

RWANDA

HUMAN RIGHTS DEVELOPMENTS

Rwanda appeared to be moving towards greater democracy by decentralizing the administration, drafting a new constitution, and holding local elections. But at the same time the government suppressed a new political party and imposed new limits on civil society. The dominant Rwandan Patriotic Front (RPF) was permitted to recruit extensively while other political parties were banned from any local activities. Justice for the 1994 genocide that killed at least half a million Tutsi advanced slowly in both national and international jurisdictions. Elections for judges under a new system of “popular” justice called *gacaca* spurred hopes of faster resolution of the cases of over 100,000 people still jailed on accusations of genocide, but trials under the new system were unlikely before mid-2002.

Rwanda professed commitment to ending the war in neighboring Congo, but its troops, allied with the Congolese Rally for Democracy (RCD), intensified combat in the eastern provinces of North and South Kivu during September and October. At the same time Rwandan troops were reported fighting rebels inside Burundi, some of them Rwandan, some Burundian, and late in the year troop movements fed speculation about possible war with Uganda.

Rwandan army soldiers assisted their RCD allies in abducting and forcibly recruiting children and men to serve in the RCD armed forces. Rwandan military and civilian authorities continued to use some children as part of the official paramilitary Local Defense Force which sometimes engaged in combat.

From May through July, Rwandan troops fought and defeated the rebel Rwandan Liberation Army (ALIR) which had crossed from bases in the Democratic Republic of Congo (DRC) into northwestern Rwanda. The Rwandan army reportedly killed some 2,000 combatants and captured about the same number who were then detained for “re-education” in “solidarity” camps. In contrast to previous practices, neither Rwandan government soldiers nor ALIR rebels targeted civilians during these months of combat. The ALIR forces had several hundred child soldiers in their ranks, some of whom served in combat. In September and October, rebel combatants fought several skirmishes with Rwandan army soldiers in southwestern Rwanda. Assailants, said by the government to be rebels, ambushed a vehicle in that region and killed one passenger.

In March, Rwandans voted, generally without incident, for district councils. A complicated system of indirect elections gave disproportionate importance to the vote of officials, many of whom had taken office since 1999. In some places RPF representatives and some officials manipulated the registration of candidates, some 45 percent of whom ran unopposed. Party and administrative officials also exerted pressure on voters in some cases, ordinarily in favor of the incumbent. More than 80 percent of incumbent district mayors were re-elected. The law organizing these local elections prohibited political party activity in apparent violation of the con-

stitution. Parties generally observed a moratorium on grass-roots activities, as demanded by the RPF. Ignoring both the electoral law and the moratorium, the RPF recruited new members and did electoral campaigning in some areas. It was not called to account for its activities.

While a commission worked to prepare a new constitution which would supposedly guarantee political freedoms, the government did not honor those guaranteed under the existing fundamental law. In June, former president Pasteur Bizimungu sought to organize a new political party, as permitted by the current constitution. But the government declared the party illegal and twice put Bizimungu under house arrest for brief periods after he had spoken with journalists. Street gangs attacked Bizimungu and another prominent supporter of the new party and several other founding members were threatened and felt obliged to resign to protect themselves.

Others said to have been critical of the government were assassinated or fled the country. A well-known military officer and diplomat, Alphonse Mbayire, was shot in the head twenty-eight times by a RPF soldier in February. Although the assassin was identified by several eyewitnesses, he escaped arrest. At least two other military officers "disappeared" during the year. One, Major Alexis Ruzindana, was believed to have been assassinated as well. Both Mbayire and Ruzindana were reportedly suspected of dissatisfaction with the government and of contacts with dissidents outside the country. These killings resembled that of leading genocide survivor Assiel Kabera in 2000, a crime for which no one was charged.

A military officer of the former government's army, taken into custody by Rwandan military authorities in the DRC last year, was later traced to military detention facilities in Gisenyi and Kigali, but subsequently "disappeared." Civilians last known to have been in custody also "disappeared" during the year, including a Congolese tailor last known to have been detained in a military camp in May. A farmer from Kigali Rural was reportedly last seen at the home of an influential member of the RPF in February 2001 with whom he had a dispute. His family received no official help in locating him.

A number of dissatisfied RPA soldiers fled to Uganda where the Rwandan government said they were organizing rebel forces to attack it. Rwanda accused Uganda of aiding these efforts, one of the reasons for heightened tensions and rumors of war between Rwanda and Uganda near the end of the year. In April, seven jurists were detained for several weeks without charge, all of them returned former refugees from Uganda and reportedly accused of links with Rwandan dissidents there.

Several prominent civilians known to have been critical of the government also fled Rwanda. They included a former cabinet minister who was Hutu and a bank president who was Tutsi. In the latter case, the government accused the financier of fraud and sought his arrest on an international warrant. A colonel suspected of having favored Bizimungu's new party was arrested when the new party was suppressed; he was convicted of financial misconduct in a family affair and sentenced to prison. A former parliamentarian who was arrested on charges of fraud in 2000 shortly after he issued a statement criticizing the government remained in prison without trial.

In April, the government published a new law giving authorities broad powers to control the management, finances, and projects of local and international non-governmental organizations. Ministerial directives to implement the law, under discussion at the end of the year, seemed meant to tighten control further. Authorities sent police to disrupt meetings of two human rights organizations in June and August. Security agents detained and interrogated representatives of the Rwanda Debt Relief Network in September after they made critical statements about poverty in Rwanda. Authorities accused these civil society actors of representing political parties and of inciting ethnic divisions.

The government permitted numerous journals to publish, some of them representing independent voices, and granted the Voice of America FM broadcast rights in Rwanda. But security agents called in staff of one critical newspaper twelve times for questioning and the journal ceased publication of its English edition. Rwandan journalists who interviewed Bizimungu when he tried to establish his new party were questioned by security agents and intimidated into handing over a tape recording of the interview. Authorities also threatened action against the British Broadcasting Corporation after it aired an interview with Bizimungu.

With well over 100,000 persons still detained on accusations of genocide, the government gave new attention to improving the delivery of justice. In April, the government published a law creating more than 11,000 jurisdictions for gacaca, an innovative system of popular justice. Supposedly inspired by the spirit of local conflict-resolution practices, the system in fact reflects the highly centralized administrative system and will work from materials prepared by prosecutors. According to the law, neither accused nor victim has the right to counsel. Nor has the accused any right to appeal the categorization of his or her crime into one of four levels of gravity, a designation with major consequences for punishment. Those assigned to category one by gacaca jurisdictions are to be tried in regular courts and will likely be sentenced to death if found guilty. 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. The election of more than 200,000 gacaca judges in October raised expectations that trials would soon begin, but proceedings seemed unlikely before mid-2002 at the earliest. Judges must be trained and prosecutors, overburdened with work in the regular courts, must prepare case files and summaries of them from which the gacaca jurisdictions will work. The legislature must pass a law on the indemnization of victims and authorities must work out implementation of the community labor which may be imposed as punishment on the guilty.

Throughout the year authorities made some efforts to deal with the thousands of detainees who still have no specific charges against them, sometimes after seven years in prison. Prosecutors continued the practice begun in late 2000 of bringing such persons before their home communities to ask for testimonies against them, in the absence of which the persons were provisionally freed. Hundreds were liberated in this way. Authorities also encouraged detainees to confess in a plea-bargaining procedure which was meant to shorten trials but seemed unlikely to speed proceedings greatly since prosecutors must establish the validity of each confession and over 15,000 confessions awaited examination.

As of March 2001, 5,310 persons had been tried on charges of genocide in the formal court system, some 17 percent of whom were acquitted. Courts worked at a slightly faster pace in the two last years and sentenced fewer of the convicted to death. From 1996 to 1999 more than 30 percent of those found guilty were sentenced to die, but in 2000 only 8.5 percent received this penalty and no one was executed. 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, in part because victims hesitated to come forward.

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, authorities 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. Thousands of detainees who were aged fourteen to eighteen at the time of their alleged crimes remained in detention. Although supposed to benefit from priority in processing, most did not.

In several cases persons tried, acquitted, and released were later re-arrested after public protest against the verdicts. Eight detainees acquitted in Butare in December 2000 were never released and were to be tried a second time on "new facts." In November 2001, one died, still in detention. Magistrates involved in their acquittal were transferred to other posts with the result that no judgments 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-publicized cases prior to their own arrests.

Authorities recognized corruption in the judiciary as widespread and serious and called on judicial personnel to reform. Both prosecutors and judges were accused of accepting bribes, either to free the accused or to assure their conviction regardless of guilt.

In March the attorney general issued a revised list of category one genocide suspects, those charged with the worst crimes. Some eight hundred persons had been added to the previous list issued in 1999, bringing the total to nearly 2,900. Among the additions was Pierre-Celestin Rwigema, prime minister of Rwanda from 1995 to 2000 and currently living in exile. Also listed was Col. Pierre Habimana of the former Rwandan army, in the hands of Rwandan authorities since July 2001 but not yet charged with genocide as of late 2001.

Authorities did little to protect children from abuse and exploitation and in the capital local officials supervised a harsh campaign to rid Kigali of thousands of street children. Police and members of the Local Defense Force forcibly rounded up the children and sometimes beat them before detaining them in ill-equipped centers. An estimated 400,000 orphans lived in child-headed households or in unofficial fostering arrangements. Many were exploited as domestic laborers or lost their property to adults.

The government debated a new policy on land holdings while at the local level disputes over acquisition of large holdings by the powerful continued. Authorities

slowed implementation of the forced villagization which had displaced hundreds of thousands of persons in previous years.

DEFENDING HUMAN RIGHTS

Authorities harassed the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR), the most important human rights organization in the country, after it published a press release criticizing conditions at one prison. A journalist lost his job at the national radio after giving an internationally-broadcast interview about the press release. Authorities threatened a LIPRODHOR representative with arrest in one province and banned educational programs by the organization in three provinces. Government officials attempted to interfere in staffing decisions and blocked disbursement of funds granted LIPRODHOR by an international agency.

Police disrupted an initial meeting of a new human rights organization, Justice and Peace, but authorities later permitted the new group to meet.

The National Human Rights Commission expanded both staff and activities. In its first substantial report on the human rights situation, the commission showed some independence from authorities and detailed a number of cases of abuses.

THE ROLE OF THE INTERNATIONAL COMMUNITY

As the international community became increasingly critical of the Rwandan role in the Congo war, the U.N. Security Council in October called upon Rwanda and other signatories to the Lusaka Accords to implement their commitments, including withdrawing their troops. The council also urged all parties to end their continuing human rights abuses. In April a panel of experts named by the Security Council published a report documenting the illegal exploitation of Congolese resources by Rwandans and other foreign actors and suggesting that economic rather than security considerations explained the continued presence of Rwandan troops in the eastern DRC. After those criticized contested the findings, the Security Council mandated a second report. Issued in November, it confirmed the original conclusions regarding Rwandan conduct and added new criticism of Zimbabwe and others.

The U.N. Commission on Human Rights ended the mandate of its special representative for Rwanda. The result of extensive lobbying by Rwandan delegates, this decision underestimated the gravity of continuing human rights abuses in Rwanda.

The European Union pressed for an end to the Congo war, sending a high level delegation to the region in November. It budgeted some \$100 million in assistance to Rwanda for 2000-2001 but not all of that amount was spent. It granted \$1.2 million to the National Human Rights Commission to help it monitor gacaca proceedings.

Despite reservations about Rwandan involvement in the Congo war, international actors expressed continued confidence in the Rwandan domestic political

and economic situation. The International Monetary Fund (IMF) released U.S.\$ 12 million for a three year poverty reduction plan and the World Bank, the IMF, the African Development Fund, and the International Fund for Agricultural Development cancelled \$25 million of Rwandan foreign debt. France, in the past critical of the Rwandan government, showed new willingness to support such international aid measures after Foreign Minister Herbert Vedrine was well received in Kigali. Germany granted \$16.8 million for development and China granted \$3.6 million and forgave more than \$16 million in Rwandan debt. The United Kingdom, still the most enthusiastic supporter of the Rwandan government, continued its ten-year program of \$70 million in general budget support.

In the United States the Bush administration adopted a more neutral position in the Great Lakes crisis coincidental with its general reduction of engagement elsewhere in Africa and joined other donors in criticizing Rwandan involvement in the Congo war. Embassy staff closely monitored the conduct of both Rwandan troops and ALIR rebels during the combat in northwestern Rwanda in May through July, thus encouraging observation of international humanitarian law. Permitted to establish FM service for the Voice of America (VOA) in Rwanda, the U.S. failed to criticize publicly government intimidation of the press even though a VOA journalist was among those harassed. Although State Department officials privately expressed more reservations about the Rwandan government than in the past, the U.S. provided \$14 million in development assistance and another \$1.5 million under the Great Lakes Justice Initiative.

The International Criminal Tribunal for Rwanda had fifty-two persons in custody, eight of whom had been tried and convicted of genocide. One accused person was acquitted in 2001. The tribunal continued to suffer from serious management problems and was increasingly criticized for its expense and delays in delivering justice. A Belgian court found four persons guilty of genocide in the first jury trial held anywhere in connection with the 1994 slaughter and sentenced them to prison terms ranging from twelve to twenty years.

Relevant Human Rights Watch Reports:

Uprooting the Rural Poor in Rwanda, 5/01

SIERRA LEONE

HUMAN RIGHTS DEVELOPMENTS

Three agreements between the Sierra Leonean government and the rebel Revolutionary United Front (RUF) contributed to an improvement in the human rights situation in Sierra Leone in 2001. The first, signed in Abuja, Nigeria in November 2000, led to a ceasefire. The second and third agreements, signed in