Government were common, a separate source made similar comments. Another western embassy seen by the delegation observed that the Government is often quick to make the accusation that a person may have fled Rwanda because he or she was corrupt. [7]

6.116 The Rwandan Government has demonstrated that it is serious in tackling the problem of corruption within the country. [7] An anti-corruption commission was established in 2000 and has been active since then (see paragraph 5.20). [1a][2a] One Western Embassy in Kigali confirmed that there are many instances where Government officials have lost their jobs because they were corrupt. [7] During 2001 the "Political Forum," an informal grouping of senior members of each of the political parties represented in the National Assembly, dismissed deputies for misconduct, alleged corruption, or incompetence. The parliamentary commissions of inquiry investigated allegations of corruption and other alleged misdeeds of ministers and deputies. Some of these inquiries have resulted in the sanctioning and resignation of ministers. [2a]

Treatment of Non-Governmental Organisations (NGOs)

6.117 Unlike during previous years LIPRODHOR experienced Government interference during 2001. Following the February 2001 publication of a LIPRODHOR report criticising conditions in Nsindi prison the Government demanded that its author be fired, however LIPRODHOR refused to comply. There were also credible reports during 2001 that the Government threatened LIPRODHOR activists and interfered with the group's field activities. In August 2001 government officials initially prevented LIPRODHOR, from holding its annual meeting in Kigali, claiming that the group had not received permission from the local government; LIPRODHOR had notified the authorities of the planned meeting, but was unaware that permission was required. Authorisation for the group's meeting subsequently was granted. [2a]

6.118 One western embassy in Kigali commented to the British/Danish fact-finding delegation that LIPRODHOR does a very good job in keeping the Government out and this is why it is the only local organisation that experiences problems with the Government including restriction of activities and intimidation of its members. The same source added that LIPRODHOR deals more with problems faced by Hutu rather than Tutsi and specialises in following genocide trials and the situation in Rwandan prisons. As such the organisation has something of "a Hutu label". [7]

6.119 AI reported on 5 February 2002 that between late January and early February 2002 three members of the Association Modeste et Innocent (AMI), a Rwandese non-governmental organisation working to promote individual dignity and national peace and reconciliation, were arrested and put into detention. [3b] [7] A fourth female member of AMI was also briefly detained but later released. Laurien Ntezimana, president of AMI, was reported to have been refused all visitors whilst in detention. The authorities did not initially disclose what charges the men may face, but according to AI, their arrest was believed to relate to the use of the word "ubuyanja" ("renewal" or "rebirth of energy") in a recent issue of *Ubumu*, a bulletin published by AMI. The bulletin contained an editorial by Ntezimana explaining the meaning of the word "ubuyanja" and why AMI uses it. The men detained were also reportedly questioned about the mission of AMI, the reasons behind its creation and whether or not AMI had obtained the necessary authorisation to operate legally in Rwanda. [3b]

6.120 An RNA report on 7 February 2002 referred to two men being in detention. The report carried a police statement to the effect that the detention was not related to the use of the word ubuyanja but due to AMI operating illegally; it was also reported that Ntezimana faced charges of sedition. It was also reported that the police had denied any "activists" were being held in Rwanda. [11c] In March 2002 LDGL, a regional human rights organisation operating in the Great Lakes Region of Africa considered to operate independently, advised the British/Danish delegation that Ntezimana had not been formally charged. Ntezimana was released after the appeal court decided the authorities had not followed the correct procedures when detaining him; it was also explained that there had been an attempt to discredit him (see paragraph 6.21). [7]

6.121 The Government is critical of reports by some international human rights NGOs and during 2001 was particularly hostile towards those whose reporting was perceived as biased and inaccurate. [2a][7] In 2000 the Government began to provide to human rights organisations, and even other governments, systematic replies and rebuttals to allegations of human rights abuses. In June 2001 the Government refuted point-by-point accusations contained in a HRW report published earlier the same month and referred to the report as propaganda that promoted ethnic division. [2a] HRW is currently co-operating with two human rights organisations present in Rwanda, LIPRODHOR and LDGL. [2a][7] Unlike in 2000, no international NGOs complained that security forces harassed their informants; however, there were isolated reports that security forces contacted informants. [2a]

International Criminal Tribunal for Rwanda (ICTR)

6.122 The ICTR was established in 1994 to try cases of those accused of acts of genocide and serious violations of international humanitarian law, which were committed in Rwanda between 1 January and 31 December 1994. [26a] Based in Arusha, Tanzania, the ICTR was inaugurated in June 1995 with a mandate to investigate allegations made against some 400 individuals of direct involvement in the genocide. [1b] The Tribunal issued its first indictment against eight accused persons on 28 November 1995. Since then seventy suspects have been indicted of whom more than sixty have been arrested and transferred to the Tribunal's custody. Twelve Ministers of the 1994 interim government of Rwanda are also in the Tribunal's custody as well as senior military commanders, high ranking central and regional government officials, prominent businessmen, church leaders, journalists, intellectuals and other influential figures. Arrests are effected with the assistance of judicial and police authorities in the states where suspects are located. [26b]

6.123 In mid December 2000 the ICTR Chief Prosecutor announced that the court would commence the indictment of RPF personnel for committing crimes against humanity, especially in eastern DRC. [1b] In early 2001 the Rwandan Government agreed to co-operate with the ICTR's investigation into crimes allegedly committed by RPF members. [3a]

6.124 There has been a recent history of tension between both the Rwandan Government and the genocide survivors groups and the ICTR. [1b][12i] In January 2002 both Ibuka and Avega Agahozo stopped co-operating with the ICTR in protest at the alleged mistreatment of a protected witness and the alleged presence of genocide suspects working at the ICTR. [24] In March 2002 the British/Danish fact-finding delegation were informed by the ICTR spokesman, Kingsley Moghalu, that some of the problems experienced by witnesses stemmed from the fact that they did not fully understand the judicial process of the Tribunal. He stated that many witnesses felt that they were being harassed during cross-examination, as they had not experienced this type of questioning before. Approximately 85% of prosecution witnesses come from Rwanda but less than 5% of defence witnesses. In March 2002 the Registrar of the ICTR, Mr Adama Dieng, had proposed the establishment of a Joint Committee with the Government of Rwanda to verify the allegations of mistreatment. [7] However, on 18 April 2002 Dieng withdrew this proposal following a disagreement with the Rwandan authorities over the committee's proposed mandate. [7][24]

6.125 During June 2002 the RNA reported that Rwanda's Representative to the ICTR had recommended that the tribunal should review its witness protection program "objective testimony". The official reportedly stressed that Rwanda would welcome efforts to restructure the tribunal's protection measures for Rwandan witnesses who come to testify before the UN court. [11f] On 27 June 2002 Radio Rwanda reported that hundreds of people demonstrated peacefully in Kigali's streets. The demonstration was aimed at condemning the way the ICTR had been carrying out its work. The report stated that in the eight years the tribunal has been in operation, 60 genocide suspects had been taken to Arusha and only eight had been sentenced at a cost of approximately 600 US dollars. The majority of the demonstrators were members of Ibuka, Avega-Agahozo and other organisations representing genocide survivors. [12i]

Treatment of persons detained and convicted by the ICTR

6.126 The British/Danish fact-finding delegation was informed in March 2002 that the detention facility at the ICTR in Arusha consisted of 56 cells and a small number of annexes. The high security facility is built to international standards, it is the first ever to have been built and managed by the United Nations. It is regularly inspected and the ICRC, which has consistently commended the high standards that are maintained, visits the detainees. Any individual convicted by the ICTR will serve their sentence in a country other than Rwanda or Tanzania. At present Mali is the only country that persons convicted have been sent to although the ICTR has agreements to send persons convicted to Benin where detention facilities are being constructed and Swaziland where existing facilities are in the process of being upgraded. [7]

ANNEX A - CHRONOLOGY OF EVENTS

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 Hutu from Tutsi.

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. The Hutu 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 Tutsi 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 Tutsi occur, this time in response to a military attack by exiled Tutsi 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 Tutsi are renewed, following a further unsuccessful attempt by exiles to return by force.

1973 Tutsi 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 Tutsi are restricted to 9% of available jobs.

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

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

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

1990 October - the RPF invade Rwanda from Uganda and after heavy fighting in which French, Belgian and Zairian troops are called upon to assist the Rwandan 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 Tutsi are killed in separate massacres around the country, whilst opposition politicians and newspapers are also targeted.

1991 March - A cease-fire between the Government forces and RPF is signed on 29 March 1991.

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

1992 November - prominent Hutu activist, Dr Leon Mugusera, appeals to the Hutu to send the Tutsi "back to Ethiopia" via the rivers.

1993 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.

August - In Arusha, 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.

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 Tutsi. Human rights groups warn the international community of impending calamity.

1994 March - Numerous human rights activists evacuate their families from Kigali, in the belief that massacres are imminent.

April - On 6 April Habyarimana and the president of Burundi, Cyprien Ntaryamira, are killed when Habyarimana's aeroplane is shot down near Kigali airport. 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 Tutsi 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 Prime Minister Agathe Uwilingiyimana.

May - The killing of Tutsi 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". The UN imposes an arms embargo on Rwanda for a period of one year.

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.

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 troops depart; they are replaced by Ethiopian UN troops. On 19 July, the RPF sets up an interim government of national unity in Kigali. There are conflicting UN reports regarding a series of reprisal killings said to have been carried out by the RPF; several hundred civilians are reportedly executed, whilst the killing of Tutsi continues in the refugee camps.

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.

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 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. This is estimated to have resulted in as many as 5,000 deaths.

May - The 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. **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. 1

November - ICTR begins formal proceedings.

1996 February - Due to the slow pace of ICTR proceedings, the Rwandan Government announces the creation of special courts within its existing judicial system.

April - The UN urges all Central African states to observe an arms embargo against ex-FAR troops and to ensure that their territories are not used as bases for armed groups to launch cross-border raids into Rwanda.

August - A new law is adopted, establishing procedures for punishing those guilty of genocide and crimes against humanity.

1997 Between January and August, at least 6,000 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.

July - The ICTR announces that seven prominent people, including the former Prime Minister, Jean Kambanda, and the former senior military commander, Gratien Kabiligi, have been arrested in Nairobi for their part in the 1994 genocide.

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 an intensified armed conflict 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. 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 Tutsi are killed and a further thousand are wounded at Mudende refugee camp in the north western region of Gisenyi. In retaliation, Tutsi civilians, assisted by the RPA kill several hundred Hutu civilians in the area.

1998 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.

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.

June - The ongoing civil war has claimed thousands more lives, whilst disappearances are also said to be increasing.

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 Tutsi 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.

September - Former Prime Minister, Jean Kambanda, is sentenced by the ICTR to life imprisonment for six counts of genocide and crimes against humanity.

October - The Government announces plans to set free 10,000 genocide suspects with no concrete evidence against them.

1999 January - It is announced by Rwandan radio that about 900 genocide suspects have been convicted and sentenced by the Rwandan courts in 1998.

March - Local elections are held for the first time in 10 years.

October - The government announced plans to change the Rwandan flag, motto, anthem and street names.

2000 January - The ICTR sentence the first private citizen to life imprisonment for genocide related charges. Parliament passes a new law to establish a new National Police Force.

February - Parliament vote for the law establishing 'Gacaca' courts. Pierre-Celestin Rwigyema resigns as Prime Minister.

March - Pasteur Bizimungu resigns as President.

April - Paul Kagame becomes the first ethnic Tutsi President since Rwanda won independence from Belgium in 1962.

July - Rwigyema was dismissed as leader of the Republican Democratic Movement Party (MDR).

September - President Kagame said that all Rwandans still in exile were free to return home and help in the reconstruction of the country. It is also announced that identity cards will no longer show the holder's ethnicity. A new Civilian Rwandan National Police (RNP) replace the gendarmerie and the communal police.

2001 February - MDR leader Celestin Kabanda was dismissed.

March - Thirteen prisoners were freed in a trial viewed as a trial run for the new 'Gacaca', traditional court system. Local elections are held. An opposition group called ARENA is formed in the US.

May - Former president Pasteur Bizimungu announces the creation of a new party, the PDR. There are reports of rebel incursions in the north west of the country.

June - The government declares the launch of the PDR illegal and it is banned. The ICTR returns its first 'not guilty' verdict to the former Mayor, Ignace Bagilishema.

July - It is reported that since May approximately 2,000 rebels have been killed by the RPA in the north west and that a similar number have been captured. Some civilian casualties are also reported.

September - Skirmishes between the RPA and rebels are reported in the south west of the country.

October - Voting to elect members of traditional "Gacaca" courts begins. The courts - in which ordinary Rwandans judge their peers - aim to clear the backlog of 1994 genocide cases.

December - Gratien Munyarubuga, a member of the opposition PDR, is killed by two of his taxi passengers. A new flag and national anthem are unveiled to try to promote national unity and reconciliation.

2002

April - Former president and leader of the PDR Pasteur Bizimungu is arrested and faces trial on charges of illegal political activity and threats to state security. The PDR Secretary General, Charles Ntakirutinka is also arrested.

June - The Gacaca system of justice is formally launched.

July - Presidents of Rwanda and DRC sign a peace agreement aimed at ending their four-year war. South Africa and the UN act as guarantors for the deal committing Rwanda to withdrawing troops from eastern DRC, and DRC to helping disarm Rwandan Hutu gunmen blamed for the killing of the Tutsi minority in Rwanda's 1994 genocide.

September - Rwandan troops reported to be withdrawing from the DRC.

ANNEX B - POLITICAL PARTIES, ORGANISATIONS AND REBEL GROUPS

POLITICAL PARTIES AND ORGANISATIONS WITHIN RWANDA

Coalition pour la défense de la république (CDR)

Formation and leadership: Formed in 1992 [8]

Status: Illegal since 1994 [1b]

English translation: Coalition for the Defence of the Republic [8]

Additional Information: A radical Hutu party that operated an unofficial militia known as Impuza Mugambi (translated as Single-minded Ones") during the genocide was reported to have taken a leading role in the slaughter of Tutsi and moderate Hutu. [1a][8] Implicated in the 1994 genocide and banned from participation in the transitional national assembly and legislature. [1a]

Front patriotique rwandais (FPR)

See entry below for the "Rwandan Patriotic Front "

Le Peuple en Armes Pour Libérer le Rwanda (PALIR)

Formation and leadership: Formed in 1996 [1b]

Status: Not represented in the Government of Transitional National Assembly. [7][29] No additional information regarding legality is currently available; PALIR were listed by Europa as an internal party though no reference was made to the PALIR being in any way active in Rwanda during the British/Danish fact-finding mission on March 2002. [1b][7]

English translation: Party for the Liberation of Rwanda [23]

Additional information: Political wing of the ALIR, see entry below under rebel groups. [1b][23]

Mouvement Démocratique Républicain (MDR)

Formation and leadership: The existing party was legalised in July 1991. It stemmed from the Parti de

l'émancipation de peuple Hutu (Parmehutu) - MDR formed in 1962 [1b][8] President: Emmanuel Twagira Mukiza, Vice-president: Tirungo Jean de Dieu. The MDR political bureau elected both officers on 24 June 2001. [12g]

Status: Legal, represented in Government of Rwanda and allocated 13 seats in the Transitional National Assembly. [7][29] The MDR have provided each of Rwanda's three Prime Ministers since 1994. The PDR was banned between 1973 and 1991. [1b]

English Translation: Republican Democratic Movement [8]

Additional Information: A Hutu party that was a signatory to the 1993 Arusha Accord; the original party had ruled Rwanda from independence until 1973. [1b][8][29] The MDR split into a pro and anti MRNDD factions in late 1993. Many MDR members were subsequently victims of the atrocities perpetrated since 1994. [1b][8] On 30 July 2000 former Prime Minister, Pierre-Célestin Rwigyema was dismissed as leader of MDR. [14b] [9a] Interim MDR leader Celestin Kabanda was himself dismissed in February 2001. [12f]

Mouvement républicain national pour la démocratie et le développement (MRNDD)

Formation and leadership: Formed in 1975 as the Mouvement révolutionnaire national pour la développement (MRND) [1b]

Status: Illegal since 1994. MRNDD was the ruling party from its formation in 1975 until 1994. [1b][8] Between 1975 and June 1991 it was the sole legal party. [8]

English translation: National Republican Movement for Democracy and Development [8]

Additional information: A Hutu party of Catholic orientation. [8] The MRNDD's large unofficial militia, the Interahamwe (translated as "Those Who Stand Together") was reported to have been extensively involved in the atrocities of the 1994 genocide. Consequently the party were banned from participation in the transitional national assembly and legislature. [1a][8] The Interahamwe remain active in the volatile eastern region of the DRC. [8]

Republican Progressive Party (PPR)

Formation and leadership: December 2001 by Anastase Gasana (Rwandan ambassador to the UN and member of MDR who resigned to form his own party. Status: Not represented in the Government of Transitional National Assembly [7][29]

Additional information: At the time of formation the party stated it will not segregate any citizen in its recruitment. [15a]

Parti démocratique chrétien (PDC)

Formation and leadership: Formed 1990, leader Jean Nepomucène Nayinzira [1b]

Status: Legal, represented in the Government and has six seats in the Transitional National Assembly [7][29]

English translation: Christian - Democratic Party

Additional information: Hutu based Christian democrat centre-right. [29][30]

Parti démocratique Islamique (PDI)

Formation and leadership: Formed in 1991 [1b]

Status: Legal, represented in Government of Rwanda and allocated two seats in the Transitional National Assembly. [7][29]

English translation: Islamic Democratic Party [8]

Parti démocratique pour le renouveau - UBUYANJA (PDR)

Formation and leadership: Formed in May 2001, Chairman is Pasteur Bizimungu, Secretary-General is Charles Ntakirutinka (both detained since April 2001). [7][9g]

Status: The Transitional National Assembly ruled the PDR illegal in June 2001.

English translation: Democratic Party for Renewal.

Additional information: The Government claims the PDR is a pro Hutu party that advocates ethnic division. However, the British/Danish fact-finding delegation received information from two sources, including one western embassy in Kigali, that this PDR is not an ethnic party. The delegation received information from one source that the PDR support a form of power sharing that will ensure neither ethnic group can dominate; particularly in the case of the police, army and intelligence services. The party also consider that whilst considers génocidaires must be punished for crimes relating to the genocide so should those who committed abuses as the RPF and RPA took control of the country. [7]

Parti démocratique rwandaise (Pader)

Formation and leadership: Formed 1991, Secretary is Jean Ntagungira [1b]

Status: Not represented in the Government of Transitional National Assembly [7][29]

English translation: Party for Democracy in Rwanda

Parti écologiste (Peco)

Formation and leadership: Formed in 1992 [1b]

Status: Not represented in the Government of Transitional National Assembly [7][29]

English translation: Ecologist party

Parti libéral (PL)

Formation and leadership: Formed in 1991. The party split into pro and anti MRNDD factions in late 1993/early 1994. [1b][8] The anti MRNDD faction joined the coalition Government established by the RPF in 1994. Anti MRNDD faction leaders are Prosper Higiyo, Joseph Musengimana and Esdra Kayiranga. Pro MRNDD leaders are Justin Mugenzi and Agnès Ntambyariro. [1b]

Status: Legal, represented in Government of Rwanda and allocated 13 seats in the Transitional National Assembly. [7][29]

English translation: Liberal Party [29]

Additional information: Hutu based liberal; centre-left. [29][30]

Parti progressiste de la jeunesse rwandaise (PPJR)

Formation and leadership: Formed in 1991, leader André Hakizimana [1b]

Status: Not represented in the Government of Transitional National Assembly [7][29]

English translation: Rwandan Progressive Youth Party

Parti républicain rwandais (Parerwa)

Formation and leadership: Formed in 1992, leader Augustin Mutamba. [1b]

Status: Not represented in the Government of Transitional National Assembly [7][29]

English translation: Rwandan Republican Party

Parti social-démocrate (PSD)

Formation and leadership: Formed in 1991; leaders are Charles Ntakirutinka, Jacqueline Muhongayrie and Juvénal Nkusi. [1b][8][30]

Status: Legal, represented in Government of Rwanda and allocated 13 seats in the Transitional National Assembly. [7][29]

English translation: Social Democratic Party [8][29]

Additional information: Hutu based social-democratic; left wing. [29][30] Formed by a breakaway faction of the MRND (as they were then known). The party participated in government coalitions from April 1992. The president and vice-president were both killed in the mass violence of April 1994. [8]

Parti socialiste rwandais (PSR)

Formation and leadership: Formed in 1991

Status: Legal and represented in the Transitional National Assembly where the party has been allocated two seats. [7][29]

English translation: Rwandese Socialist Party [30]

Additional information: A socialist party campaigning for workers rights. [1b][30]

Ressement travailiste pour la démocratie (RTD)

Formation and leadership: Formed in 1991, leader Emmanuel Nizeyimana.

Status: Not represented in the Government of Transitional National Assembly [7][29]

English translation: Workers' Association for Democracy

Rwanda Patriotic Front

Formation and leadership: Formed in 1990, Chairman is Major General Paul Kagame, Secretary-General is Charles Muligande. [1b]

Status: Legal, represented in Government of Rwanda and allocated 13 seats in the Transitional National Assembly. [7][29] The RPA have been the dominant political force in Rwanda since taking power in July 1994. [1b]

French/Kinyarwanda translations: Front patriotique rwandais (FPR)/Inkotanyi. [1b]

Additional information: Tutsi dominated but with some Hutu members the RPA have been the dominant political force in Rwanda since taking power in July 1994. [1b][7]

Union démocratique du peuple rwandais (UDPR)

Formation and leadership: Formed in 1992, President is Vincent Gwabukwisi and the Vice President is Sylvestre Habi. [1a]

Status: Legal and represented in the Transitional National Assembly where the party has been allocated two seats. [7][29]

English translation: Democratic Union of the Rwandese People [29]

EXTERNALLY BASED POLITICAL PARTIES AND ORGANISATIONS

Alliance rwandaise pour la renaissance de la nation (ARENA)

Leadership and members: Joseph Ncarambe. The party has both Hutu and Tutsi members, some former members of the RPF. [18a] Joseph Sebarenzi, former Speaker of the National Assembly is one of the founders. [7]

Policies: ARENA specifies that a priority is to restore unity for Rwandans. Advocates a two-chamber parliament representing all three ethnic groups. Also supports a political system where the president is not involved in the day to day running of the country. The issue of whether the president should be retained or the king to return is something that ARENA says Rwandans should decide. From its base in the US ARENA actively comments on political and human rights developments within Rwanda. [7]

Democratic Forces for the Liberation of Rwanda (FDLR)

Leadership: Ignace Murwamashyaka who is based in Kinshasa; membership comprises of ex-FAR and Hutu refugees based in the DRC. [18a]

Policies: An organisation representing Rwandan Hutu Rebels in the DRC, FDLR has both political and armed wings. [13d][18a]

Forces de résistance pour la démocratie (FRD)

Leadership: Faustin Twagiramungu is the leader of the FRD, Hutu moderates living in exile formed the party in Belgium in 1996.

Policies: Advocates the return of Rwanda to UN Trust Territory status. [1a]

Nation-Imbanga Y'Inyabutatu Nyarwanda

Leadership: Deogratias Mushayidi (spokesman), a ex-RPF Tutsi and Joseph Ndahimana, a moderate Hutu, the group was established in February 2001 and is based in Belgium. [7][18a]

Policies: Aims for the restoration of the Tutsi King, Kigeli V who is exiled in the USA. Part of the ADRN alliance. [18a]

Ressementement pour le retour des réfugiés et la démocratie au Rwanda (RDR)

Leadership: The Chair is François Nsabahimana; formed in 1995 by former supporters of president Habyarimana, the organisation is based in Holland with links in Canada. [1b][7]

Policies: Represents Hutu refugees. [1b]

Unar

Policies: A pro-monarchist party based in Canada. [7]

Union du peuple rwandais (UPR)

Leadership: President is Silas Majyambere, Secretary-General is Emmanuel Twagilimana; the party was formed in 1990.

Policies: A Hutu led party based in Belgium. [1b]

EXTERNALLY BASED POLITICAL ALLIANCES

Alliance démocratique Rwandaise (ADR)

In January 2002, Rwandan political groups who were exiled in Belgium formed a coalition known as the Alliance démocratique Rwandaise (ADR), (also referred to in English as the Rwandan Democratic Alliance (RDA) and, in the Kinyarwanda language as ADR Isangano). The coalition brings together the Congrès démocratique Africain (CDA) and the Mouvement pour la paix, la démocratie et le développement (MPDD). The new alliance set out its objectives in a 10-point political programme; these included "organisation and action" in economics, governance and justice. The ADR said it had been formed in response to the political vacuum in Rwanda and the Government's opposition to "any form of independent political association and freedom of expression". [9d] The ADR also called for the withdrawal of Rwandan forces from the Democratic Republic of Congo (DRC) without delay. [34a]

Alliance for Democracy and National Reconciliation (ADRN)

The coalition, Alliance for Democracy and National Reconciliation (ADRN) was launched in Belgium on 5 April 2002. It is co-ordinated by Valens Kajeguhakwa who previously supported the RPF financially but now opposes the Government leadership. ADRN wants 'consensual democracy' and Government representing all ethnic groups that will promote the return of Hutu exiles. ADRN comprises of ARENA, FDLR and Nation-imbaga (see above). [18a]

REBEL GROUPS

Armée pour la libération du Rwanda (ALIR)

English translation: Army for the Liberation of Rwanda

Following the 1994 genocide the Ex-FAR and Interahamwe were forced into the DRC (then Zaire) where they merged and recruited additional fighters. This group is often now referred to as the ALIR, the armed wing of the PALIR (see "Externally based political parties" above). [23] However, according to HRW the ex-FAR and

Interahamwe militia who participated in the 1994 genocide constitutes only a minority of those currently fighting the Rwandan Government. [4b] During the war in the DRC the ALIR have been allied with the DRC Government against the Rwandan invaders. The DRC Government has reportedly provided the ALIR with training, arms and supplies. Several thousand ALIR regular forces reportedly operated alongside the DRC army during the civil war. A similar number of ALIR guerrillas reportedly operate behind Rwandan forces lines in eastern DRC and have crossed into Rwanda. [23] The last reported incidents of the ALIR engaged in hostile activity within Rwanda were in July 2002. [7]

Ex-FAR (Forces armées rwandaises)

The FAR was the army of the Hutu regime that carried out the 1994 genocide; many members are now part of the ALIR (see above). [23] There is also reported to be a presence of Ex-FAR in the Nyungwe Forest on the border with Burundi; the most recent incidents of incursions in this area took place in September 2001. [7]

Ingabo Z'umwami

English translation: Army of the King

A pro-monarchist group that is reportedly regarded as a security threat by the authorities in Rwanda. HRW referred to the group as having become active since mid 1999 in the north west of Rwanda. Civilians have been warned against association with the group. The ALIR forces are said to have told the local population they were Ingabo Z'umwami in an attempt to gain local support (see paragraph 6.57). [7]

Interahamwe

The Interahamwe were the civilian militia force that carried out much of the killing during the 1994 genocide, many members now part of the ALIR (see above). [23] There is also reported to be a presence of Interahamwe in the Nyungwe Forest on the border with Burundi; the most recent incidents of incursions in this area took place in September 2001. [7]

ANNEX C - PROMINENT PEOPLE

Bizimungu, Pasteur: An ethnic Hutu married to a Tutsi Bizimungu joined the Rwanda Patriotic Front (RPF) just as the movement was beginning its push into Rwanda from neighbouring Uganda in October 1990. After holding a series of senior posts in the RPF, Bizimungu was named President when the PPF took power in July 1994. However, in March 2000, he resigned citing differences with the RPF. [7][9g][18a] At the end of May 2001, former president, Pasteur Bizimungu launched a new political party, the PDR. [2a][7][9g] In April 2002 he was detained by the arrested, has been in detention since and charged with two breaches of state security. [9h]

Gakwaya, Theobald Rwaka: Founder of LIPRODHOR and Vice President of the PDC, lost his position as Interior Minister in March 2002 after numerous disagreements with the Government, missing since April 2001 and believed to be in exile. [2a][3a]

Kagame, Major-General Paul: President of the Rwandan Republic; took up office on 22 April 2002. Also chairman of the RPF, a post he had held prior to his election as president. [1b]

Makuzza, Bernard: Prime Minister since February 2000, runs the Government on a daily basis and is responsible for relations with the National Assembly. [1a][2a]

Mutsinzi, Jean: Former president of the Supreme Court and the existing secretary-general of the LCRC. [1a][7]

Ntakirutinka, Charles: Formally a Government Minister but forced to resign in 1999 after being implicated in a corruption scandal. [1b][10d] Became Secretary General of the PDR upon its formation in May 2001; he was arrested in April 2002 and has been in detention since along with PDR leader Pasteur Bizimungu. [7][9h]

Rwigyema, Pierre-Célestin: Prime minister from August 1995 - 28 February 2000 when he resigned, former leader of the MDR. [2a] He then fled Rwanda and sought asylum in the US amid mounting allegations of financial impropriety. [9a][14b][35b]

Sebareenzi, Joseph Kabuye: Former speaker in the National Assembly resigned on 7 January 2000 following various accusations, including mismanagement of Assembly funds. [10e][35a] Sebareenzi left Uganda and fled to the US in March 2000 where, in March 2001 he was involved in the formation of ARENA. [7][9c]

Twagiramungu, Faustin: Former leader of the anti-MRND faction of the MDR, 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 based in Belgium. [1a]

ANNEX D - CATEGORISATION OF GENOCIDE CRIMES

The following sets out how the 1996 Genocide Law of the Republic of Rwanda categorises the crimes of Genocide and Crimes against Humanity. Persons accused of offences under article 1 of the law between 1 October 1990 and 31 December 1994 shall, on the basis of their alleged participation, be classified into one of the following categories.

Category 1:

- a) Persons whose criminal acts or whose acts of criminal participation place them among the planners, organisers, instigators, supervisors and leaders of the crime of genocide or of a crime against humanity;
- b) Persons who acted in positions of authority at the national, Prefectorial, Communal, Sector or Cell level, or in a political party, the army, religious organisations or in a militia and who perpetrated or fostered such crimes;
- c) Notorious murderers who by virtue of the zeal or excessive malice with which they committed atrocities, distinguished themselves in their areas of residence or where they passed;
- d) Persons who committed acts of sexual torture or violence.

Category 2:

Persons whose criminal acts or whose acts of criminal participation place them among the perpetrators, conspirators or accomplices of intentional homicide or of serious assault against the person causing death.

Category 3:

Persons whose criminal acts or whose acts of criminal participation make them guilty of other serious assaults against the person.

Category 4:

Persons who committed offences against property [251]

ANNEX E - REFERENCES TO SOURCE MATERIAL**[1] Europa Yearbook Publications**

(a) Europa World Year Book, Volume I - 2001

(b) Africa: South of the Sahara - 2002

[2] US Department of State - Country Report on Human Rights Practices in Burundi

(a) Issued 4 March 2002 - covering 2001

International Religious Freedom

(b) Issued 26 October 2001

[3] Amnesty International

(a) Annual Report 2002 - covering 2001 *Rwanda section only*

(b) Peace workers are victims of increasing political repression - 05/02/02

(c) Number of prisoners of conscience on the rise - 07/06/02 *Press Release*

(d) Gacaca - gambling with justice - 19/06/02 *Press Release*

[4] Human Rights Watch

(a) World Report 2002 - covering 2001 *Rwanda section only*

(b) Observing the rules of war - December 2001 *Full report*

(c) Opposition politician shot, others detained *news report*

[5] Committee to Protect Journalists (CPJ) Attacks on the Press report covering 2001**[6] War Resisters International - Refusing to Bear Arms - Published 1998****[7] British/Danish joint fact-finding report on Political Situation, Security and Human Rights in Rwanda - Published in Copenhagen, May 2002****[8] Political Parties of the World 5th edition published 2002.****[9] Integrated Regional Information Network (IRIN), Nairobi, Kenya**

(a) MDR party to elect new leader - 01/08/00

- (b) Change to administrative divisions under discussion - 14/08/00
- (c) New party in exile formed - 02/04/01
- (d) Exiled political groups form new coalition - 15/01/02
- (e) Training of Gacaca judges begins - 10/04/02
- (f) RPF interim gov't to step down next year - Kagame- 12/04/02
- (g) Ex-Pres Bizimungu arrested for illegal political activity - 12/04/02
- (h) Bizimungu handed over to prosecutor-general's office- 25/04/02
- (i) Parliament adopts media bill, excludes genocide clauses - 05/06/02
- (j) Government acts against gender violence - 06/06/02
- (k) Gacaca courts system becomes operational - 18/06/02
- (l) Gacaca courts get under way - 21/06/02
- (m) Journalist seeks asylum in Belgium - 21/08/02
- (n) Small pockets of food insecurity likely October-November, FEWS NET reports - 26/08/02
- (o) 515,000 doses of meningitis vaccine due to arrive - 27/08/02
- (p) UNHCR concerned at "forced repatriation" of refugees - 05/09/02
- (q) Rwanda completes troop withdrawal

[10] Xinhua News Agency, China

- (a) UNDP helps strengthen police security in Rwandan community - 03/08/99
- (b) Rwandan minister admits embezzling funds - 02/09/99
- (c) Rwanda, Burundi agree free visa policy - 21/09/99
- (d) Two Rwandan ministers resign on corruption charges - 07/10/99
- (e) Rwandan Parliament Speaker asked to resign - 06/01/00
- (f) Rwanda to set up National Police Force - 09/01/00
- (g) Rwanda to close illegal religious sects - 19/04/00

[11] Rwandan News Agency (RNA), Kigali, Rwanda

- (a) Parliament "unanimously" passes law on new national anthem 20/09/01
- (b) Pro-Hutu party leader accused of inciting ethnic hatred 07/01/02
- (c) Police denies it is detaining two journalists illegally - 07/02/02
- (d) Survivors organization's official says members not in fear of security - 19/06/02
- (e) Gacaca traditional courts start trials in 12 pilot areas - 20/06/02

(f) Official calls for review of tribunal's" witness protection program " - 21/06/02

[12] Rwanda Radio, Kigali, Rwanda

(a) Local elections to be held country wide at the end of March - 04/03/99

(b) Foreign Minister replaced - 07/07/99

(c) President Kagame says security not a problem in Rwanda - 21/08/00

(d) President Kagame invites exiles back home - 02/09/00

(e) Rwanda signs agreement for cheaper HIV/AIDS treatment 27/01/01

(f) Hutu - dominated party dismisses leader - 23/02/01

(g) Opposition MDR party elects new leadership - 26/06/01

(h) Bank owner wanted for grand theft - 06/08/01

(i) Eight genocide suspects said tried in eight years, 600 US dollars used - 27/06/02

(j) Rumours on "forced" repatriation of Congolese refugees unfounded - UNHCR - 07/09/02

[13] BBC News

(a) Rwanda unveils new flag and anthem - 31/12/01

(b) Testing time for DR Congo-Rwanda deal - 29/07/02

(c) Congo and Rwanda sign peace deal - 30/07/02

(d) Rwandan rebels reject peace deal - 31/07/02

(e) First Rwanda census since genocide - 16/08/02

(f) Rwanda's tanks leave DR Congo - 19/09/02

[14] Pan African News Agency (PANA)

(a) Rwanda Prime-Minister escapes no confidence vote - 23/12/99

(b) Rwandan opposition party fires leader - 31/07/00

(c) Rwanda gives foreigners right to vote - 21/02/01

[15] Umuseso (newspaper), Kigali, Rwanda

(a) Rwanda: UN ambassador creates party - 10/12/01

(b) Prosecution accuses former president of having a "70-man army" 26/05/02

[16] Agence France-Presse (AFP), Paris, France

(a) Paris-based press freedom group blacklists 30 countries - 27/06/02

[17] National Human Rights Commission - Annual report covering 2000, published Kigali, March 2000
Introduction section only

[18] African Research Bulletin

(a) Volume 39 Number 4, published May 2002

(b) Volume 39 Number 5, published June 2002

[19] Rehabilitation of Torture Victims, Centres and Programmes Worldwide First edition: published in 2000 by the International Rehabilitation Council for Torture Victims (IRCT), Copenhagen, Denmark.
Publication details and Rwanda entry only

[20] Rwandan Government web site

(a) President Kagame calls for success of Gacaca courts - 19/06/02

[21] The New Times, Kigali, Rwanda

(a) Constitutional Commission releases budget for law review - 19/04/01

(b) Genocide survivors said being corrupted by suspects - 23/05/02

[22] US Committee for Refugees - Website at <http://www.refugees.org/world/countryrpt/africa/rwanda.htm> accessed on 20 September 2002. "Worldwide refugee information" 2002 country report on Rwanda covering 2001.

[23] Federation of American Scientists Website at <http://www.fas.org/irp/world/para/interahamwe.htm> accessed on 13 September 2002. "Intelligence Resource Programme" specific page referring to the Interahamwe, PALIR, ALIR and ex-FAR.

[24] Internews via United Nations Foundation - UN Wire ICTR Cancels Commission of Inquiry on Witness Mistreatment - Extracted from the UN Wire list of news stories for 23 April 2002 Website at <http://www.unfoundation.org/unwire/2002/04/23/current.asp> accessed on 12 September 2002.

[25] Immigration and Refugee Board (IRB), Ottawa, Canada http://www.cisr.gc.ca/en/INDEX_E.htm All information obtained from the IRB web site- REFNO section - the following titles relate to questions asked of IRB

(a) Whether the Rwandan government has passed legislation permitting dual citizenship in accordance with the Arusha peace accord - 16/02/00

(b) Whether a person who has lived outside Rwanda all their life and whose father is a Rwandan citizen who left the country in the 1970s has a right to Rwandan citizenship - 27/10/00

(c) Procedure for obtaining Rwandan citizenship for persons who have lived outside Rwanda all their lives and whose father is Rwandan - 26/01/01

(d) Protection available to women who are victims of violence - 30/03/01

(e) Treatment of people with HIV by the state and the community at large - 30/03/01

(f) Travel documents required for travelling between Burundi and Rwanda (1998) - 08/06/01

(g) Current information on whether a Rwandan citizen who has given up her citizenship have automatic right to re-acquire, and the regulations governing this - 10/09/01

(h) Information on Rwandan ID cards for the period following the 1994 genocide - 07/12/01

(i) Information on IBUKA, including the address of its office, procedures for affiliation, membership documents if any and their description; the treatment of its members by government authorities and by members of the Hutu ethnic group (1998-2002 - 24/01/02

(j) Situation of Tutsi orphans, including their number, government projects and organizations that provide help to them, names of orphanages in Kigali (Kacyiru) and type of assistance they have provided to orphans; treatment of Tutsi orphans by the government and by members of the Hutu ethnic group (2001) - 19/02/02

(k) Current treatment of persons of Hutu/Tutsi parentage -29/05/02

(l) Whether there is a "list" kept by the government of Hutu's wanted in connection with the genocide; whether those on list may have simply been innocent victims of the genocide themselves; the outcome of the trials of those on the list; impact and possible repercussion on children of person whose name appears on this list, and any difference in this treatment if the individual named is now deceased - 06/06/02

(m) Status of a person born in Rwanda in 1970 of a Rwandan mother and whose father is a citizen of Tanzania - 20/06/02

[26] International Criminal Tribunal for Rwanda <http://www.ictr.org/> Information obtained from the ICTR web site.

(a) Introduction

(b) Achievements of the ICTR

[27] Food and Agriculture Organisation of the United Nations (FAO) Website at: <http://www.fao.org/WAICENT/faoinfo/economic/giews/english/giewse.htm> Accessed on 13 September 2002. "Rwanda: Population"

[28] Behind the Mask a website on gay and lesbian affairs in Africa Information from Rwanda country page http://www.mask.org.za/Sections/AfricaPerCountry/abcnew/rwanda/rwanda_index.html

[29] Electionworld Website at <http://www.electionworld.org/election/rwanda.htm> accessed 12 September 2002. "Elections in Rwanda" sets out composition of the Transitional National Assembly.

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[31] Ethnologue: Languages of the World Website at <http://www.ethnologue.com/> (accessed 12 September 2002).

(a) "Languages of Rwanda" Ethnologue report for Rwanda

(b) "Rwanda: a language of Rwanda" Ethnologue report for language code: RUA (Kinyarwanda)

[32] UNHCHR Website at <http://www.unhchr.ch/udhr/lang/rua1.htm> "Profile of Kinyarwanda language" (accessed 12 September 2002)

[33] Reuters News Service

(a) Premier sited in embezzlement scandal - 30/10/99

[34] The Monitor newspaper - Kampala, Uganda

(a) Two opposition parties reportedly form front to oust President Kagame - 16/01/02

[35] The New Vision Newspaper - Kampala, Uganda

(a) Rwanda's Speaker quits - 07/01/00

(b) Rwanda Prime Minister quits - 29/02/00

[36] Reporters without borders Annual report 2002 - covering 2001

[37] West Africa Magazine

(a) Sentencing of war criminals - May 1999

[38] Rwanda: The Bradt Travel Guide First edition - published in 2001. Pages 57 - 58 only - section covering language.

[39] **Rwanda Recovery - UNHCR Repatriation and Reintegration Activities in Rwanda from 1994 - 1999** Published by UNHCR - Rwanda; September 2000 *Photo chronology - pages 2 - 16 only*

[40] **United Nations, Department of Public Information, Cartographic Section.** The map referred to can be found on the UN Cartographic Sections web-site at www.un.org/Depts/Cartographic/english/index.htm. The map is in the General Maps section.