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BUILDING A SAFE, JUST
AND TOLERANT SOCIETY

**RWANDA
COUNTRY REPORT**

April 2004

**Country Information & Policy Unit
IMMIGRATION & NATIONALITY DIRECTORATE
HOME OFFICE, UNITED KINGDOM**

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1. SCOPE OF DOCUMENT

1.1 This Country Report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, for use by Home Office officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. It is not a detailed or comprehensive survey.

1.2 The Report is compiled from a wide range of recognised sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to original source material, which has been made available to those working in the asylum/human rights determination process. The Report aims to provide only a brief summary of the source material quoted. For a more detailed account, the relevant source documents should be examined directly.

1.3 The information contained in this Country Report is, by its nature, limited to information that we have been able to identify from various well-recognised sources. The contents of this Report are not exhaustive and the absence of information under any particular heading does not imply that any analysis or judgement has been exercised to exclude that information, but simply that relevant information on the subject has not been identified from the sources that have been consulted. Equally, the information included in the Reports should not be taken to imply anything beyond what is actually stated.

1.4 The great majority of the source material is readily available in the public domain. Copies of other source documents, such as those provided by government offices, may be provided upon request.

1.5 All sources have been checked for currency, and as far as can be ascertained, contain information, which remained relevant at the time, this Report was issued. Some source documents have been included because they contain relevant information not available in more recent documents.

1.6 This Country Report and the accompanying source material are publicly disclosable. Where sources identified in this Report are available in electronic form the relevant link has been included. The date that the relevant link was accessed in preparing the report is also included. Paper copies of the source documents have been distributed to nominated officers within IND.

1.7 It is intended to revise this Report on a six-monthly basis while Rwanda remains within the top 35 asylum producing countries in the United Kingdom. Information contained in Country Reports is inevitably overtaken by events that occur between the 6 monthly publications. Caseworkers are informed of such changes in country conditions by means of Country Information Bulletins.

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2. GEOGRAPHY

2.1 The Republic of Rwanda is a land-locked country in east-central Africa, just south of the equator, bordered by the Democratic Republic of the Congo (DRC) to the west, Uganda to the north, Tanzania to the east and Burundi to the south, according to information sourced from The Europa World Yearbook (EWYB) 2003 and Africa South of the Sahara (ASS) 2004. [1a](p3511) [1b](p868). Rwanda covers an area of 26,338 square kilometres and the capital city is Kigali.

2.2 Rwanda's population totalled about 8.2 m. with a density of 314.1 inhabitants per sq.km. according to the preliminary results of a national census published in December 2002. [1b](p868). The EWYB 2003 noted that the population is comprised of three ethnic groups, the Hutu, Tutsi and Twa. According to the US State Department Report (USSDR) of 2004 (covering 2003), the latter are not officially designated an ethnic group within the country. [1a](3511) [2a](p15). Rwanda is divided into 12 préfectures (regions), which are divided into communes (districts). These are in turn divided into secteurs (sectors), which are sub-divided into cellules (cells), the smallest administrative unit. [1a](p3517) (See map) [26d]

2.3 "The official languages are French, English (which is widely spoken by the Tutsi minority) and Kinyarwanda, a Bantu language with close similarities to Kirundi, the main vernacular language of Burundi". [1b](p868)[31a]. The East Africa Lonely Planet Guide indicates that Kinyarwanda, the national language, is the medium of instruction in schools at primary level while French is used at secondary level. [19](p478). 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 (Languages of the World Ethnologue Report) to as many as 4,000,000 (UNHCR). [31b](p1) [32c](p1).

2.4 As reflected in the EWYB 2003, about one half of the population holds traditional beliefs. Most of the remainder are Christians, primarily Roman Catholics while Protestant and Muslim minorities make up the rest. [1a](p3511)

For further information on geography, refer to Europa Publications 2003-4, sources 1a-1b.

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3. ECONOMY

3.1 The USSDR 2004 noted that Rwanda is very poor with an estimated 60% 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](p1). According to information sourced from the EWYB 2003 and ASS 2004, the economy is dependent on the agriculture sector with more than 90.2 % of the labour force employed in the sector in 2001, primarily at subsistence level. The main food crops are bananas, sweet potatoes, cassava, sorghum and dry beans. Agriculture is also the main export earner, contributing about 43.6% of GDP

in 2001, with tea and coffee accounting for much of the income. Low beverage prices have had an impact on export earnings depriving the country of much needed foreign currency. Attempts to diversify into non-traditional agriculture exports such as flowers and vegetables have been hindered by inadequate transportation infrastructure. [1a](p3517) [1b] (p877)

3.2 ASS 2004 observed that 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 income (GNI) in the world, the World Bank estimated it at \$220 per head in 2001. [1b](p876-7) However, The World Factbook 2003 claimed that Rwanda has made considerable progress in stabilising and restoring its economy to pre-1994 levels, although poverty levels have increased. [33](p6-7) According to ASS 2004, real GDP growth in 2002 escalated to an estimated 9.7% owing to favourable climatic conditions although there was some deceleration in 2003 due to late rainfalls. Inflation had declined to 2.2% in 2002 from a high of 64% in 1994. In June 2003 commodity prices increased by more than 20% owing to a sharp devaluation of the currency, the exchange rate was 521 Rwanda francs = US\$1 at the end of May 2003. [1b](p876-7)

3.3 According to the Economic Intelligence Unit (EIU) Country Profile for Rwanda covering 2003, "The government pursues donor friendly, liberal economic policies and enjoys good relations with international donors, including both the IMF and the World Bank." Government policy aims to liberalise public sector monopolies, privatise state owned enterprises and promote foreign investment. [42](p21)

3.4 The World Factbook 2003 indicated that Rwanda has been plagued by food shortages because food production often does not keep pace with population growth, requiring food to be imported. Rwanda receives substantial aid and, in 2000, was approved for the IMF-World Bank Heavily Indebted Poor Country (HIPC) initiative for debt relief. However, "Kigali's high defence expenditures cause tension between the government and international donors and lending agencies" [33](p6-7).

3.5 In a report of 24 November 2003, Integrated Regional Information Networks (IRIN), part of the UN Office for the Coordination of Humanitarian Affairs (OCHA), announced that, "The British government has given the government of Rwanda £82 million (US \$139.7 million) in budgetary support to help the central African nation reduce its high poverty levels. The money will support programmes specified in the government's Poverty Reduction Strategic Paper, under a new phase of support that runs from 2003 to 2006". [9a]

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4. HISTORY

Outbreak of Civil War

4.1 The recent history of Rwanda has been documented in ASS 2004. On 1 October 1990 a force of approximately 10,000 guerrillas representing the exiled, Tutsi-dominated Rwandan Patriotic Front (RPF), and 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](p869)

4.2 The break down of negotiations in early February 1993, according to the ASS 2004 account, was followed by a resurgence in violence. 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, Rwandan President Habyarimana and the RPF formally signed a peace agreement. Habyarimana agreed to greater power sharing with the Hutu opposition and with the RPF. He also agreed to integrate the RPF's armed wing, the RDF, 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) were subsequently deployed in Kigali to oversee the implementation of the accord. [1a](p3512)[1b](p870)[13e](p2)[35](p3)

4.3 The Arusha Accord 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 that position on 10 September 1993; the timetable for that transition was not achieved. 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](p869-870)

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Genocide of 1994

4.4 ASS 2004 recounts the events that preceded the genocide of 1994. 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. [1b](p870)

4.5 In Kigali the presidential guard, led by a Rwandan army colonel, Theoneste Bagasora, 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. Reports of mass Tutsi graves and of attacks on fleeing Tutsi refugees and those seeking refuge in schools, hospitals and churches provoked international outrage. The mobilisation of the Interahamwe was encouraged by 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 that time there were also

inflammatory broadcasts from Radio-Télévision Libre des Mille Collines in Kigali. [1b](p870)[1a](p3512)[42](p7)

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 the town of 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](p870)

4.7 A UNHCR report of September 2000, titled Rwanda Recovery, noted that the systematic killing of Tutsi and moderate Hutu that began on 6 April 1994 continued for a period of three months. [39](p5) During that 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](p871)[39](p5) 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](p871) 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](p871)[39](p6) The BBC Country Profile for Rwanda claimed that some of the Hutu who fled to Zaire following the genocide joined Zairean forces to attack local Tutsi. Rwanda responded by invading refugee camps dominated by Hutu militiamen. The UN agreed to send a peacekeeping force of 5,500 troops to Rwanda, with powers to defend civilians, protect refugees in 'safe areas' and defend Kigali airport. [1b](p871)

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RPF takes power

4.8 On 18 July 1994, having gained control of the country, the RPF declared a cease-fire. [39](p6) ASS 2004 stated that on 19 April 1994 Pasteur Bizimungu, a Hutu member of the RPF was named as president. 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 organisation's military chief, Major-General Paul Kagame, who became both Minister of National Defence and Vice President. [1b](p871)

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](p872) The EWYB 2003 noted that 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. 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](p3513)

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 Rwigema, also of the MDR. In November 1995 the International Criminal Tribunal for Rwanda (ICTR) based in Arusha, Tanzania, began formal proceedings. [1a](p3513-3514)

4.11 UNHCR noted that civil war broke out in neighbouring Zaire in 1996 (DRC since May 1997), and some 600,000 people returned to Rwanda within a period of six days. [39](p10) According to the Foreign and Commonwealth Office (F&CO) Country Profile for Rwanda, the rebellion in Zaire was backed by the RPA and attracted the support of Uganda and Angola. [6a](p2) President Laurent Kabila seized control of Zaire in 1997 and renamed it the DR Congo. [13j](p1) The EWYB 2003 stated that, 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. The Government refuted these claims and insisted 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, a cease fire was signed in 1999. [1a](p3514) [6a](p2)(See Conflict with DRC/Paras 6.110-6.113)

4.12 ASS 2004 noted that in July 1999 the period of political transition was extended for a further four years following agreement between the major political parties. [1b](p872)

4.13 On 7 January 2000 the Rwandan parliament speaker, Joseph Kabuye Sebarenzi, was asked to resign following various accusations, including mismanagement of Assembly funds. [1b](p872) Sebarenzi fled the country, initially to Uganda, and then to the United States. [1b](p872) The EWYB 2003 noted that in February 2000, Rwigema resigned from the post of Prime Minister after the Transitional National Assembly voted to investigate allegations regarding his abuse of power. Bernard Makuza, formerly the Ambassador to Germany, replaced Rwigema. [1a](p3515)

4.14 The new Government, according to ASS 2004, 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. On 23 March 2000 Pasteur Bizimungu resigned as president and subsequently relocated to the USA for a period before returning to Rwanda. 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. [1a](p3515) In July 2000 the former Prime Minister Rwigema 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](p3515) [1b](p872)

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. [1a](p872) As

reflected in the British Danish joint fact-finding mission to Rwanda (JFFMR) of March 2002, 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](p47)

4.16 According to an IRIN report, 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). [9b] The JFFMR of March 2002 noted that the Government banned the PDR in June 2001 and pressurised prominent Tutsi members to resign. In doing so, the Government inferred that the 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](p45) In May 2001, the Government banned five political parties for their involvement in the genocide: Peco, Parerwa, Pader, RTD and PPJR. Two months later it banned the MRND and CDR. [46](See Annex B) An Amnesty International Press Release of June 2002 noted that throughout the remainder of 2001 there were repeated incidents of harassment of PDR founders including Bizimungu himself. [3c](p2)

4.17 In January 2002, IRIN reported that two Rwandan political groups exiled in Belgium had formed a coalition known as the Rwandan Democratic Alliance or ADR Isangano. The coalition brought together the African Democratic Congress; and the Movement for Peace, Democracy and Development. [9a] On 19 April 2002 Bizimungu was arrested for engaging in illegal activity. [2b](p6)

4.18 A Guardian Unlimited (UK) report of January 2003 commented that in June of the previous year, Gacaca, a grassroots form of popular justice that aims to process cases of persons involved in the 1994 genocide was launched. Suspects are tried in traditional village courts and Gacaca law reduces the punishment of those who confess to their crimes. (41) The JFFMR of March 2002 observed that Gacaca judges had been elected by their own communities in October 2001 and subsequently underwent training in April 2002. [7](p59-60)

4.19 President Laurent Kabila failed to banish the Hutu extremists from the DRC, prompting Rwanda to support the rebels trying to overthrow him. [13j](p1) On 30 July 2002 IRIN reported that President Kagame and his DRC counterpart signed a South African brokered peace agreement that aimed to bring an end to a four-year war between the two nations. [9c] On 7 October 2002 an IRIN report claimed that all Rwandan armed forces had been withdrawn from the DRC. [9] [13j](p1)

4.20 Controversy arose over Gacaca when it was announced in the international press (The Guardian, 8 January 2003) that up to 40,000 genocide suspects were to be released from prison, effectively on bail, because they had already served periods on remand that were likely to exceed the sentences they would receive if found guilty. An IRIN news report of 16 January stated that, according to human rights organisations, the decision would put genocide survivors at risk. [9][41a] By February 2003, close to 25,000 prisoners who had pleaded guilty to genocide were released. 32,385 prisoners have confessed since the last wave and the government has extended by one year a 15 March (2004) deadline for detainees to make their confessions. [9v]

4.21 As reflected in the EWYB 2003, the Government drafted a new constitution which was approved by 93.4% of the electorate in a national referendum held in May 2003 and became effective in June. [1b] (p873)

4.22 On 19 May 2003, the Rwandan government endorsed a parliamentary report that called for the banning of the main opposition party in the country, the Mouvement démocratique républicain (MDR). International human rights groups like Amnesty International and Human Rights Watch criticised the Rwandan government for attempting to suppress and eliminate the political opposition before the presidential and parliamentary elections. [1b] (p873) [9a1]

4.23 According to the USSDR 2004, the MDR split into three factions, and each attempted to register as a new political party before the presidential and legislative elections in August and September. Only the Party for Peace and Concord (PPC), was accepted. The other two, which were led by opposition figures Celestin Kabanda and Stanley Safari in July, were rejected because of concerns with the parties' constitutions. The parties were not given the opportunity to amend their constitutions; as a result, neither party was able to field candidates during the legislative elections. [2a](p9)

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2003 Presidential elections

4.24 An Agence Presse news report of 1 October 2003 noted that, the Presidential election which was held on 25 August 2003, was the first to take place since the genocide and the first multi-party poll in Rwanda since independence. It also marked the end of nine years of transitional government, which began after the genocide. [16]

4.25 The USSDR 2004 indicated that the Constitution provides for the right of citizens to change their government peacefully; however, this right was constrained in 2003. During the presidential and legislative campaign periods, Kagame's opponents and their supporters faced harassment and intimidation, including detention. International election observers commented that the elections were marred by ballot stuffing, "guarded" polling booths, and irregular ballot counting in at least 2 of the 12 provinces. [2a](p11) [13k]

4.26 According to information sourced from ASS 2004 President Kagame was returned to power with about 95.1% of valid votes cast. Twagiramungu, the main challenger, won 3.6% of the votes and Nayanzira, the other opposition candidate, secured 1.3%. (See Annex C) Twagiramungu made a representation to the Supreme Court and accused the authorities of electoral mismanagement. [1b](p872) "The EU observer mission of Rwanda's polls reported that although the election was a 'positive step' for Rwanda's democratisation process, it was marred by 'numerous election irregularities' ". In September the Supreme Court rejected Twagiramungu's appeal and Kagame was officially inaugurated on 12 September. [13k]

4.27 Legislative elections for the newly established 80-seat Chamber of Deputies and the 26-seat Senate were held in September-October 2003. The Chamber and the Senate, whose members serve five-year and eight-year terms respectively,

replaced the transitional National Assembly, which closed on 22 August 2003. [2e](p4)

For history prior to 1994 please refer to the Europa Yearbook [1a]

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5. STATE STRUCTURES

The Constitution

5.1 According to information sourced from ASS 2004, the National Transitional Assembly adopted the Rwandan constitution, known as the "Fundamental Law" on 5 May 1995. 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](p872)

5.2 The EWYB 2003 noted that in June 1999 the Transitional National Assembly approved a draft law establishing a commission, which was to prepare a new constitution. [1a](p3515) As reflected in ASS 2004, in November 2002 the Legal and Constitutional Commission completed a draft constitution. At a national referendum, which took place on 26 May 2003, the proposed constitution was approved by 93.4% of the electorate. [1b](p873) In June 2003, IRIN reported that President Kagame signed it into law after a ruling by Rwanda's Supreme Court that declared the vote's final results and authorised its publication in the official gazette. [9a]

5.3 The 2003 Constitution tries to achieve more democracy while avoiding the risks of yet another genocide. [48] As reflected in ASS 2004, "The new Constitution, which was largely based on the Arusha peace accords, provided for the establishment of a bicameral legislature (comprising an 80 member National Assembly and a 24 [26] member Senate), that was to be elected by universal suffrage for a term of five years. The President was to be eligible for election for two terms of seven years. The President, Prime Minister and legislative Speaker were not to belong to the same political party, and no party was permitted to hold more than one-half of the representation in the Government. Incitement of ethnic hatred was prohibited". [1b](p891) "...The International Federation for Human Rights said that the new constitution would inhibit multiparty pluralism and freedom of expression. [1b](p891)[9a]

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Citizenship and nationality

5.4 According to information sourced from the European Country of Origin Information Network (ECOI) and the Research Department of the Immigration Refugee Board (IRB), Ottawa, Canada, citizenship laws are based upon the Code of Rwandese Nationality dated 28 September 1963. Birth on Rwandan territory does not in itself confer Rwandan citizenship, except in the case of a child born to unknown parents. A person whose father is a Rwandan citizen or both parents are of Rwandan origin, is entitled to Rwandan citizenship, regardless of the child's country of birth. [25d] [17](p166) Sufficient proof that an individual qualifies for citizenship on this basis include the father's Rwandan passport, Rwandan identity card, birth certificate

or baptismal certificate. [25c] 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 father's origin is unknown or if the father is stateless, children are entitled to citizenship if their mother is a Rwandan citizen. [17](p166) [25d]

5.5 Marriage to a Rwandan citizen makes the spouse eligible for citizenship by naturalisation. Persons who have resided in Rwanda for at least 10 years and are not opposed to the democratic and republican ideals of the country may qualify for citizenship. [17](p166) 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. [25d]

5.6 In addition, every Rwandan citizen has an automatic and historic right to Rwandan citizenship even if he has renounced it to acquire foreign citizenship. [25g] 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." [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. [25a] However, according to information sourced by the ECOI, Rwandan children born abroad, who obtain the citizenship of the country of birth, are allowed to retain the dual citizenship until they reach the age of majority at which point one citizenship must be chosen. [17](p166)

5.7 Information provided by the ECOI indicated that voluntary renunciation of citizenship is permitted under law. Rwandan passports can be returned to the nearest Rwandan Embassy. [17](p166)

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Political system

5.8 The Tutsi-dominated RPF had been the dominant political force in Rwanda since taking power in July 1994 following the civil war and genocide. [2b](p10) [13](p1) [45](p1) As reflected in the USSDR 2003, following the genocide, political parties agreed to form a government of national unity based on the 1992-93 Arusha Accords. This agreement laid the basis for the organisation of ministries and other offices. A 70-member Transitional Assembly was installed in December. The 5-year transitional period was scheduled to end in 1999; however, according to Political Parties of the World, in June 1999, the Government announced the extension of the transition period by a further 4 years. [2b](p11) [8](p1)[1b](p892)

5.9 As noted in the EWYB 2003, Rwanda's head of state, Major General Paul Kagame, was elected as President in April 2000 by an electoral college comprising of members of legislature and the Government. [1a](p3523) The transitional period ended with the presidential and legislative elections of 2003. (1a)(p3517) At the first election to take place in Rwanda since the genocide on 25 August 2003, President

Paul Kagame won a landslide victory against two independent candidates, Faustin Twagiramungu and Jean Nepomuscene Nayinzira. A fourth candidate, Alvera Mukabaramba, withdrew on the eve of the election. [1b](p873)[2a](p11) (See 2003 Presidential Elections/Para 4.26)

5.10 According to information sourced from the EWYB 2003, “Executive power is exercised by the President (Head of State), assisted by an appointed Council of Ministers.” According to the Government of Rwanda website, ministers are appointed to the cabinet by the President upon consultation with leaders of political parties in the Government. [20](p1) According to the EIU 2003 Country Report for Rwanda, “The President can dismiss cabinet ministers at will, and also the prime minister subject to the agreement of two-thirds of parliament.” [42](p12)

5.11 Legislative power was, earlier, held by the President in conjunction with the 70-member Transitional National Assembly.[1a](3517) However, legislative elections for the newly established 80-seat Chamber of Deputies and the 26-seat Senate were held in September-October 2003. The Chamber and the Senate, whose members serve five-year and eight-year terms respectively, replaced the Transitional National Assembly, which closed on 22 August 2003.[2e](p4) (See Constitution/Para 5.3) In addition to the RPF, six other political parties were represented in the newly mandated Chamber of Deputies and the Senate; however, none were considered to be fully independent of President Kagame and the RPF.” [2a] (p12) Other parties represented in the Chamber of Deputies include the Social Democratic Party (PSD), led by Vincent Biruta; the Liberal Party (PL), led by Prosper Higiro; and the Concord Progressive Party (PPC), led by Dr. Christian Marara. [2e](p4)

5.12 The country is divided into prefectures and communes or municipalities, each administered by a governor, who is appointed by the President and assisted by an elected council of local inhabitants [1a](p3517)

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Formation of new parties

5.13 The USSDR 2004 noted that “The Constitution provides for a multi-party system of government and for the free operation of political organisations; however, the Government did not always respect these provisions.” [2a](p9) No party is permitted to hold more than one-half of the representation in the Government and all parties are obliged “to reflect Rwandan unity”. [1b](p891)[42](p11) Only one of the factions of the MDR, the Party for Peace and Concord (PPC), was able to register or field candidates before the elections, the other two were rejected because of concerns with their parties’ constitutions. They were not given the opportunity to amend their constitutions. [2a](p9)

5.14 According to information sourced from the US State Department Post Report, during the August 2003 presidential elections, the Rwandan Patriotic Front (RPF) led a coalition of four other parties: the Centrist (formerly ‘Christian’) Democratic Party (PDC), led by Alfred Mukezamfura; the Rwandan Labour (formerly ‘Socialist’) Party (PSR), led by Dr. Medard Rutijanwa; the Ideal (formerly ‘Islamic’) Democratic Party (PDI), led by Andre Mumaya; and the Democratic Popular Union (UDPR), led by Adrien Rangira. [2e](p4)

5.15 Opposition parties not recognised by the Government of Rwanda include: the Party for Democratic Renewal (PDR) of former President Pasteur Bizimungu and former Minister of State Charles Ntakirutinka (both detained since April 2002 and still awaiting trial as of February 2004); the Democratic Republican Movement (MDR), led by former Minister of State for Finance and Economic Planning Celestin Kabanda, which the Transitional National Assembly recommended be banned in April 2003; and the Alliance for Democracy, Equity and Progress (ADEP-Mizero), whose registration by Celestin Kabanda was rejected by the Government in August 2003. [2e](p4)

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Local elections

5.16 The USSDR 2004 stated “There were local elections [in 2003] for some positions such as district mayors and cell, district, and provincial level councils. Others were appointed, such as prefects and executive secretaries. [2a] (p12)

5.17 The USSDR 2004 further observed that “In accordance with the Constitution, indirect elections were organized to designate 24 women deputies, 2 deputies representing youth organizations, 1 deputy with disabilities, and 1 senator from each of the 12 provinces.” The Constitution requires that at least 30 percent of the seats be reserved for women; women won approximately 40 percent of the seats in parliament during the September legislative elections. President Kagame appointed 9 women to ministerial positions, representing 32 percent of the positions in his cabinet. [2a](p11) This has placed Rwanda at the top of the Inter Parliamentary Union (IPU) world ranking of women in national parliaments [24] (See Women/Para 6.90)

5.18 The USSDR 2004 clarified that there were no laws that restrict the participation of minorities in government and politics. Although the Constitution stipulates that marginalised groups should be represented in the Senate, the Batwa were not given such representation. [2a] (p12)

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Judiciary

5.19 The USSDR 2004 and ASS 2004 noted that “The Constitution provides for the adoption of a system of ordinary and specialized courts. Ordinary courts included the Supreme Court, the High Court of the Republic, the Provincial courts, and district courts. Specialized courts included Gacaca courts and military courts.” [2a](p6) [1b](892) “At the year's end [2003], judicial reforms were not implemented, and a system of communal courts, appeals courts, and a Supreme Court of six justices were not operational. The President may nominate two candidates for each of two Supreme Court seats, and the Senate may choose one or reject both; in December, all judges for the Supreme Court were chosen by this process, but the lower courts had yet to be staffed.” [2a](p6)

5.20 The USSDR 2004 observed “The fundamental law provides for public trials with the right to a defense...a presumption of innocence; and a right to appeal.” [2a](p6) According to the F&CO country information for Rwanda, international

observers, including human rights organisations, have criticised the lack of legal representation for the defendants who, under Rwandan law, are not entitled to state legal defence. [6a](p2)

5.21 The justice system collapsed during the war and genocide of 1994. A dearth of lawyers and the poverty of most defendants made obtaining legal representation an onerous task. Lawyers Without Borders redirected its efforts to training Gacaca judges and did not provide defence or counsel to those who required it. [2a](p6) With help from the international community, the system was beginning to function more normally. New court officers were sworn in and assigned to courts across the country, but the Government did not have the requisite number of prosecutors, judges, or courtrooms to hold trials within a reasonable time nor the capacity to ensure that provisions in the Constitution were enforced. [2a](p6)

5.22 The USSDR 2004 noted that "The Constitution provides for an independent judiciary; however, in 2003, the judiciary was subject to executive influence and also suffered from inefficiency, a lack of resources, and some corruption. (See Corruption/Para 6.125)

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Genocide trials

5.23 According to information sourced by the Canadian IRB from the Government of Rwanda's website, anyone accused of "Genocide and Crimes against Humanity" between the period 1 October 1990 and 31 December 1994 was classified into one of four categories. These range from category one, covering the most serious crimes including amongst others being the planners, organisers and instigators of the genocide to category four which relates to offences against property [25] (see Annex D).

5.24 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. The list, issued by the Attorney General contained almost 2,900 names; some of those listed were already in detention either in Rwanda or at the ICTR in Arusha, Tanzania. Others on the list remain at large whilst a few have died. The majority of persons named on the list were Hutu. [25]

5.25 The USSDR 2004 noted that the judiciary was focused on resolving the enormous genocide caseload of more than 80,000 detainees. In 2003, the Government continued to conduct genocide trials at a slow pace. The law permits the continued detention of genocide suspects long enough to allow them to face trial either in a conventional court or in the Gacaca system. [2a](p6)

5.26 In a report released in October 2003, Amnesty International expressed concern over the effectiveness of the judiciary in bringing to justice those accused of crimes during the genocide. It criticised the government's reluctance to investigate violations committed by its security forces. It also urged the government to stop arbitrary arrests and to safeguard the independence of the judiciary. [9] The USSDR 2004 stated "By year's end [2003], local courts had judged approximately 7,800 persons on genocide-related charges, most following group trials. Of the 557 cases judged by local courts during the year, 18 resulted in death sentences, 54 in life

imprisonment, 360 in sentences less than life, 106 in acquittals, and 19 in dismissals due to death or a lack of evidence. The vast majority of trials met international standards. The domestic human rights NGO LIPRODHOR actively monitored trials and interviewed released prisoners. No executions have been carried out since 1998.” [2a](p7)

5.27 A section of the Organic Genocide Law aims to encourage confessions in exchange for reduced sentences for those involved in the genocide. [2a](p7)[51a] A BBC news report of February 2004 announced that the government had decided to release tens of thousands of prisoners who confessed to killings during the genocide. The releases were to coincide with the 10th anniversary of the start of the genocide in April. [13q] Since September 1996, a total of 60,238 prisoners have confessed to taking part in the genocide. [9v] However, only a small number of confessions were processed due to administrative delays. [2a](p7) In June 2003, 5,770 genocide suspects who had been provisionally been released were rearrested to investigate and verify fresh allegations made against them by a genocide survivors’ group Ibuka. [10](p6) Ibuka accused them of “not being open and telling the truth” about crimes they had committed during the 1994 genocide. [9ak] (See Human Rights Organisations/Para 6.138).

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Gacaca system

5.28 ASS 2004 and the HRW 2003 World Report for Rwanda, covering 2002, noted that in early 2000 a system of Gacaca justice was established as a sixth section of the Supreme Court to try more than 100,000 detainees accused of genocide. [1b](p892) [4d](p3) As reflected in the JFFMR of 2002, under Gacaca, trials for categories of lesser genocide crimes were to be conducted by councils, in the communities in which they were committed, to relieve pressure on the existing judicial system and to aid the process of reconciliation within Rwanda. [7](p59) [1b](p892)

5.29 According to reports in 2002 by Amnesty International and IRIN, the Gacaca process is loosely based on a traditional mode of settling disagreements within local communities. The courts allow victims and witnesses at village level to give evidence against the accused publicly while a panel of 19 elected, or respected members of the community, assess the evidence and pass judgement. [3d][9k]

5.30 In April 2002, IRIN reported that training had commenced of almost 255,000 judges who would preside in the Gacaca courts. [9e] As reflected in the JFFMR of March 2002, the trainee judges, known as "les integres"; were elected by their own communities in October 2001 as "people of integrity". [7](p60)[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 had no legal or human rights background was also criticised. [3d]

5.31 In November 2002, IRIN reported that Gacaca courts had begun operating nationwide after pilot trials were declared successful. In the first phase of the Gacaca process the courts were expected to identify victims of the genocide, this was then to be followed by the identification and categorisation of genocide

suspects, anticipated to be a shorter process. [9k] According to a March 2004 Reuters feature on the relevance of Gacaca, "Seven stages of hearings take place, defining the gravity of the crime and gathering witness statements before a case is concluded...Category one suspects cannot be tried by Gacaca." [23a](p2) The latter will continue to be tried by the formal court system. [3d]

5.32 According to an IRIN report in January 2003, the release of up to 40,000 detainees including genocide suspects in early January 2003 was seen by African Rights as causing additional and unforeseen problems for the Gacaca system. Africa Rights said that, having released thousands of prisoners, the state would no longer be able to guarantee their presence at the trials and witnesses would be more vulnerable to intimidation from the accused. The independence of judges would also be threatened: "Whatever the arguments to the contrary, in reality it will be extremely difficult for these judges to send back to prison thousands of detainees whom the state had already taken the decision to free, especially in a country where respect for authority is deeply ingrained". [9f] According to a report in the Guardian (UK) in January 2003 this view was echoed by the genocide survivors' group Ibuka, the President of which said "They [the releasees] will intimidate the survivors into silence. They will threaten them. I don't think it provides good air for Gacaca". [41a]

5.33 Information sourced from the USSDR 2004 indicated that during 2003, "Gacaca courts...served as the Government's primary judicial process for adjudicating genocide cases...The Gacaca law provides for reduced sentences for cooperation and credit for time served..." [2a](p7)

5.34 Lawyers were not permitted to participate officially in Gacaca. The sixth chamber of the Supreme Court oversaw the implementation of Gacaca until May 2003, when the new Constitution required the creation of a special commission to oversee Gacaca courts. By year's end [2003], the law governing this new commission had not passed the legislature. [2a](p7)

5.35 In June 2003, the Government changed the procedure for observing Gacaca trials, making it difficult for human rights groups to monitor them. As a result, some groups stopped their observation activities altogether. The Government suspended all Gacaca trials until after the end of the campaign period. Activities resumed in most Gacaca districts in October 2003. [2a](p7)

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Gisovu project

5.36 According to information provided by the USSDR 2004, "The Government continued with the program referred to as the Gisovu, or pre-Gacaca, project, a release program in which genocide-related detainees and prisoners who were elderly, ill, or without files were taken to their former villages to allow villagers to make complaints against them or to confirm that there was no reason to detain them. Local human rights organisations estimated that less than 10 percent of accused persons undergoing this process during the year were released. Re-arrests because of community criticism were rare but did occur". [2a](p6-7)

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Penalties under Gacaca system

5.37 An AI report of June 2002 noted that 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. [3a] As reflected in the JFFMR of March 2002, aside from prison sentences there is scope for sentences of community service to be imposed upon persons convicted. [7](p61) According to an IRIN report in November 2002, 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%. [9k] [3a] [7](p61) It may therefore be 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. [7](p61) [9k]

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Local and international reaction to Gacaca

5.38 Rwandan 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 that assessment. [3a][7](p60) 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 were awaiting trial. It was widely recognised that for many individuals, trials could not take place in their lifetime. [7](p60) [9e]

5.39 In December 2002 AI issued a statement "The new gacaca court system further represents an ambitious, groundbreaking attempt to restore the Rwandese social fabric torn by armed conflict and genocide by locating the trial of those alleged to have participated in the genocide within the communities in which the offences were committed." [3e] However, AI expressed concern over the extrajudicial nature of the Gacaca tribunals. The human rights group observed 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. [3a] [3e]

5.40 In their 2003 world report for Rwanda, covering 2002, 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. [4d](p3) The report goes on to state "Gacaca raised several human rights concerns. The accused, for example, have no right to legal counsel. Given the poor training of judges, defendants accused of similar crimes may be classed in different categories, resulting in sentencing disparities. The impartiality of judges was raised in several communities and in several cases those accused of having themselves participated in the genocide resigned...There is no protection for witnesses and detainees, who testify publicly, thus making it difficult for Tutsi, a small minority in most communities, to accuse others." [4d](p3)

5.41 According to a Reuters Alertnet feature in March 2004, critics have stressed that there are countless problems facing the Gacaca system, including a lack of funding and the recent murders of several genocide survivors. [23a](p1) The USSDR 2004 noted that according to Ibuka, assailants killed several witnesses to the

genocide, reportedly to prevent testimonies and undermine the system. (See Genocide Survivors/Para 6.109)

5.42 There was some criticism, including from the opposition PDR, regarding the fact that crimes committed by RDF soldiers would not be considered under the Gacaca process. [4d](p3)[7](p62) In December 2003, Rwandan lawyers called for Gacaca law to be harmonised with the new Constitution. [10](p10)

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Legal rights and detention

5.43 The USSDR 2004 noted that arbitrary arrest and detention, particularly of opposition supporters, and prolonged pretrial detention remained serious problems in spite of legal safeguards in the Constitution. Security forces continued to arrest and detain persons arbitrarily. [2a](p1&4)

5.44 The USSDR 2004 stated “The law requires that authorities investigate, then obtain a judicial warrant, before arresting a suspect. The police may detain persons for up to 48 hours without a warrant; formal charges must be brought within 5 days of arrest. These provisions were widely disregarded during the year. The law permits investigative 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 may flee or become a threat to public safety and order.” [2a](p5)

5.45 According to information in the USSDR 2004, human rights organisations estimated that more than 300 persons were detained during the presidential campaign period in July; almost all were supporters of opposition candidate Twagiramungu. Presidential candidate Dr.Theoneste Niyitegeka was detained after he filed a complaint against the Government for removing him from the race. Four members of the executive committee of the ADEP-Mizero party, led by former MDR president Celestin Kabanda, were also detained. [2a](p5)

5.46 The USSDR 2004 stated “On July 30 [2003], the Supreme Court dismissed the second appeal of former President Pasteur Bizimungu, former transport minister Charles Ntakarutinka, and five other persons believed to be involved with Bizimungu's banned PDR-Ubuyanja party; the seven individuals were arrested in April and May 2002 on charges of ‘threatening national security by forming a criminal association’.” The Supreme Court ruled that the appeal had no legal basis and ordered them to remain in detention, pending trial before Kigali's Court of First Instance. At year's end [2003], the seven individuals remained in custody awaiting trial.” [2a](p5) (See PDR activists and supporters/Paras 6.40-6.43)

5.47 According to an IRIN report in January 2004, an estimated 25,000 ex-combatants from the Interahamwe, Rwandan Hutu militias, in the DRC were demobilised as part of the ongoing peace process between Rwanda and the DRC They were detained and placed in a reintegration programme. [9au] [2a](p5) (See Demobilisation and Reintegration/Paras 6.68-6.70)

5.48 The USSDR 2004 noted that while members of religious groups were arrested during 2003, unlike in the previous year, police did not arrest members of NGOs. An estimated 90 percent of the approximately 88,000 individuals incarcerated were awaiting trial on genocide charges. Some suspects had been in jail since 1994. [2a](p5)

5.49 According to an IRIN report in January 2003, between 30,000 and 40,000 remand prisoners were to be freed on bail in an attempt to ease the overcrowding in prisons. Those to be released were people who risked spending longer in detention pending trial than they would serving their sentence if convicted. They included people who had confessed to lower category genocide together with people accused of 'ordinary' crimes. The Rwandan government insisted it was not an amnesty because those released would still be tried while they were free. [9x] By February 2003, close to 25,000 prisoners who had pleaded guilty to genocide were released. 32,385 prisoners have confessed since the last wave. The government has extended by one year a 15 March (2004) deadline for detainees to make their confessions. [9v]

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Death penalty

5.50 Rwanda retains the death penalty; those convicted of category one genocide crimes receive death sentences if convicted, according to information sourced from Canadian IRB and the AI Country Report for Rwanda covering 2001. [3h](p1) [251](p2) 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 and no death sentences have been carried out since 1998. [251](p3) AI reported that in some cases the penalty was imposed following unfair trials. [3h](p1)

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Internal security

5.51 According to information sourced from the USSDR 2004 and 2003, the Rwanda Defence Forces (RDF), formerly the Rwandan Patriotic Army (RPA), which maintain external security, and the civilian Rwandan National Police (RNP), which maintain internal security, comprise the security apparatus. [2a](p1) [2b](p1) The Minister of Defence is responsible for external security and national defence; the Minister of Internal Security is responsible for civilian security matters and has command of the prisons and the national police. [2a](p1)

5.52 As explained to the JFFM of 2002, the Rwandan security apparatus infiltrates organisations, harasses members of the Rwandan opposition and operates with the consent of the Government and President Kagame. [7](p16) According to the USSDR 2004, "Government authorities did not always maintain effective control of the security forces, and there were several instances [in 2003] in which elements of the security forces acted independently of government authority. Some members of the security forces committed serious human rights abuses." [2a](p1)

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Rwandan Defence Force

5.53 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. [91][13g] The USSDR 2003 noted that in October 2002 the government announced a reorganisation of the military establishment providing for a smaller, heavier force more suitable for territorial defence than for expeditionary action abroad. The name of the Rwandan Patriotic Army was changed to the Rwandan Defence Force. [2b](p1)

5.54 In previous years, RDF troops participated in the war in the DRC on the side of the Goma-based Congolese Rally for Democracy (RCD/G) rebel movement, against the DRC government. In July 2002 the governments of Rwanda and DRC signed an agreement calling for the DRC to suspend its support for Rwandan rebels and for the RDF to withdraw from DRC territory. By October 2002 all RDF forces had left the DRC. However, during 2003, there were indications that the Government continued to maintain a small RDF presence in the DRC. There continued to be reports of killings and other human rights abuses in the DRC although RDF forces were reportedly no longer directly involved. [2a](p2)

5.55 The USSDR 2004 noted that during 2003, the Government prosecuted members of the military on charges of committing murder, rape, or other offences in the DRC prior to the October 2002 withdrawal. [2a](p2) Since its withdrawal from the DRC in October 2002, the RDF has not practised forced conscription. [2a](p8)

5.56 According to a BBC report of 22 October 2003, the Rwandan government was trying to demobilise and return to civilian life 45,000 ex-combatants in an attempt to free up resources to fight poverty. [13h] A December 2003 report by Rwandan News Agency (RNA) indicated that over 30,000 soldiers had been demobilised. [11b] (See Demobilisation and Reintegration/ Paras 6.68-6.70)

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Rwandan National Police (RNP)

5.57 As reflected in the JFFMR of 2002, the Rwandan National Police was established in 2000 after the merger of the national gendarmerie, the communal police and the judicial police. [7](p17) The USSDR 2004 stated "Prior to 2000, police functions were carried out by the military, intelligence services, and judicial courts. The National Police are headed by the Commissioner General and have two Deputy Commissioners, one for operations and another for administration. Five Assistant Commissioners oversee the various units, such as traffic, intelligence, criminal investigations, protection, and the provincial areas. The police lack basic resources such as handcuffs, radios, and patrol cars." [2a](p4-5)

5.58 It was explained to the JFFMR that 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. [7](p17) The USSDR 2004 noted that recruits underwent extensive training programmes and the police academy curriculum included training on human rights, non-lethal use of force and professionalism. There was little problem with corruption or discipline within the police force due to

national pride, strict training, and close monitoring. [2a](p5)

5.59 A senior police official informed the British/Danish fact-finding delegation that the aim was to have a ratio of one police officer per 1,000 citizens in Rwanda; the estimated figure was 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](p17)

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Local Defence Force (LDF)

5.60 According to information provided by a Human Rights Watch Report of 2000, when the current government was established in 1994, there was initially no system of local police. The Local Defence Force (LDF), a kind of citizens' militia was created to protect against remnants of genocidal forces in the country. In 1995, LDF was disbanded, both because regular communal police were working again and because some LDF members had themselves been guilty of abuses against other citizens. With the insurgency of 1997-1998, the government once again organised the Local Defence Force, groups of young men who received two or three months training by soldiers. [4j]

5.61 In theory, the LDF members are meant to provide added security to their home communities, but in some cases, they commit abuses against the people whom they are supposed to serve. Since the start of the second war in the Congo, LDF members have been sent to fight alongside soldiers there. [4j]

5.62 The USSDR 2004 indicated that "The LDF (Local Defence Forces) are lesser-trained and locally staffed 'civil disorder' units that fall under the Ministry of the Interior. The LDF perform basic security guard duties throughout the country, and were known to chase illegal street vendors, petty criminals, and prostitutes away from public areas. These units operate throughout the country. While they have no arrest powers, they reportedly acted with impunity." [2a](p5) In 2003, there were reports of arbitrary killings by members of the Local Defence Forces (LDF). On March 7, two members of the LDF shot and killed Valens Nzigiymana, Vice Mayor in Charge of Social Affairs in Gitarama Province. [2a](p2) However, as reflected in the JFFMR 2002, whilst acknowledging that individual members have committed crimes the Government maintains 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](p18)

5.63 According to the USSDR 2004 and the JFFMR 2002, there were also reports that some of those who serve in the LDF have been forcibly recruited. Street children have been recruited into the LDF, which has no legal framework to govern it. [7](p19-20) [2a](p15)

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Directorate of Military Intelligence (DMI)

5.64 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 that advice and consequently DMI arrests of civilians had ceased. [7](p18)

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Prisons and prison conditions

5.65 The USSDR 2004 noted that prison conditions remained harsh and life threatening in 2003; however, unlike during the previous year, there were no reports that prisoners died of disease outbreaks or effects of severe overcrowding. [2a](p1)

5.66 “The International Committee of the Red Cross (ICRC) has registered approximately 80,000 prisoners detained on genocide or security-related charges and estimated that an additional 8,000 prisoners were detained on charges unrelated to the genocide; however, the Ministry of Justice routinely referred to the prison population as numbering 108,000.” [2a](p4)

5.67 According to information sourced from the USSDR 2004, while the Government was committed to improving prison conditions, persistent overcrowding remained a major problem. Sanitary conditions were very poor, and the provision of food and medical treatment was inadequate. Prison deaths were largely caused by preventable diseases and suspected cases of HIV/AIDS; rather than by overcrowding as in the previous year, however the number of reported deaths in prisons remained indeterminate. [2a](p4) Amnesty International’s country report for Rwanda, covering 2003, claimed that the conditions in the prisons amounted to cruel, inhuman and degrading treatment. [3a](p1) During 2003, the Government started work on the construction of a new prison; however, work was in progress at the end of 2003. [2a](p4)

5.68 It was reported via IRIN in October 2003 that “The government of Rwanda has closed two prisons in a bid to solve problems arising from poor health facilities in the overcrowded detention centres...”. According to a Rwandan official they posed grave environmental and health risks to the inmates and the residents in the neighbouring areas. [9ae]

5.69 The USSDR 2004 stated “Women were detained separately from men and more than 3,700 minors--including those who were minors at the time of the crime--were incarcerated with adults throughout the prison system. Children under 14 were not legally responsible for their acts, and this led to the release of approximately 1,000 children and youths from prison under a presidential decree of January 1 [2003]. The Government was making efforts to release them; however, an undetermined number of children classified as minors were incarcerated on genocide-related charges at year's end. Although the law prohibits the imprisonment of children with adults, the National Commission for Human Rights (NCHR) reported that at least 15 children and 100 infants were incarcerated with their mothers.” [2a](p4)

5.70 The USSDR 2004 indicated that during 2003, the ICRC, human rights organisations, diplomats, and journalists had regular access to the prisons. [2a](p4) As reflected in the JFFMR of 2002, the ICRC had concluded an agreement with the

Rwandan Government in 1994, guaranteeing that delegates would have the right to visit all detainees in all places of detention throughout the country. [7](p64) In 2003, the ICRC continued its visits to communal jails and military-supervised jails. It provided half of the food in the 18 main prisons and medical, logistical, and material support to improve conditions for inmates. [2a](p4) However, on 10 December 2003 IRIN reported that the ICRC would cut its food aid to 17 prisons in Rwanda from 2004 in the first step of a long-term plan to shift the responsibility to the Rwandan government. It was estimated that 15,000 inmates would be affected. [9an]

5.71 The USSDR 2004 stated “Reports persisted that RCD/G forces used the private residences of rebel military commanders for incarcerations. Reports from former detainees indicated a pattern of beatings, undernourishment, and deliberate killings in these houses. [2a](p4)

5.72 On 23 March 2004, IRIN reported that at least 4,500 common law prisoners had been pardoned and released in an attempt to decongest the prisons. Those released included the elderly and the sick as well as those who had been in prison longer than the sentences they could face. “The government also extended by one year a 15 March deadline for detainees to confess their role in the genocide, thereby enabling more of them to be granted clemency.” [9w]

5.73 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. However, the Danish based International Rehabilitation Council for Torture Victims (IRCT) indicated, in a report published in 2000, that torture 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](p67-68)

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Cachots

5.74 As reflected in the JFFMR of March 2002 and the AI country report for Rwanda covering 2001, 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. [3h](p3) [7](p68) Conditions in cachots are particularly poor and there were reports that men, women and children are held in the same facilities. [3h](p3) [7](p68) There was also evidence that torture, particularly in the form of beatings following arrest, occurs in the cachots. [3h](p3) [7](p68) The USSDR 2004 observed that during the year [2003], the Government shut down the cachots (local detention centres) in all but two provinces in the country, which were considered to have the worst conditions. The transfer of prisoners to other prisons only aggravated the problem. [2a](p4)

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Military service

5.75 According to War Resisters International military conscription does not exist in Rwanda. [55] 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 were sufficient volunteers. A western embassy in Kigali noted that forced recruitment had taken

place in 1999 when people were recruited to fight in the DRC. However, the source added that there was no evidence to suggest forced recruitment was a persistent problem. Another source commented that forced recruitment did take place "on the streets and in the prisons". [7](p70)

5.76 Child soldiers have been recruited for past conflicts. [2a](p15) Information sourced from the Coalition to Stop the Use of Child Soldiers (CSC), report of 2001 suggests that over 20,000 children have taken part in hostilities in Rwanda. [56](p1) However, the Government has put an end to the practice and has supported the rehabilitation of former child soldiers. USSDR 2004 noted that the demobilisation and reintegration programme continued during 2003 with a number of child soldiers eased back into civilian life. [2a](p15) The children who returned to the country as part of the ongoing peace process between Rwanda and the DRC had served as porters for ALIR (now called the Democratic Forces for the Liberation of Rwanda, or FDLR); or as combatants for FDLR. [2a](p5)

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Conscientious objectors and deserters

5.77 According to War Resisters International there is no known legal provision for conscientious objection. "Desertion is punishable by 2 months' to 2 years' imprisonment in peacetime. In aggravated circumstances, the penalty is 3 months' to 3 years' imprisonment. In wartime 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. Desertion in the presence of the enemy carries a penalty of 5 - 10 years' imprisonment, 10-15 years' for officers. Desertion to the enemy side is punishable by execution. [55]

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Medical services

5.78 The Constitution states "Every person has the right and duties relating to health." [48](p10) According to the USAID Health and Planning Overview of July 2002 for Rwanda, the events of 1994 destroyed virtually all health infrastructure. Improved security conditions in recent years have led to an improvement in health facilities. [57b](p1) As noted in the EIU 2003 country profile, the government aims to provide affordable and accessible healthcare for all and there has been a steady investment in the health sector since 1994. Access to healthcare, at 87%, is among the highest in the region. The Ministry of Health has divided Rwanda into 40 health districts, 33 of which have district hospitals. Life expectancy in Rwanda is 49 years and the infant mortality rate is 130 per 1,000 population compared with sub-Saharan averages of 54 and 91 respectively. [42](p17-18)

5.79 USAID stated, "The government has put a high priority on human capacity development, decentralisation of primary health care, and the challenges of HIV/AIDS, nutrition, malaria, and population." [57b](p1) [42](p17) USAID is helping the Ministry of Health to develop strategies and tools for managing health financing through prepayment health schemes called 'mutuelles'. "The future focus will be on the link between service quality and community willingness to pay." [57b](p2) [42](p17) In

2000 an initiative was launched to improve reproductive health services, however due to the cultural and religious context, family planning initiatives have been difficult to implement. [57b](p2)

5.80 As reflected in the JFFMR of 2002, 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 was 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 that point. However, UNDP did note that there were lots of complaints about inconsistencies in the availability of treatment for those with access to power. [7](p72)

5.81 Malaria remains the biggest killer in Rwanda and the Government has campaigned to reduce this disease; activities included encouraging the use of mosquito nets that were available at a subsidised price. [7](p72) [56b](p2) In August 2002 IRIN reported the outbreak of a meningitis epidemic 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, including 148 children. USAID, UNICEF and Medecins Sans Frontières have assisted with the supply of vaccines and other medical supplies. [9o]

5.82 In January 2003 IRIN announced that Rwanda would vaccinate 3.3 million children against measles. [9y]

5.83 According to an IRIN report in May 2003, a new hospital with a 180 bed capacity was planned for Kigali Province with two children's wards, a male ward, a female ward, a maternity ward, an AIDS ward and an out-patients clinic. [9a7] In October 2003, IRIN reported that Belgium had pledged 13 million Euro for Rwanda's health and education sectors. [9az]

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Mental health

5.84 According to a Pan African News Agency Report of April 2001, Rwanda is experiencing a dramatic increase in mental disorders as a result of the 1994 genocide, particularly among orphans and widows. Health experts cautioned "There is actually a steady increase in the number of people who are suffering from trauma as well as other illnesses, including neurological disorders like epilepsy," Discrimination and stigmatisation of the mentally ill could be reduced by informing and sensitising Rwandan people about facts related to mental health. [14]

5.85 According to an April 2004 feature in the UK Guardian, "Mental health is high on the agenda of education, thereby ensuring it has a growing workforce of specialised nursing staff that is well-qualified, highly skilled and compassionate." The Kigali Health Institute (KHI), which was set up after 1994 to address the healthcare needs of Rwandans has also developed into a training establishment. [41b]

5.86 Research undertaken by the British Embassy in Kigali indicated that the

treatment provided is either during consultation at Service de Consultation Psycho Social (SCPS) or at Ndera hospital for hospitalisation. Service de Consultation Psycho Social (SCPS) works in 50 hospitals and 358 health centres in Rwanda. “A lot of work is done at grassroots level to prevent mental disorder among the population during Gacaca.” [6b] The Guardian report noted that Rwanda has one mental health hospital, Caraes, situated in Ndera, a small rural village outside Kigali. “The hospital has 120 beds divided into five wards - men's and women's acute, men and women rehabilitation and the children's ward. However, nobody is ever turned away on the grounds of lack of bed space.” [41b]

5.87 In January 2004, IRIN reported that “The National Unity and Reconciliation Commission has completed the training of 45 trauma counsellors who will handle trauma-related cases expected to increase when the Gacaca justice system becomes fully operational in March [2004]”. [9ab]

5.88 Various Non-Governmental Organisations (NGOs) have seen the opportunity to support the regeneration of Rwanda in this crucial area, one of those organisations is the British NGO, Voluntary Service Overseas (VSO). [41b]

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HIV/AIDS

5.89 As reflected in the JFFMR 2002, the United Nations Development Assistance Framework (UNDAF) for 2002 - 2006 published in November 2001 estimated a HIV/AIDS prevalence rate of 13.7% for 15 – 49 year-olds. The UNDP advised that this was 15% higher than the Sub-Saharan African average. [7](p72) According to an RNA report in December 2003, Rwanda is among the 16 most affected countries in Africa. [11c]

5.90 UNDP pointed 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 estimated that 66% of genocide widows are infected with HIV/AIDS. [7](p72) A report in December 2003 in Imvaho, a Rwandan government-owned weekly newspaper, indicated that 65,000 children below 15 have AIDS while 26,000 children have been orphaned by it. [58] According to the USAID Country Profile for Rwanda, the epidemic has had a significant effect on the country's life expectancy. As of 2002, it stood at 39.5 years. [57a](p1)

5.91 As noted in the USAID Country Profile, in 2002, Rwanda released a Strategic Plan for HIV/AIDS 2002-2006. The key strategies aim to strengthen preventive measures, including preventing mother-to-child transmission, by providing information, medical support and counselling, expanding care and treatment and carrying out research. [57a](p2) The National Commission against AIDS assumed responsibility in 2002 for implementing Rwanda's national HIV/AIDS strategy. [57a](p2) [7](p72) According to information sourced by the Canadian IRB, Rwandan women's organisations such as Pro-femmes members and Avega Agahozo also provide AIDS counselling to their members. [25e]

5.92 As reflected in the JFFMR 2002, 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 had 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. [71]p72) According to a report in the Rwandan newspaper, New Times, in January 2004, CNLS has offered Kigali City Council 90m Rwandan francs to fight HIV/AIDS. The money, to be accessed through the Multi-Sectoral AIDS project (MAP), is intended for the 2002-2006 strategic plan that requires \$200m. [21]

5.93 According to a report on Rwanda Radio in January 2000, the Rwandan government announced that it had signed agreements with four research-based pharmaceutical companies. [12d] The Canadian IRB noted that 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. [12d][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 from 64 to 161 US dollars, per patient per month. [12d] However, reacting to that 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]

5.94 In November 2002 Rwanda Radio reported the Rwandan health minister's announcement that an agreement had been signed with Merck and Company to supply a new formulation HIV antiretroviral, Stocrin 600mg, at less than \$1 US a day. [12e]

5.95 In early 2003 USAID/Rwanda launched a pilot programme to provide a small number of HIV positive patients with anti-retroviral treatment. [57a](p2) In August 2003, IRIN reported that the UN World Food Programme (WFP) had signed a US \$35.4 million development aid deal with the Rwandan government. The WFP aid would target about 385,000 beneficiaries in two domains: support for basic education and support for improved self-reliance for HIV/AIDS affected households. [9at] According to a report by RNA in March 2004, a UK-funded body, the Support of International Partnership against AIDS in Africa (SIPAA) has donated 47 billion Rwandan francs to help fight the spread of HIV/AIDS. [11d]

5.96 An IRIN report of March 2004 noted that some 45 Rwandan volunteers are to take part in tests for a new HIV/AIDS vaccine. Since the introduction of anti-retrovirals (ARVs) in Rwanda four years ago, the prices for the drugs have dropped from US \$727 to \$27 per dose. However, only a small portion of HIV/AIDS patients has access to ARVs. Rwanda is still waiting for money from the HIV/AIDS Global Fund in order to further reduce ARV prices to at least less than a dollar a day for a patient. [9ad]

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People with disabilities

5.97 Information obtained by the British/Danish fact-finding delegation in March 2002 suggested that in Rwandan culture it was 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 had done a great amount of work in this area. [7](p74)

5.98 In 2001, Médecins Sans Frontières (MSF) described its pressing health concerns in Rwanda as including mental trauma from the genocide and war-related injuries. After fighting in northwestern Rwanda in June 2001, MSF began a surgical intervention in Ruhengeri. [59]

5.99 According to information sourced from the Landmine Monitor 2002, Rwanda signed the Mine Ban Treaty on 3 December 1997 and ratified it on 13 June 2000. Some 20 of the more than 35 mined areas in the country have been cleared. Since 1990, 617 mine casualties have been recorded, of which 446 were male. "In 2001, the National Prosthesis and Orthopaedic Rehabilitation Service of Kigali Hospital Center treated 289 patients with amputations, of which 120 were mine victims." Handicap International provides technical support for physiotherapy. "The Mulindi Japan One Love Project (MJOLP) is a joint Rwandan/Japanese NGO that produces prostheses and orthoses free of charge for disabled persons and promotes the socio-economic reintegration of people with disabilities." [59]

5.100 A BBC report of October 2003 noted that disabled ex-combatants needed special assistance to help them re-integrate into civilian life. The government has demobilised around 4,000 disabled ex-combatants so far. [13h] The USSDR 2004 noted that "Although there were no laws restricting persons with disabilities from employment, education, or other state services, in practice, few persons with disabilities had access to education or employment." [2a](p15)

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Educational system

5.101 The Constitution guarantees every person the right to an education. [48](p10) The USSDR 2004 noted that the government is committed to children's welfare and tries to provide an education for every child and, as reflected in the EIU Country Profile, universal primary education is sought by 2005. [2b](p14) [42](p17) According to information sourced from the United Nations Educational, Scientific and Cultural Organisation (UNESCO) report on Rwanda's education, primary education is compulsory and lasts for six years.

5.102 Secondary education is divided into two three-year cycles. The first cycle is common to all pupils and the second cycle covers Modern or Classical Humanities. Pupils are awarded the Diplôme de Fin d'Etudes secondaires on successful completion of the second cycle. [60] Kinyarwanda, the national language, is the medium of instruction in schools at primary level while French is used at secondary level, according to the East Africa Lonely Planet Guide. [19](p478). "There is a variety of two-year technical secondary courses for pupils who have completed two to three years of academic secondary education, although pupils could also enter directly

from primary school.” [60]

5.103 According to the EIU 2003 Country Profile for Rwanda, the adult literacy rate is 50%, net primary school enrolment is 75% whereas at secondary level net enrolment is 7% and very few students come from low-income households. [42](p17)

5.104 The USSDR 2004 indicated that in June, the Government announced that all primary school fees would be waived. Public schools lacked essential and basic supplies and could not accommodate all children of primary school age. “A UNICEF study reported that 400,000 school-age children were unable to go to school in 1999. Private schools often were too distant or too expensive to serve as an alternative for many children.” [2a](p14)

5.105 Higher education, according to UNESCO, is mainly provided by universities and specialised institutes, both public and private. Most institutions of higher education come under the jurisdiction of the Ministère de l'Education. The National University of Rwanda in Butare, is an autonomous institution governed by a Council made up of a representative of the President of the Republic, the Minister of Education, the Rector and deans, the Secretary-General, the Treasurer and the Administrator. [60] As reflected in the JFFMR of 2002, academic freedom is limited as the National University is infiltrated by the RPF. [7](p73)

5.106 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. A source suggested that this was a way of asserting some ideological control. Attendance at these camps was compulsory regardless of sex or ethnicity. The camps are often sponsored by non-governmental sources. [7](p74)

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6. HUMAN RIGHTS

6.A Human rights issues

Overview

6.1 According to the USSDR 2004, “The Government's human rights record remained poor, and it continued to commit serious abuses. The right of citizens to change their government was effectively restricted. Members of Local Defense Forces committed unlawful killings. Unlike in the previous year, there were no reports of human rights abuses committed by security forces in the DRC. There were reports that an organized group targeted and killed witnesses to the 1994 genocide in certain provinces. There were reports of politically motivated disappearances. Police often beat suspects. Prison conditions remained life threatening; however, unlike during the previous year, there were no reports that prisoners died of outbreaks of disease and the cumulative effects of severe overcrowding. Arbitrary arrest and detention, particularly of opposition supporters,

and prolonged pretrial detention remained serious problems. The judiciary did not always ensure due process or expeditious trials. The Government continued to conduct genocide trials at a slow pace. The Government restricted freedom of speech and of the press, and limited freedom of association and assembly. In some instances, local government officials restricted the freedom of religion. The Government harassed refugees who refused to leave the country voluntarily. The Government harassed NGOs, particularly during campaign periods. Societal violence and discrimination against women and ethnic minorities, particularly the Batwa, were problems. Child labor and trafficking in persons were problems.” [2a](p1-2)

6.2 The Foreign and Commonwealth Office (F&CO) Country Profile for Rwanda covering 2003 indicated that, “While abuses continue to be reported, progress is being made in raising awareness of human rights. Many NGOs continue to focus on education and reconciliation in the wake of the genocide...In January 1999 a law was passed to establish the National Human Rights Commission (NHRC). A National Unity and Reconciliation Commission (NURC) has also been established. It will attempt to set up a conflict mediation facility and will be responsible for civic education and training on this subject.” [6a](p1)

6.3 Freedomhouse, in its report titled Freedom in the World 2003, summed up the situation in Rwanda by saying, “With the exception of some scattered violence, Rwanda remained peaceful internally. As part of a broad peace agreement, Rwandan troops left the Democratic Republic of Congo. Continued instability in the region, however, including tensions with neighboring Uganda, posed considerable challenges to the country’s peaceful development and complicated efforts to improve the exercise of human rights and fundamental freedoms.” [45](p1)

6.4 In its Crisis watch report, the International Crisis Group assessed the overall situation in Rwanda and concluded that trends remained unchanged in February 2004. [47a]

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Freedom of speech and the media

6.5 The Constitution allows freedom of speech and of the press and freedom of information [48](p9), however, according to the USSDR 2003 and 2004, “...the Government restricted these rights in practice, and the Government harassed journalists whose views were contrary to official views. Most journalists practiced self-censorship due to fear of government reprisals.” [2a][2b] (p8)

6.6 In March 2002, Ligue des Droits de la Personne dans la Région des Grand Lacs (LDGL), an independent human rights organisation, explained to the British/Danish fact-finding delegation that “freedom of speech was the major problem facing Rwandan society today”. LDGL argued that the genocide was being used as a tool to silence any serious debate that may involve criticism of the Government. [7](p35) As reflected in the British/Danish fact-finding report published in May 2002, there were a number of concerns regarding press freedom. One western embassy in Kigali noted that issues the Government considered to be sensitive included security, implications of Rwanda’s presence in the DRC, political freedom and the ethnic

issue. [7](p35)

6.7 The USSDR 2004 noted that the Government had promised equal media coverage for all candidates, however during the presidential and legislative election campaigns, the Government used state-owned media to discredit the opposition. “During the campaign period [2003], the Government repeatedly accused opposition candidates and parties of using language that was divisionist, often using this as a pretext to eliminate them from the races. Authorities detained numerous individuals after they expressed viewpoints unacceptable to the Government, including supporters and campaign workers of presidential opposition candidate Faustin Twagiramungu.” [2a](p8-9) The Committee to Protect Journalists (CPJ) report for 2003 titled Attacks on the Press offered the view that the transitional government’s control over the media helped it to consolidate power in the constitutional referendum, as well as the first presidential and multiparty elections parliamentary elections in the country since independence. [5c](p1)

6.8 The CPJ report further revealed that Internews, a US based media NGO was authorised to present films about the elections but was not given permission to distribute them. The films contained portraits on the four presidential candidates and interviews with them. [5c](p2)

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Media institutions

6.9 The USSDR 2004 claimed that, “During the year [2003], the number of newspapers continued to increase. There were both privately and government owned newspapers, which published weekly in English, French, or Kinyarwanda; however, there were no daily newspapers. Newspapers were subject to government restrictions, and print journalists generally exercised self-censorship due to fear of government reprisal.” [2a](p8) The two government-owned newspapers, Imvaho and La Relève, expressed the official opinion. [49](p11)

6.10 “The Government largely controlled the broadcast media,” according to the USSDR 2004. Radio Rwanda, the state-owned radio station had hitherto enjoyed a monopoly of the air waves and employed journalists who were civil servants of the National Office of Information. “In November 2002, a press law was passed that permitted private radio and TV broadcasting, subject to the Government’s approval.” [2a](p8) A BBC news report of 30 January 2004 noted that Rwanda had ended state radio monopoly and had authorised five private stations to start broadcasting. [13a] [9r] Radio Netherlands announced on 29 February 2004 that Radio 10, the first private radio station since the genocide, had begun broadcasting in Rwanda. [37]

6.11 During the campaign period, the Government publicly discussed jamming international radio stations. Foreign media groups, including Voice of America, Deutsche Welle, and the British Broadcasting Corporation, broadcast in Kigali.” [2a](p8)

6.12 “...By year’s end the Government continued to own the only television station, which was nominally independent of the Government. [2a](p8).” In a report titled “The Rwanda media experience from the genocide” released in March 2003, International Media Support (IMS), observed that there are three internet servers of

which Rwandatel is state-controlled and Kist is private. [49](p21)

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Press Law

6.13 CPJ's Attacks on the Press report for 2001 stated that in December of that year, President Kagame refused to sign a contentious media bill that prescribed the death penalty for journalists found guilty of inciting genocide. [2b](p8-9) [5a] 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". [36a](p1) In its annual report of 2002, the international media watchdog, Reporters sans frontières (RSF) commented that "This clause is an open door to arbitrary condemnation of critical journalists and opponents." [36a](p1)

6.14 In June 2002, IRIN reported that, the Rwandan parliament had cleared a revised bill aimed at providing the country with greater media freedom. A major development was the exclusion from the bill of three articles to which journalists had objected. [91][36b](p1) The law took effect in July 2002. It permitted the licensing of private radio and television stations. The Human Rights Watch 2003 World Report for Rwanda, covering 2002, noted that it also created "a national press council operating under presidential authority to accredit or ban publications and to close down radio or television stations". [4d](p2) The IMS report observed that it allowed the imposition of heavy prison sentences for offences like violation of privacy, defamation and endangering law and order. [49](p22)

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Journalists

6.15 On 27 June 2002, Reporters Sans Frontières (RSF) included Rwanda in a blacklist of 21 countries where journalists were abducted, tortured, and murdered with complete impunity. [36c] There were on-going reports of journalists being threatened, harassed, detained and imprisoned if they expressed viewpoints that were critical of the government. [2b](p8) [7](p39)

6.16 Three members of AMI, Association Modeste et Innocent (Modeste and Innocent Association), a Rwandan NGO, were detained in the early part of 2002 for the use of the word "ubuyanja" ("renewal" or "rebirth of energy") in Ubuntu, an AMI bulletin. The bulletin contained an editorial by Laurien Ntezimana. The word "ubuyanja" had become associated with Bizimungu's banned opposition party, the Parti Démocratique pour le Renouveau-Ubuyanja (PDR-Ubuyanja), Democratic Party for Renewal-Ubuyanja. Amnesty International accused the authorities of "resorting to unlawful detentions and violating the fundamental right to peaceful freedom of expression." in a report released on 5 February 2002. A court determined that the charges against them were unsubstantiated but AMI was not allowed to operate. [3b]

6.17 CPJ's Attacks on the Press report for 2001 noted that Amiel Nkuliza, a leading journalist with Le Partisan fled the country in early 2002. He had questioned the circumstances surrounding the murder of a co-founder of the PDR and had criticised the government. [5](p2)

6.18 Ismail Mbonigaba, Chief Editor of Umuseso newspaper and Acting Director of Rwanda Independent Media Group (RIMEG) explained to the British/Danish fact-finding delegation in March 2002 that the threats to the freedom of journalists and the press were carried out by the Criminal Investigation Department of the Police. According to Mbonigaba, the Criminal Investigation Department had in the past bribed people who worked at Umuseso in order to receive information on what articles were about to be published. Mbonigaba added that journalists were not subjected to torture in Rwanda. He also claimed that the Government heavily influenced the Rwandan Journalists Association (RJA) and, as a consequence, RJA was unwilling to help Umuseso when they were in conflict with the Government [7](p38-39)

6.19 The USSDR 2004 noted that, “On January 22 [2003], police arrested and detained Ismail Mbonigaba, chief editor of the independent newspaper Umuseso, on charges of discrimination and sectarianism for publishing defamatory and divisive material.” [2a](p8)[36b](p3) The following month, IRIN reported that he was also charged with publishing an article titled ‘Twagiramungu to oppose Kagame in elections’ suggesting that the former Prime Minister would stand against President Kagame in the presidential election. [9z] The USSDR 2004 stated that “The Prosecution released him on February 27 on the grounds that his 7-day detention by police exceeded the maximum period allowed by law. On March 16, Mbonigaba was dismissed from Umuseso following accusations that he embezzled newspaper funds.” [2a](p8)

6.20 On 17 April 2003, border police seized Ismail Mbonigaba's new publication, Indorerwamo (The Mirror), which was printed in Uganda. The police spokesman indicated that the Government did not authorise the newspaper's first publication. Restrictions were lifted within a few weeks. Reporters Sans Frontières (RSF), the media watchdog, termed the action “censorship” and argued that the press law required no permission to start a new publication, only a written declaration. [2a](p9) [9ac]

6.21 The USSDR 2004 stated that, “On November 19 [2003], police seized an edition of Umuseso and arrested Umuseso Editor Robert Sebufirira on accusations of publishing false information and ‘defamatory’ stories and inciting ethnic divisions. Police subsequently detained and beat Deputy Editor McDowell Kalisa and three Umuseso journalists during interrogations” [2a](p8)[36b](p3) Reporters Sans Frontières (RSF) claimed, in an IRIN news report of 21 November 2003, that the arrests were linked to the publication of an article on the demobilisation of the army chief-of-staff. [9s] Local journalists, human rights activists and international NGOs like CPJ “expressed fears that Umuseso was being harassed for taking a critical stance towards the government” All were released by 21 November 2003, without having been formally charged. [5b]

6.22 Amnesty International’s 2002 Report for Rwanda, covering 2001, referred to the fact that journalists who interviewed Pasteur Bizimungu since the formation of the PDR in May 2001 were interrogated, threatened by the military authorities and forced to surrender tape recordings. [3h](p4)

6.23 The USSDR 2004 noted that, “at year's end [2003], The Herald had not resumed publishing after its Chief Editor was deported to Uganda in 2002. He has never returned. Valens Kwitegetse, a journalist for the government newspaper

Imvaho, remained outside the country at year's end. "He was charged with using the media to promote ethnic hatred, and chose self-exile in Uganda." [2a](p8)

6.24 IRIN reported, on 3 December 2003, that ICTR convicted three Rwandan media executives of genocide, incitement to genocide, conspiracy to commit genocide, and crimes against humanity and sentenced two of them to life imprisonment. [9a0] [5c](p1)[36b](p1) The International Herald Tribune noted in a news story the following day that Ferdinand Nahimana founder of Radio-Télévision Libre des Mille Collines (RTLM) and Hassan Ngeze, the editor of Kangura, used the media to inflame ethnic hatred and promote massacres. The third defendant received a reduced sentence. [38] The International Media Support (IMS) report for Rwanda covering March 2003 made a reference to the emergence of "hate media". The Kangura newspaper published the "ten Hutu commandments" to incite the Hutus against the Tutsis. According to IMS, "The impunity enjoyed by authors of crime and other violence encouraged extremists in favour of Hutu power." [49](p14-17) The CPJ 2003 Report for Rwanda claimed that RTLM "was used to direct gangs of killers to specific Tutsi targets". The report suggested that the government could "use this verdict as a further excuse to clamp down on legitimate criticism in the press." [38] [5c](p1)

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Freedom of religion

6.25 The US State Department International Religious Freedom Report (USSD IRFR) 2003 noted that "The Constitution provides for freedom of religion; however, while the Government generally respects this right in practice, it fails to prevent local authorities from abusing or restricting religious freedoms." [2c](p1) The British/Danish joint fact-finding mission report (JFFMR) of 2002 stated that since 1 April 2001, churches and religious organisations, in common with all NGOs, have been required to register with the authorities. [7](p58) USSD IRFR 2003 indicated that major religious groups and churches have reportedly had no difficulties in registering with the Ministry of Justice and no application has been denied. [2c](p2) [7](p58)

6.26 There is no state religion. The IRFR 2003 observed that, "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 those schools, religious instruction tends to reflect the denomination of the founders, either Catholic or Protestant. Christian and Muslim private schools operate as well." [2c](p2)

6.27 The Government had previously forbidden religious meetings at night on the grounds that such meetings had been used in the past to plan attacks. However, during 2001 such restrictions were lifted if there was advance notification of the meeting. [2c](p2)

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Religious groups

6.28 A 2001 study conducted by researchers from Johns Hopkins University

reported that “49.6 percent of the population was Catholic, 43.9 percent Protestant, 4.6 percent Muslim, 1.7 claimed no religious beliefs, and 0.1 percent practised traditional indigenous beliefs...” “The figures for Protestants include the growing number of members of Jehovah's Witnesses and evangelical Protestant groups.” [2c](p1)

6.29 According to an Amnesty International report for Rwanda covering 2002, seven members of a congregation within the Association of Pentecostal Churches in Gikondo district, city of Kigali, were arrested and detained for 15 days in November 2002. On 15 and 22 November members of the National Police Force and Local Defence Forces entered the church and attacked members of the congregation. [3a](p3)

6.30 The IRFR 2003 noted that during the period under review, the Government did not actively support or participate in religious fora aimed at increasing interfaith understanding and support [2c](p2) nevertheless, relations among the different religious groups were generally amicable and disputes between groups were rare. [2c](p3) According to the recent Religious Freedom World Report, there had been some residual bad feeling toward the Catholic Church because nuns and clerics were implicated in the genocide of 1994. [18] Unlike in the previous period, there were no reports that the Catholic clergy were being targeted for abuses. “Relations between the Government and the Catholic Church continued to improve because of collaboration and dialog in the areas of education and reconciliation.” [2c](p2) However, “there have been some attacks on Catholics by the Rwanda Patriotic Army (RPA) troops and Congolese Rally for Democracy (RCD).” [2c](p3)

6.31 The USSDR 2004 stated that during the previous year “There were multiple reports that local authorities harassed and detained members of Pentecostal and Seventh-day Adventist churches. The majority of those detained by local officials were released within weeks of their arrest...security forces detained and interrogated Protestant church leaders when it was believed their congregations were not voting in favor of the Constitution. In addition, a number of religious leaders reported intimidation and harassment again during the presidential and legislative elections.” [2a](p10)

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Jehovah's Witnesses

6.32 In March 2002 the British/Danish fact-finding delegation was informed that problems had previously occurred in Kibungo Province where Jehovah's Witnesses had experienced persecution. “Home churches” or “prayer groups” organised by them 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. However, discussions between government officials and the international community resulted in a reversal of policy and the situation had improved considerably. [7](p57) The IRFR 2003 claimed that unlike in the past, there were no recent reports “...of Jehovah's Witnesses being detained or arrested for not participating in nightly security patrols. However, children of Jehovah's Witnesses were expelled from secondary schools for failing to attend school on Saturday.” [2c](p2)

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Religious sects

6.33 In its Religious Freedom World Report updated in February 2004, the International Coalition for Religious Freedom referred to the mass killings instigated by the Movement of the Restoration of the Ten Commandments of God in neighbouring Uganda in March 2000. The report noted that the killings had caused the government of Rwanda to watch closely for religious groups that may be prone to such violent and destructive tendencies. [18] The British/Danish fact-finding delegation was informed in 2002 that there were a number of small religious sects that continued to operate in Rwanda. From time to time there were warnings about particular sects on the radio, for example where a particular sect advocated that children should attend prayer meetings rather than school. The delegation was informed that one sect leader who had left the country (believed to have been in 2001) had taken a number of children with him. [7](p58)

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Freedom of assembly and association

6.34 The fundamental law provides for freedom of peaceful assembly without arms and freedom of association [48](p9); however, according to the USSDR 2004, authorities limited this right in practice. The latter stated that advance notice for outdoor rallies, demonstrations, and meetings was, in some cases, a legal requirement. Meetings were generally prohibited at night although this restriction was relaxed for religious groups. The report observed that “Authorities prevented and dispersed political meetings and meetings held in private homes during the campaign for presidential and legislative elections. Authorities also threatened citizens to prevent them from attending already scheduled meetings. Police forcibly dispersed political rallies during the campaign period; however, there were no reports of injuries.” [2a](p9)

6.35 The Constitution provides for freedom of association; however, the Government limited this right in practice. All associations and NGOs were required to register and apply for a licence under NGO legislation passed by the Transitional National Assembly. With few exceptions, the Government generally granted licences without undue delay. [2a](p9)

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Political activists

6.36 The USSDR 2004 noted that “The Constitution provides for a multi-party system of government and for the free operation of political organisations; however, the Government did not always respect these provisions.” [2a](p9)

6.37 “Police harassed and intimidated MDR members during the year,” [2003], according to the USSDR 2004. “During April, several individuals suspected of association with the banned MDR political party were arrested or had disappeared. In July, government officials harassed and intimidated friends and associates of opposition presidential candidate Dr. Theoneste Niyitegeka.” [2a](p9) The latter was

detained after he filed a complaint against the Government for removing him from the race. [2a](p5)

6.38 Amnesty International called on the Rwandan government to ensure the safety of those named in the report after Parliament voted to dissolve MDR. Forty seven individuals were named in the report including two government ministers, five deputies in the Transitional National Assembly, three high ranking military officers and an ambassador. [3f](p1)

6.39 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 his fortunes waned. In early January 2000 Sebarenzi was forced to resign from the Transitional National Assembly on a range of fabricated charges and fled the country. [1b](p872)

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PDR activists and supporters

6.40 In June 2001 the Transitional National Assembly ruled that President Bizimungu's PDR-Ubuyanja party was illegal and, according to information sourced from the JFFMR of March 2002, pressurised prominent members of the new party, particularly Tutsi, to leave and renounce it publicly. In doing so the Government inferred that the PDR was a radical Hutu party. [7](p45-46)

6.41 The USSDR 2003 noted that individuals suspected of association with PDR were subject to arrest during the year [2002]. The authorities refused to allow President Bizimungu to attend public church services. [2b](p9) As stated in a Human Rights Watch press release, Gratien Munyarubuga, founder member of the PDR, was murdered in December 2001. He had received death threats after he visited Bizimungu at his home. [4c](p1)

6.42 According to information in the USSDR 2003, "In April [2002] security forces arrested Bizimungu and former minister Charles Ntakarutinka and charged them with making divisive statements against the Government, forming and recruiting for an illegal organisation, supporting armed groups against the Government, embezzlement of public funds, circulating false documents, and possession of an illegal firearm." Police also arrested approximately 30 other persons believed to be involved with PDR. [2b](p6)

6.43 On July 12 [2002], Bizimungu, Ntakarutinka, and others who were arrested in connection with them appealed their detention before the Supreme Court but the Court rejected their appeal. The USSDR 2003 stated "The Supreme Court ruled that the appeal had no legal basis and ordered them to remain in detention, pending trial before Kigali's Court of First Instance. At year's end [2002], the seven individuals remained in custody awaiting trial." [2b](p6)

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Employment rights

6.44 The Constitution guarantees every person the right to free choice of employment. Persons with the same competence and ability have a right to equal pay for equal work without discrimination. [48](p9) The USSDR 2004 noted that 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; minimum wages varied according to the nature of the job. The minimum wages paid were insufficient to provide a decent standard of living for a worker and family, and in practice, workers accepted less than the minimum wage.” Families frequently supplemented their incomes by engaging in small business activity or subsistence agriculture. [2a](p17)

6.45 Government offices and private sector establishments had a 40-hour working week; the maximum was 45 hours. In July 2003, the Government changed the workday schedule, so that the day began at 7 a.m. and ended at 3:30 p.m., with a 30-minute break for lunch. There was no mandatory rest period. The law controlled hours of work and occupational health and safety standards in the salaried sector, but inspectors from the Ministry of Public Service did not always enforce these standards. Workers did not have the right to remove themselves from dangerous work situations without putting their jobs at risk. [2a](p17)

6.46 The USSDR 2004 stated that “The law prohibits forced or bonded labor; however, prisoners were assigned to work details, which generally involved rebuilding houses, clearing land, or other public maintenance duties. Prisoners also may be hired out to perform work at private residences and businesses. Unlike in the previous year, there were no reports that the national army forced Rwandan prisoners and Congolese civilians, including children, to mine columbite-tantalite, or coltan, in the Provinces of South Kivu and Maniema in the DRC.” [2a](p17)

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Trade unions and the right to strike

6.47 The USSDR 2004 noted that the Constitution provides the right to create and administer professional associations and labour unions, and the Government generally respects this right in practice. The labour movement was impeded by the disruptions and setbacks caused by the 1994 genocide, however unions in Rwanda continued to proliferate. Union membership is voluntary and open to all salaried workers, including public sector employees. According to USSDR 2004 estimates, “approximately 7 percent of the work force worked in the modern (wage) sector, and approximately 75 percent of those active in the modern sector were union members”. [2a](p16)

6.48 There are no restrictions on the right of association, but all unions are required to register with the Ministry of Justice for official recognition. There were no known cases of trade union organisations being denied recognition. The law prohibits unions from having political affiliations, but in practice this was not always adhered to. The USSDR 2004 stated that “Participation in unauthorized demonstrations could result in employee dismissal, non-payment of wages, and civil action against the union; however, authorization was not required for union meetings.” There were 27 registered unions under 2 groups: 17 were under Central Union of Rwandan Workers (CESTRAR), and 10 were under the National Council of Free Unions in

Rwanda (COSYLI). [2a](p16)

6.49 According to information sourced from the USSDR 2004, the law prohibits anti-union discrimination, but there are no formal procedures to resolve complaints involving discrimination against trade unions. Trade union activists have complained that employees who have attempted to join a union have received threats from their employers. “The law provides for the protection of workers from employer interference in their right to organize and administer unions; however, the law does not include agricultural workers in this provision. The law provides for collective bargaining, although only the CESTRAR had an established collective bargaining agreement with the Government. In practice, the Government was intimately involved in the collective bargaining process since most union members were in the public sector.” [2a](p16)

6.50 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 make attempts to resolve its differences with management according to steps suggested by the Ministry of Public Service and Labour. [2a](p16)

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Equal employment rights

6.51 As noted in the USSDR 2004, despite provisions in the Constitution, women continued to face discrimination during 2003. Women in Rwanda have traditionally been engaged in subsistence farming. However, the genocide, left numerous women as heads of households. This has led them to assume a larger role in the modern sector and many are self-employed. Nevertheless, opportunities for employment and promotion for women are still limited. [2a](p16)

6.52 “Government efforts to expand opportunities for women included a clause in the Constitution providing that at least 30 percent of the seats in parliament be reserved for women; women won approximately 40 percent of the seats during the September legislative elections.” [2a](p16) This has placed Rwanda at the top of the Inter Parliamentary Union (IPU) world ranking of women in national parliaments [24] Other efforts have included the... provision of loans to rural women, and a Ministry of Gender program to train government officials and NGOs in methods to increase the role of women in the workforce.” [2a](p16) (See Women/Para 6.90)

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Child labour

6.53 The USSDR 2004 indicated that with the exception of subsistence agriculture, the law prohibits children under the age of 18 from working without their parents' or guardians' consent, and they generally cannot work at night or undertake work that is considered hazardous or difficult. The minimum age for full-time employment is 18 years, and 14 years for apprenticeships but completion of primary education is a prerequisite. [2a](p17)

6.54 The USSDR 2004 claimed that child labour was a problem. According to a UN report released during 2003, 31 percent of children aged 5 to 14 engaged in child

labour. The Ministry of Public Service and Labour and the Ministry of Local Government did not enforce child labour laws effectively, and, as a result of the genocide, children headed many households. [2a](p17) An IRIN report of 10 March 2004 noted that a recently adopted national policy recommended a system of community-based care to protect the children from being exploited for cheap labour. [9h]

6.55 During 2001 Rwanda ratified the International Labour Organisation Convention 182 on the Worst Forms of Child Labour. [2d](p14) The USSDR 2004 reported that the Government identified five worst forms of child labour and these were: domestic work outside the family sphere; agricultural activities on tea, rice, and sugar cane plantations; work in brickyards and sand extraction quarries; crushing stones; and prostitution. During the year, child labour was prevalent in the agricultural sector, among household domestics, and the brick-making industry, child prostitution was also a problem. [2a](p17)

6.56 The USSDR 2004 stated that “Both the Government and non-state militias have used children as soldiers in past conflicts. However, the Government no longer recruited children into its security forces. The Government’s program of demobilization and reintegration continued during the year, [2003] with a number of child soldiers being among those moved through the program back to civilian life. The Government participated in an International Labor Organization (ILO)-International Program for Elimination of Child Labor (IPEC) program to prevent the involvement of children in armed conflicts and support the rehabilitation of former child soldiers.” [2a](p15)

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People trafficking

6.57 According to information sourced from the USSDR 2004, there are no specific anti-trafficking laws, but laws against slavery, prostitution by coercion, kidnapping, rape, and defilement can be used to prosecute traffickers. There were no statistics on trafficking but there were reports of trafficking to South Africa. [2a](p17-18) Children heading households were trafficked into domestic servitude and prostitution. [4g] [2a](p17-18) An international organisation estimated there were 2,140 child prostitutes in the major cities and several thousand street children. [2a](p17-18)

6.58 “There continued to be reports that Rwandan-backed Congolese militias operating in the DRC abducted men, women, and children for forced labour and sexual exploitation, and to serve as combatants. Unlike in the previous year, there were no reports that RDF troops abducted women and children from villages they raided...” [2a](p18)

6.59 The Rwandan Government claimed that children were taken abroad without the consent of their parents during the genocide and many of them had been adopted. [2d](p12) To enable them to restore contact with their families, the International Committee of the Red Cross (ICRC) signed a tracing cooperation agreement with the Rwandan Red Cross and placed its tracing network at the disposal of those separated. Photographs of children who were too young or traumatised to give sufficient information were included in a book that was distributed throughout

Rwanda. [50b](p2) By mid 2003 the ICRC had reunited 1,324 children who had been separated from their families by the conflict. [50a]

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Freedom of movement

6.60 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 at times did not respect them in practice". [2a](p10) Citizens were asked to show identification by security forces. They were required to obtain a new national identity card when making a permanent move to a new district; these were issued routinely. [2a](p10) According to information provided by the Canadian Immigration and Refugee Board on 4 December 2001, Rwandan ID cards are standard throughout the country except for the names of the provinces on the card. After the genocide, references to tribal origin (ethnie) were removed. [25h]

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Immigration and embarkation

6.61 In March 2002 the British/Danish fact-finding delegation visited Kanombe International Airport in Kigali. The Chief Security Officer explained that when properly documented Rwandan nationals returned to the country after a long absence they were asked the reason for their absence. This aside they were dealt with the same as any other Rwandan returning from abroad. [7](p75) 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 [7](p79)

6.62 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. Information obtained by the Canadian Immigration and Refugee Board 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]

6.63 New passports and temporary travel documents were introduced from 1 January 2004 according to a Rwandan News Agency report. The old passports will have a validity of eight months from January. [11a]

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Repatriation

6.64 The Office of the UN High Commissioner for Refugees (UNHCR) Global Report of 2003 noted that Rwanda had made the return of its citizens from neighbouring countries a top priority. [32a](p138) During 2003, the Government of Rwanda signed tripartite agreements with eight African countries, including Zambia, Uganda, the DRC, the Republic of the Congo, Malawi, Namibia, Zimbabwe, and Mozambique, "to establish a framework for the return of Rwandan refugees" from

these countries. [2a](p10)

6.65 According to UNHCR estimates there were more than three million Rwandan refugees scattered across the region in 1994 and all but 80,000 had since returned home, as reflected in a BBC report of March 2004 and in the USSDR 2004. [13n] [2a](p10) UNHCR claimed that more than 30,000 Rwandan refugees and asylum seekers were repatriated during 2002, the majority from Tanzania and the DRC. [32a](p138) A UNHCR news report of January 2004 stated that by the end of 2003, 19,712 Rwandan refugees had returned home, the majority of them with UNHCR assistance. Of this some 14,981 were assisted to return from the DRC, with smaller numbers from Tanzania, Burundi, Zambia, Uganda. [32b](p2) The last group of 900 refugees from Tanzania were “forcibly kicked out” of Tanzania in September 2003, according to a BBC news report of that month. [13j]

6.66 An IRIN news release of 22 January 2004 noted that 500 refugees had returned from Uganda since the repatriation process began in January. The governments of Rwanda and Uganda along with UNHCR signed the tripartite agreement in October 2003 for the voluntary return of at least 25,000 Rwandan refugees living in Uganda. [9aq]

6.67 Following the signing of a tripartite agreement between the governments of Zambia and Rwanda and the office of the UNHCR only 123 Rwandans have returned home. The Zambian Home Affairs Commissioner for Refugees stated in an IRIN report of 3 March 2004 that, “There has been some resistance from the Rwandan community to the repatriation process, mainly because they fear persecution from the government. But there’s really no evidence if this...” The Zambian authorities had planned a “go-and-see exercise” whereby repatriated Rwandans would return and share their experiences. [9am]

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Demobilisation and reintegration

6.68 According to information sourced from an IRIN report in January 2004, the demobilisation process began in 1997. The first phase was intended to help soldiers of the Rwanda Defence Forces (RDF) and members of armed groups returning to the country to reintegrate into society. The second stage involved the demobilisation of an estimated 25,000 ex-combatants from the Interahamwe, Rwandan Hutu militias, currently in the DRC. [9au]

6.69 A further report by IRIN the following month claimed that, to date, around 5,506 returnee militias from the DRC had been demobilised and reintegrated into their communities. The numbers of those going back home rose sharply after the main rebel commander, Paul Rwarakabije, returned home in November 2003. However, according to MONUC, the UN mission in DRC, Hutu militants held many former combatants hostage because they were opposed to the demobilisation an allegation which the FDLR has dismissed as unfounded. [9av]

6.70 Figures released by Save the Children in June 2003 and included in the Human Rights Watch Briefing to the UN Security Council, indicated that more than 2000 child soldiers were to be demobilised to Rwanda due to the withdrawal of Rwandan

troops from the DRC.[4e](p2)

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Villagisation policy

6.71 Information sourced from the USCR Country Report of 2002 noted that Rwanda is amongst the most densely populated countries in the world. 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 controversial policy called "villagisation". [22b](p3-4) [27](p1-2) Critics expressed concern about bad planning and poor services at some sites. [2a](p15) [27](p2) National human rights agencies and international NGOs claimed that the process was not entirely voluntary. Human rights advocates debated whether the transfer of rural Rwandans to new villages was "internal displacement." International funding was withdrawn and the scheme came to a virtual stop. [22b](p3-4)[3h](p1) [27](p2-3)

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Recognition and treatment of refugees from other states

6.72 Information sourced from the USSDR 2004 clarified that "the law does not provide for the granting of asylum or refugee status to persons who meet the definition of the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol." The Constitution recognised the right to asylum "under conditions determined by law"; however, there was no law in place governing refugees. The Government did grant asylum status and generally cooperated with the UNHCR in assisting refugees. Temporary protection was provided to approximately 34,700 persons, the vast majority of whom were Congolese refugees who fled the DRC during the unrest of 1996. [2a](p10-11)

6.73 The USSDR 2004 noted that the Government harassed refugees who refused to leave the country voluntarily. [2a](p2) However, unlike in the previous year, there were no reports of the forced return of persons to a country where they feared persecution. [2a](11) Approximately 7,000 Congolese refugees were forcibly repatriated from Rwanda to DRC during 2002. Most Congolese refugees in Rwanda were ethnic Tutsi who fled the DRC in the mid-1990s. The US Committee for Refugees (USCR) concluded in its World Refugee Survey of 2003, that the Rwandan authorities misled the Congolese returnees "to believe that peace, land, and humanitarian assistance" awaited them in DRC. The refugees returned to Rwanda by year's end because of unstable conditions in DRC. [22a](p3) [2a](p11)

6.74 The HRW 2003 World Report for Rwanda, covering 2002, suggested that the intention behind the forced repatriation could have been the expansion of its potential base of supporters for its local ally: the Congolese Rally for Democracy. [4d](p4) . According to the USSDR 2004, "even after authorities discontinued the forced repatriations in October 2002, the Government continued to harass those who chose to stay in the country and drastically reduced services to the camps during the year... At year's end [2003], the camp had become severely overcrowded, and living conditions were well below international standards." [2a](p11)

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Security situation

6.75 Rwanda has accused DRC of continued support to elements of the former Rwandan army, and Rwandan Hutu militia groups, based in south Kivu. Under the terms of the Pretoria peace accord, the Congolese government was meant to stop assisting these groups. During 2003, there were reports that the Rwandan Government, on its part, continued to support RCD/G forces and the Union of Congolese Patriots (UPC) forces in the Kivus and maintained a small RDF presence in the DRC. [2a](p2)

6.76 A BBC news release of March 2003 reported that Rwanda had warned that it may return troops it had withdrawn from the DRC, following the October peace deal. Rwanda demanded that the Ugandan army withdraw from the country, and that the forces of the Congolese Government revert to positions agreed in a 1999 ceasefire agreement. Mr Muligande, the Rwandan Foreign Minister claimed that the Ugandan and Congolese Governments were deploying troops near areas of eastern Congo that were held by Rwandan-backed Congolese rebels. Mr Muligande said this was an immediate and direct threat to Rwanda's security. [13b]

6.77 An IRIN report of the same month claimed that Rwandan rebel militias like Interahamwe and ex-FAR combatants "were uniting with Kinshasa troops to destabilise the region". A Rwandan army spokesperson stated that "the Uganda People's Defence Forces (UPDF) were forming an alliance with 'genocidal' forces in the DRC to destabilise Rwanda". [9ax] Reports in April 2003 in the Ugandan newspaper, The Monitor, alleged that Rwanda was assisting Ugandan rebels with a view to destabilising the country, a claim Rwanda has refuted. [15a][15b]

6.78 A press release by International Crisis Group of May 2003 reported that the FDLR had linked up with the Concertation permanente de l'opposition démocratique rwandaise (CPODR), "which groups together almost all Rwanda's exiled opposition parties, including Tutsi genocide survivors, and is calling for suspension of Rwanda's transition timetable and denouncing the authoritarianism of the RPF. At the same time, its military command is reorganising troops and preparing destabilisation operations in case its political strategy fails..." [47b](p2)

6.79 In April 2004, IRIN reported that Rwanda had deployed troops heavily along its border with Burundi and the DRC in anticipation of possible attacks from Hutu rebels. The deployment was prompted by Rwandan Hutu rebel attacks, earlier in the month, on the northwestern Rwandan province of Gisenyi. [9as]

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6.B Human rights - specific groups

Ethnic groups

6.80 The USSDR 2004 estimated that before 1994, "85 percent of citizens were Hutu, 14 percent were Tutsi, and 1 percent were Batwa (Twa). However, Hutus and Tutsis were not clearly distinct groups, since the two have intermarried for generations. The 1994 mass killings and migrations probably affected the ethnic

composition of the population, but the extent and nature of the changes remained unknown.” [2a](p15)

Hutu Tutsi relations

6.81 As noted in The World Factbook 2003, there has been a history of inter-ethnic violence between the Hutu and Tutsi. In 1959, the Hutus, the majority ethnic group, overthrew the ruling Tutsi king. “Over the next several years thousands of Tutsis were killed and some 150,000 driven into exile in neighbouring countries.” [33](p1-2) The USSDR 2004 indicated that the most recent and severe instance of such violence was in 1994 and involved the genocidal massacre of the Tutsi population, spearheaded by a Hutu-dominated government. The killings were effected by Hutu-dominated armed forces, the ex-FAR and Interahamwe militia. The genocide ended later the same year when Tutsi militia, operating out of Uganda and occupied Rwandan territory, overthrew the government. They installed a Government of National Unity, composed of members of eight political parties that governed until the elections in August and September 2003. [2a](p15-16)

6.82 Since 1994, the Government committed itself to national reconciliation and to abolishing policies of the former government that had created and deepened ethnic divides. The USSDR 2004 stated that “The new Constitution provides for the eradication of ethnic, regional, and other divisions and the promotion of national unity. Some organizations and individuals accused the Government of favoring Tutsi, particularly English-speaking Tutsis, in government employment, admission to professional schooling, recruitment into or promotion within the army, and other matters; however, the Government continued to deny this charge.” [2a](p16) According to a BBC report, President Kagame is against any ethnic agenda and presents himself as a Rwandan rather than a Tutsi. [13]

6.83 Minority Rights Group International stated in its World Directory of Minorities (WDM) that “The tragic conflict between Hutu and Tutsis in Rwanda arose despite a common heritage and a long history of at least comparatively peaceful coexistence...” [52](p505) Information sourced by the Canadian Immigration and Refugee Board in May 2002 indicated that intermarriage between the Hutu and Tutsi ethnic groups was commonplace in Rwanda. The ethnicity of children was always in line with the ethnicity of their fathers; women did not pass on their ethnicity to their children. [25k] US Citizenship and Immigration Services (US INS) clarified that while harassment was not unheard of, there was little opportunity for systematic targeting of intermarried couples by government authorities or society. [53](p1)

The Twa

6.84 The JFFMR 2002 observed that with the removal of ethnic labels from identification cards, the Batwa ceased to be officially recognised as an ethnic group. [7](p56) The USSDR 2004 noted that during the year [2003], societal violence and discrimination against the Batwa, were problems. [2a](p2) The US State Department report observed that there were approximately 23,000 Batwa in the country, which represented less than 1 percent of the population. “The Batwa, survivors of the Twa (pygmy) tribes of the mountainous forest areas bordering the DRC, existed on the margins of society and continued to be treated as inferior citizens by both the Hutu

and Tutsi groups.” [2a](p15) The WDM affirmed that there is also a widespread Hutu perception that the Twa are sympathetic to Tutsis, reinforced by their involvement in Burundi with the predominantly Tutsi army. [52](p508)

6.85 A report titled *Batwa Land Rights in Rwanda* by African Indigenous and Minority Peoples Organisation (AIMPO) and Minority Rights Group International, estimated that up to 30% of the Batwa population died in the 1994 genocide and ensuing war, the majority of them men and children. Many of the remaining men were imprisoned and the majority of Batwa were displaced during the conflict. The responsibility for rebuilding homes and feeding and caring for the remaining children fell mostly to women. Poverty stricken women and children dominate most Batwa communities in Rwanda. [43](p1)

6.86 In October 2001, as reflected in the JFFMR of March 2002, 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 made 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 had been passed as a result of the country’s 1994 genocide. [7](p56)

6.87 The USSDR 2004 reported that several organisations have campaigned to protect Batwa interests, which included access to land, housing and education, and the elimination of discrimination against them. The Community of Indigenous Peoples of Rwanda (CAURWA), is an advocacy group for the Batwa. Government restrictions on using ethnic labels, however, have meant that ethnicity was no longer recognised and the Batwa were unable to argue that they needed special services. Few Batwa had received formal education. “There was one Batwa on the NCHR, and no Batwa in the Senate, despite a constitutional provision that allows the president the right to appoint 4 members to the Senate ‘who shall ensure the representation of historically marginalized communities.’” [2a](p15)

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Women

6.88 The USSDR 2004 indicated that during 2003 women experienced discrimination and violence. Wife beating and domestic violence occurred frequently. Cases were normally resolved within the context of the extended family and rarely came before the courts. During 2003 numerous rape trials culminated in convictions with maximum sentences for the perpetrators. [2a](p14) According to the Human Rights Watch (HRW) 2002 Country Report for Rwanda, despite the widespread incidence of rape and sexual mutilation during the genocide, few accused have been brought to trial, partly because the judiciary was predominantly male and in part because victims were reluctant to give testimony. [4a](p3) On 2 September 1998, ICTR found former mayor Jean-Paul Akayesu guilty of nine counts of genocide, crimes against humanity and war crimes. A Human Rights watch press release claimed that the historical verdict was the first time an international court had punished sexual violence in a civil war and the first time that rape was considered to be an act of genocide. [4f](p1)(4k)

6.89 The USSDR 2004 claimed that discrimination against women was prevalent during 2003. Women have traditionally been engaged in subsistence farming. The 1994 genocide left numerous women as heads of households as a result of which women assumed a larger role in the modern sector, and many were self-employed. Opportunities for education, employment, and promotion for women were still limited. According to a UNICEF report published during the year, approximately 74 percent of men were literate compared with 60 percent of women. [2a](p14)

6.90 The Government has made significant efforts to expand opportunities for women. (9g) A clause in the Constitution stipulated that at least 30 percent of the seats in parliament be reserved for women; women won approximately 40 percent of the seats during the September legislative elections. The USSDR 2004 stated that “At year’s end, [2003] there were 6 women in the 20-seat [26-seat] Senate, and 39 women in the 80-seat Chamber of Deputies. In addition, President Kagame appointed 9 women to ministerial positions, representing 32 percent of the positions in his cabinet.” [2a](p12) According to an IRIN report in November 2003, UN Development Programme (UNDP) considered this to be one of the highest proportions in the world. (9g) (See Local elections/ Para 5.17 and Equal Employment Rights (Para 6.52)

6.91 Other government-backed initiatives have included the sponsorship of scholarships for girls in primary and secondary school, the provision of loans to rural women, and a Ministry of Gender program to train government officials and NGOs in methods to increase the representation of women in the workforce. [2a](p14)

6.92 The Family Code improved the legal standing of women in matters pertaining to marriage, divorce, and child custody. According to information in the USSDR 2004 the law allows women to inherit property from their fathers and husbands, and allows couples legal property arrangements of their choice. [2a](p14)

6.93 An IRIN press release of June 2002 announced that Rwanda had launched an 18-month programme to combat gender and sexual violence. One aspect of this initiative was the training of service providers involved in dealing with issues of gender and sexual violence. It included training of health officials, police and Gacaca (traditional court) judges to help women and girls who suffered during the genocide. NGOs were identified to implement the programme. It also made a provision for a media campaign, involving radio and television, to create awareness of the magnitude and negative impact of gender-based violence in society. [9ap]

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Children

6.94 The USSDR 2004 maintained that during 2003 the Government was committed to the protection of children's rights and welfare and attempted to provide education and health care to every child. In June 2003, the Government decided to waive primary school fees, however public schools lacked essential supplies and could not accommodate all children of primary school age. According to a UNICEF report published during 2003, 67 percent of primary school-age boys and girls were enrolled in school. [2a](p14)

6.95 The USSDR 2004 indicated that with the exception of subsistence agriculture, the law prohibits children under the age of 18 from working without their parents' or guardians' consent. As a result of the genocide, however, children headed many households and during 2003, child labour was a problem. [2a](p17) (See Child Labour/Paras 6.53-6.56)

6.96 The USSDR 2004 noted that there were approximately 6,000 street children in the country in 2003. The Government collaborated with NGOs throughout the year to address the problem. Local authorities rounded up street children and placed them in foster homes or government-run facilities. 'Childcare Institutions' were opened in each of the 12 provinces to serve as safe houses for street children, providing shelter and basic needs. [2a](p15) However, a BBC press release of February 2004, claimed that the authorities had come under criticism for forcibly rounding up the children before an African leaders summit. Hundreds were detained in a transit centre outside the capital. Critics claimed that the forced institutionalisation of street children was an attempt to conceal the problem instead of tackling its causes. [13m](p1)

6.97 Child prostitution was also a problem during 2003, according to the USSDR 2004. [2a](p15) A UNICEF representative explained, in an interview with IRIN in 2002, that a Ministry of Labour and UNICEF assessment estimated that 2,140 children were practising prostitution in urban areas. A small number were receiving vocational training through a pilot project. [9p](p3)

6.98 More than 3,700 minors, including those who were minors at the time of the genocide and as such not criminally responsible under Rwandan law, were held in prison with adults. A presidential decree of 1 January 2003 led to the release of approximately 1,000 children and youths from prison, however, at the end of the year an indeterminate number remained behind bars. [2a](p4)

6.99 Child soldiers have been recruited for past conflicts, however, the Government has put an end to the practice. [2a](p15) The USSDR 2004 stated that "The Government participated in an International Labor Organization (ILO)-International Program for Elimination of Child Labor (IPEC) program to prevent the involvement of children in armed conflicts and support the rehabilitation of former child soldiers." The demobilisation and reintegration programme continued during 2003 with a number of child soldiers eased back into civilian life. [2a](p15)

6.100 An IRIN news report of January 2004 and a Hirondelle News agency article of February 2004 observed that under the Rwanda Demobilisation and Reintegration Commission (RDRC), a separate rehabilitation centre for the former soldiers was being planned. The former child soldiers would receive trauma counselling as well as medical screening. NGOs like Save the Children and UNICEF would help RDRC to provide education and training to reintegrate the minor ex-combatants. There is very little information about girl child soldiers. [9j](p2) [54a](p1-2)

6.101 There were reports that in some regions, children were recruited to work for the LDF; however, these were isolated cases." There were also reports that Congolese children were transferred to the country for military training. [2a](p5)

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Child care arrangements

6.102 The USSDR 2004 estimated that in 2003, children headed at least 65,000 households. The Government worked closely with international NGOs to assist them and alerted local officials to their needs. [2a](p14) An IRIN report of 10 March 2004 noted that a recently adopted national policy recommended a system of community-based care to protect the children from being exploited for cheap labour. [9h]

6.103 As reflected in the JFFMR of 2002, according to UNHCR more than 50,000 children were separated from their parents during the 1994 genocide and national upheaval. [7](p52) The Government claimed that children were taken abroad without the consent of their parents and many of them had been adopted. [2d](p12) The USSDR 2004 estimated that by 2003 more than 98 percent of the children who were separated from or lost their parents during the 1994 genocide and subsequent repatriations had been reunited with family members or placed in foster homes. [2a](p14) In an interview with a UNICEF representative in June 2002, IRIN reported that the reunification of UAC (unaccompanied children) was carried out by UNHCR and ICRC while UNICEF was committed to the reunification of groups at risk such as child soldiers. [9p][50b]

6.104 According to research undertaken by the British Embassy in Kigali, there were approximately 3000 orphans living in 30 orphanages in Rwanda in January 2003. [6b] Information sourced in February 2002 from the Canadian IRB indicated that different national and international NGOs including UNICEF, the Red Cross, the International Rescue Committee (IRC), Barakabaho and Bamporeze were involved in helping Rwandan orphans. "The assistance provided included 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." [25j]

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Homosexuals

6.105 According to information in Behind the Mask, a website about gay and lesbian matters, 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]

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Genocide survivors

6.106 As reflected in the JFFMR of 2002, genocide survivors are represented by a number of organisations within Rwanda, the two main organisations being Ibuka and Avega Agahozo [7](p50)[25j] (See Human Rights Organisations/Para 6.138) An IRIN press release of June 2002, pointed to a study on violence against women in Rwanda, conducted in 1999 by Avega-Agahozo. According to the study,

“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 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. [9ap]

6.107 Ibuka listed the main problems faced by the survivors of the 1994 genocide in a telephone interview with the Canadian IRB. The first was a fear of those who had been accused of having taken part in the genocide and imprisoned but who had since been released under the policy of relieving the overcrowding in prisons. Furthermore, corrupt officials, who were sometimes related to the accused, were using intimidation and harassment to discourage survivors from taking legal action. Lastly, the threat, physical and psychological, came from people who had not yet been accused, who sometimes held important positions in the government and who were afraid of being denounced by survivors. [25b]

6.108 The JFFMR noted that, in 2002, Avega Agahozo and Ibuka announced the suspension of their cooperation with the International Criminal Tribunal for Rwanda (ICTR). “Avega Agahozo and Ibuka accused the ICTR of recruiting genocide suspects or their relatives as defence investigators without paying enough attention to the security of prosecution witnesses, ‘persecution and harassment of prosecution witnesses from Rwanda, especially women’, and allowing defence lawyers to tarnish the name of Ibuka and its members by calling them ‘witness syndicates’”. [7](p52)

6.109 In December 2003 BBC and Mail and Guardian Online reported that one or two genocide survivors were killed every month. “Ibuka says in the most recent case a man was killed and dismembered in front of his family as a warning to other potential witnesses”. [13o][51b] IRIN announced in December that following reports of murder, harassment and intimidation of Rwandan genocide survivors testifying under the Gacaca justice system, a commission had been established, which was to include Rwandan senators, to investigate the allegations of mistreatment of witnesses. [9ar] “The reason behind the killings and the harassment is to scare away genocide survivors from testifying in Gacaca courts,” Ibuka said in its statement. [9ar] [2a](p3)[51b] A further IRIN report of March 2004 noted that, to date, 14 people had been sentenced to death and three to life imprisonment for killing genocide survivors. Several genocide survivors had fled Gikongoro where the killings were rampant, for fear of becoming targets. [9aw]

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6.C Human rights - other issues

Conflict with the DRC

6.110 ASS 2004 noted that Rwanda had been at war with its neighbour, the Democratic Republic of Congo (DRC), since 1997 and some human rights organisations have termed the conflict a counter-genocide. Rwandan armed forces sought to eliminate the Hutu extremist threat in the DRC. [1b](p874) As reflected in the

JFFMR 2002, the Hutu rebels comprised 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 RDF. The two groups combined to create the ALIR, [7](p15) now called FDLR (Democratic Forces for the Liberation of Rwanda) . [2a](p5) Amnesty International noted in its report for Rwanda covering 2001, that RDF troops fought the Hutu rebels and supported an armed opposition group, Ressemblement Congolais pour la démocratie-Goma (RCD-Goma) in its fight against the DRC Government and other armed political groups. [2b](p2)[3h](p5) All the forces have been involved in serious human rights abuses against civilians. [3a](p5)

6.111 In July 2002 the Governments of Rwanda and DRC signed a South African brokered peace deal calling for the DRC to end its support for Rwandan rebels and for the RDF to withdraw from DRC territory. [2a](p2) The Government of Rwanda had faced intense international pressure over its exploitation of resources in the DRC. [9i] By October 2002, according to the U.N.-South African observers, all RDF forces had left the DRC. However, during 2003, there were reports that the Government continued to support RCD/G forces and the Union of Congolese Patriots (UPC) forces in the Kivus and maintained a small RDF presence in the DRC. [2a](p2) According to an IRIN report, the DRC government made an attempt 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. [9j]

6.112 According to the USSDR 2004 "There continued to be reports throughout the year [2003] of killings and other human rights abuses, including torture, rape, and looting, committed with impunity in the DRC by both pro-DRC and anti-DRC government forces, although RDF forces were reportedly no longer directly involved." The Government argued that it no longer had troops in eastern DRC and denied any responsibility for the human rights abuses committed against civilians by RCD/G or UPC soldiers in the DRC. [2a](p2)

6.113 In April 2004, IRIN reported that Rwanda had deployed troops heavily along its border with the DRC and Burundi in anticipation of possible attacks from Hutu rebels. The deployment was instigated by alleged FDLR attacks earlier in the month in the north west of Rwanda. [9as]

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Humanitarian issues

6.114 In April 2003, the USAID Famine Early Warning System Network (FEWS) cautioned that a possible crisis could develop in low-altitude areas of Bugesera Region and in Kibungo Province in eastern Rwanda. FEWS said the season had started very late with rainfall poor and erratic. IRIN reported that "On 7 August, World Food Programme (WFP) signed a US \$35.4-million deal with the Rwandan government, under which WFP would deliver 53,566 mt of food over the next four years. The agency said it would also provide operational aid valued at \$28.7 million over the same period". [9n]

6.115 A further IRIN report of January 2004, announced that the Rwandan government had begun a month-long food distribution to 7,000 families in the central Rwandan drought-stricken district of Gashora, in Bugesera region. In an emergency report the UN World Food Programme (WFP) noted that through a US \$130,000 government aid package, distribution had commenced in three sectors of Gashora. WFP stated that it was working with the Ministry of Agriculture, the UN Food and Agriculture Organization (FAO) and the USAID-funded Famine Early Warning System Network (FEWS NET) on the final report for a crop harvest assessment mission that took place from in December in various parts of the country. "Preliminary findings indicate that the affected regions are likely to continue facing serious food shortage until the harvest of June 2004 as the harvest of January 2004 in this area is expected to be poor," WFP reported. [9q]

6.116 Britain has pledged £ 82m to help implement the poverty reduction programme in Rwanda. [9a]

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Land reform and internal displacement

6.117 Information sourced from the USCR Country Report of 2002 noted that Rwanda is amongst the most densely populated countries in the world and land is a precious resource. More than 2 million refugees returned to Rwanda in the years following the genocide. [22b](p3-4) According to the Global IDP Database of the Norwegian Refugee Council, at the peak of the displacement in December 1998 there were more than 650,000 Internally Displaced Persons (UNOCHA August 1999). [27](p1) The Government reorganised the country's rural population into hundreds of new 'designated' villages, under a controversial policy called 'villagisation'. The Rwandan government was of the opinion that villagisation would relieve pressures on land while affording cost-effective services and economic opportunities to the rural residents. [22b](p3-4) [27](p1-2)

6.118 Human rights advocates debated whether the transfer of rural Rwandans to new villages was entirely voluntary and whether it was "internal displacement." [27](p2) [2a](p7) The UN Office for Coordination of Humanitarian Affairs (OCHA) described residents of Rwanda's villagisation sites as "newly relocated" but did not define them as displaced. The USSDR 2004 commented that "While villagization remained government policy, the Government no longer compelled these persons to remain in the villages; however, restrictions on where houses could be built forced some individuals to remain. Thousands of persons still lived in inadequate housing not of their own choosing." [2a](p7) There has been a slowdown in financing and the question whether there are IDPs in Rwanda remains open. [27](p3) (See Villagisation Policy/Para 6.71)

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Reclaiming of land and property

6.119 The USSDR 2004 noted that in the previous year "few people had success pursuing their property restitution cases through the court system. There were reports that orphans, ex-combatants, and returning refugees had difficulty reclaiming their family land". [2a](p7)

6.120 As reflected in the JFFMR of 2002, the Government was committed to the return of property to returning refugees, even children of génocidaires had the right to reclaim their former parents' assets. A person who returned from abroad and wished to reclaim his former assets in Rwanda was requested to contact the local authorities in the area from where he originated. It was also possible to contact the Ministry of Internal Affairs directly. [7](p78)

6.121 According to a western embassy in Kigali (E), it was not always the case that returning refugees have had their property returned to them. During the JFFM in 2002 a western observer in Kigali also referred to the issue of land reform. Both returning refugees and released prisoners could find their properties occupied. This was something that needed to be addressed as it could lead to tensions. [7](p11) Another source observed that there were cases where people who had fled the country long before 1994 returned to reclaim land as well as those who fled at the time of the genocide. [7](p78)

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Corruption

6.122 A BBC report observed that Rwanda enjoyed a reputation of low rates of corruption but its image had been tainted by media reports that accused senior government officials of using their positions to acquire large bank loans. [13f] In February 2000, BBC announced that Prime Minister Rwigema had resigned amid mounting allegations of corruption. He was due to face fresh corruption inquiries after he survived a close parliamentary no-confidence vote over the diversion of funds from a \$26m World Bank education project when he was education minister in 1994. [13d]

6.123 A BBC report of February 2004, announced that politicians and civil servants in Rwanda, including President Kagame, had been asked to declare their wealth in a campaign against corruption in government. The aim of the new government initiative was to promote transparency and those who did not comply were to be prosecuted. [13f]

6.124 An IRIN news release of March 2004 revealed that, according to a report from the Auditor General's office, some government ministries had violated tendering guidelines from the National Tender Board (NTB) resulting in the irregular award of tenders worth US\$5.8 million. It had also resulted in the government acquiring inferior goods and services at exorbitant prices. According to the auditor general's investigation up to \$ 7 million was unaccounted for in various state institutions and projects. [9ah]

6.125 The USSDR 2004 stated "The Constitution provides for an independent judiciary; however, in 2003, the judiciary was subject to executive influence and also suffered from inefficiency, a lack of resources, and some corruption... There were occasional reports of bribery of officials ranging from clerks to judges. The 12-member Anti-Corruption Commission, which was responsible for exposing numerous cases of corruption, was no longer in operation during the year [2003]. The new Constitution provided for the creation of an ombudsman, who would be responsible

for drafting an anti-corruption law; however, by year's end [2003], such a law had not been drafted. An ombudsman was nominated by the president and approved by the Senate, per the Constitution, in November.” [2a](p6)

6.126 The USSDR 2004 was of the view that, “There was little problem with corruption or discipline within the police force due to national pride, strict training, and close monitoring”. [2a](p4-5) However, in a move that was widely reported in the press, the government dismissed 139 police officers in a crackdown on corruption in March 2004, over charges ranging from theft to bribe-taking. [13p]

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Torture

6.127 The fundamental law prohibits torture; however, according to the USSDR 2004 and AI 2003, beatings at the time of arrest were common and security forces reportedly committed acts of torture. Individuals with connections to opposition parties were targeted for such abuses. [2a](p4) [3a](p1) AI reported that women in detention were subjected to violence and sexual abuse including rape. There were reports that people admitted to involvement in the genocide or to illegal political activism under torture. [3a](p1)

6.128 The USSDR 2004 noted that on April 1, police arrested RDF Major Félicien Ngirabware, acting commander of Nyakinama Military School, reportedly in connection with Brigadier General Habyarimana's self-imposed exile. There were reports that Major Ngirabatware was tortured, his family spent more than 2 months without information about his whereabouts and at year's end, he was still in prison. [2a](p4)

6.129 According to IRIN, in September 2003 LIPRODHOR called upon the government to ratify human-rights related conventions like the International Convention against Torture and the statute establishing the International Criminal Court (ICC). Rwanda has refused to endorse the ICC statute. [9ay]

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Extrajudicial killings

6.130 As observed in the USSDR 2004, there were no political killings however there were reports of arbitrary killings by members of the Local Defence Forces (LDF). On March 7 [2003], two members of the LDF shot and killed Valens Nzigiyimana, Vice Mayor in Charge of Social Affairs in Gitarama Province. [2a](p2)

6.131 IRIN and Mail and Guardian Online reported and the USSDR 2004 noted that, in December 2003, Ibuka, denounced the killing, harassment and intimidation of its members over their testimony under the Gacaca justice system. The killings were directed at genocide survivors to discourage them from testifying before the Gacaca courts. [9ar] [2a](p3)[51b] (See Genocide Survivors/Para 6.109)

Disappearances

6.132 The USSDR 2004 noted that “There were reports of politically motivated disappearances” during 2003. On March 17, the Government released a report accusing the Democratic Republican Movement (MDR) party of divisionist tactics. It was recommended that the party be banned but it dissolved when all existing political parties were required to reregister under a new political party law. In April, at least six persons, one of whom was named in the report, disappeared, four were senior members of the government. [2a](p9)

6.133 “On April 3, Damien Musayidizi, a demobilised ex-Rwandan Armed Forces (FAR) soldier and Personal Secretary to the Minister of Defense, disappeared. Musayidizi had worked for the previous Defense Minister, Brigadier General Emmanuel Habyarimana, who fled the country in March after being named in the Government's report on the MDR”. [2a](p9)

6.134 According to the USSDR 2004 and an Amnesty International report of April 2003, Dr. Leonard Hitimana, a MDR parliamentarian, disappeared in Kigali City during 2003. Police announced that his vehicle was found close to the Uganda border Hitimana had also been named in the government report on the MDR. [2a](p3) [3g] Lieutenant Colonel Augustin Cyiza and Eliezar Runyaruka, a magistrate at Nyamata district court, also disappeared in Kigali City, their vehicle was found at near the Uganda border, neither has been heard from since. At year's end, none of these cases had been solved. [2a](p3) In April 2003, LIPRODHOR called on the Rwandan security services to give families information about several men who had disappeared, according to an IRIN report. [9a]

6.135 The USSDR 2004 indicated that there were no developments in the case of the missing Banyamulenge soldiers reportedly arrested in April and May 2002 by the RDF following the revolt of Masunzu, their commander; against the RDF. [2a](p3) [2b](p4)

Human rights organisations

6.136 As reflected in the JFFMR of 2002, international human rights observers like Human Rights Watch have produced a considerable number of reports on the situation in Rwanda since the mid 90s. Domestic human rights organisations in Rwanda fell under the umbrella of Collectif des Ligues et Association de Défense des Droits de l'Homme au Rwanda (CLADHO) which was alleged to be infiltrated by the Government. [7](24) CLADHO included Ligue pour la Promotion des Droits de l'Homme au Rwanda/League for the Promotion of Human Rights in Rwanda (LIPHRODOR), considered to be the country's most independent human rights organisation. [7](25) [4d](p14) It dealt more with problems faced by Hutu rather than Tutsi and specialised in following genocide trials and the situation in Rwandan prisons. As such the organisation had something of “a Hutu label”. [7](25) Legislation regarding NGO registration was introduced in 2001 giving the Government greater influence over the staff, budget and committee membership of NGOs. [2b](p9) [7](26)

6.137 The National Human Rights Commission (NHRC) was established on 24 May 1999 with a mandate to promote and protect human rights in Rwanda. The commission was independent and had the power to investigate and wherever possible to prosecute. It also had the power to discuss possible breaches of human rights directly with the Government and could also intervene to free people from unlawful detention. [7](p26) The USSDR 2004 stated that “The NHRC produced only one communiqué before the election period, in which it severely criticised the pre-election report of HRW.” [2a](p14)

6.138 As reflected in the JFFMR of 2002, genocide survivors are represented by a number of organisations within Rwanda, the two main organisations being Ibuka and Avega Agahozo. Ibuka, which translates as "remember," is Rwanda's largest NGO. [7](p50) Its main mission is to preserve the memory of the genocide and to defend the rights and interests of survivors. Ibuka comprises two kinds of membership: individuals and organisations. Membership is also open to any person who did not participate in the genocide. While many members are Tutsis, Ibuka counts some members from the Hutu and the Twa ethnic groups. [25i] Avega Agahozo is another large NGO that particularly assists women. [7](p50)

6.139 The USSDR 2004 noted that during the previous year [2003], a number of domestic and international human rights groups played an active role in Rwanda but none of the domestic organisations had the means to undertake extensive human rights monitoring. Local NGO activities were limited to receiving and compiling reports from citizens about human rights abuses and conducting selected investigations, because of limited resources and some self-censorship. Reports were published occasionally; statements criticising specific incidents were more common. [2a](p12)

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Treatment of non-governmental organisations (NGOs)

6.140 The Government was wary of local and international human rights observers due to accusations levelled against it during the campaign periods. Most of the domestic human rights organisations were only notionally independent. The authorities tried to prevent the more independent organisations from gaining official observer status during the elections. [2a](p12)

6.141 During 2003, NGOs were subjected to harassment, particularly during campaign periods but unlike in the previous year, police did not arrest their members. There were a few reports of the infiltration, forcible dispersal and prevention of NGO meetings. “In February [2003], police prevented the regional NGO League for Human Rights in the Great Lakes (LDGL) from conducting a conference designed to address the controversial legal status of the Local Defense Forces.” [2a](p12-13)

6.142 Restrictions on three members of a local NGO, the Association Modeste et Innocent (AMI), who had been arrested in January 2002 and later released were lifted by the end of 2002; however, the NGO was still barred from operating at year's end [2003]. [2a](p12-13) [3b] According to an AI press release in February 2002, their

arrest was believed to relate to the use of the word "ubuyanja" ("renewal" or "rebirth of energy") by the editor, Ntezimana in an issue of Ubuntu, a bulletin published by AMI. (See Journalists/Para 6.16) [3b]

6.143 The leadership continued to be critical of reports by international human rights NGOs and was hostile towards those whose reporting was considered to be biased and inaccurate. The USSDR 2004 stated "For example in May [2003], on state-controlled radio, the Government 'strongly condemned the deceit used by Human Rights Watch to sabotage programs of the Government' ". [2a](p13)

6.144 No response was provided to allegations of human rights abuses by human rights organisations, and even other governments. "Under international pressure, the Government did provide a statement on reports of politically motivated disappearances 4 months after they occurred. However, it did not resolve these cases." [2a](p12)

6.145 LIPRODHOR monitored trials and interviewed released prisoners. The Government publicly criticised its reports and tried to prevent it from receiving international funding for its activities. "LIPRODHOR was mentioned specifically in the MDR report, which accused members of LIPRODHOR of collaborating with MDR members and funneling [sic] money to the party from foreign donors." [2a](p12)

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International Criminal Tribunal for Rwanda (ICTR)

6.146 According to information sourced from the ICTR website, the Tribunal was established by the Security Council in 1994 to try cases of those accused of acts of genocide and serious violations of international humanitarian law, committed in Rwanda between 1 January and 31 December 1994. [26a] Based in Arusha, Tanzania, the ICTR, the Tribunal issued its first indictment against eight accused persons in November 1995. [26b] A BBC report of March 2004 indicated that since then more than eighty suspects have been indicted of whom sixty six have been arrested and transferred to the Tribunal's custody. [13c] The ICTR website states "A further fourteen 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." [26b] A Human Rights Watch report stated "The work of...[ICTR] represents the most significant effort since Nuremberg to bring perpetrators of the most serious crimes to justice". [4h]

6.147 Arrests were effected with the assistance of the countries where suspects were located. The Tribunal has received support and assistance from the international community, in particular from Rwanda and Tanzania, its host states. [26b]

6.148 The Tribunal has produced a body of case law, which has been used by national courts all over the world, for example, the landmark judgement in the Akayesu case set new parameters in defining rape in international law and by stipulating that rape could constitute genocide. [26b]

6.149 According to a BBC report in March 2004, the ICTR has been criticised for being inefficient, corrupt and for not doing enough to protect witnesses. [13c] The JFFMR noted that, in 2002, Avega Agahozo and Ibuka announced the suspension of their cooperation with the International Criminal Tribunal for Rwanda (ICTR). “Avega Agahozo and Ibuka accused the ICTR of recruiting genocide suspects or their relatives as defence investigators without paying enough attention to the security of prosecution witnesses, ‘persecution and harassment of prosecution witnesses from Rwanda, especially women’, and allowing defence lawyers to tarnish the name of Ibuka and its members by calling them ‘witness syndicates’ “. [7](p52)

6.150 According to an IRIN press release, on 18 December 2002, the UN Security Council told the Rwandan government that it was obliged to cooperate fully with the ICTR. In a letter to the President of the Council, the ICTR President said that ICTR prosecutor Carla del Ponte had complained of lack of cooperation from the Rwandan authorities. She said the lack of availability of witnesses was likely to hamper the court’s judicial work and hinder the Prosecutor’s investigations. In particular the letter accused the Rwandan authorities of failing to issue travel documents for witnesses in a timely manner to enable them to appear at ongoing trials. [9aa]

6.151 The USSDR 2004 noted that the ICTR prosecuted genocide suspects during 2003, but at a slow pace. “Credible reports indicated that the ICTR continued to face serious problems, including poor management, incompetence, and corruption. The authorities sporadically prevented witnesses from attending and giving testimony at the ICTR, which delayed the judicial process.” To expedite investigations, the U.N. Security Council split the ICTR and International Criminal Tribunal for Yugoslavia (ICTY) and appointed a new ICTR Prosecutor in September. [2a](p13) [1b](p873) As a result, the tribunal has speeded up its work in recent months. [13c] Discussions between the Government and the Tribunal continued during 2003 on investigating RDF crimes, or “revenge killings,” committed in 1994. [2a](p13)

6.152 Five trials were completed by the end of 2003. Several clergy members of various faiths faced charges of genocide in the ICTR. In February, the ICTR concluded the trials of Elizaphan Ntakirutimana, a former Seventh-day Adventist pastor, and his son, Gerald Ntakirutimana. Both were found guilty of genocide. Laurent Semanza, a former mayor, and Eliezer Niyitigeka, who was information minister in Rwanda between April and July 1994, were convicted of genocide and of crimes against humanity. [2a][1b](p873)

6.153 In December, Ferdinand Nahimana (RTLM) and Hassan Ngeze, owner and editor of the Hutu extremist newspaper Kangura, were found guilty of genocide, incitement to commit genocide, and crimes against humanity and were sentenced to life in prison. [2a] [9ao] [5c](p1) (See Journalists/Para 6.24)

6.154 In January 2004, CNN and Hirondelle News Agency reported that ICTR had sentenced Jean de Dieu Kamuhanda, former minister for culture and higher education, to life imprisonment for his role in the genocide. Kamuhanda is the third minister to be sentenced to life in prison by ICTR after former Prime Minister Jean Kambanda and Eliezer Niyitegeka, former Minister for Information. [54b][4b] In March 2004, the Rwandan Minister of Justice and Ibuka Association protested, on Rwanda Radio, against the decision to acquit the former minister for transport and

communication, Andre Ntagerura and the prefect of Cyangugu Province, Emmanuel Bagambiki who were both accused of crimes during the genocide. [12a][12b]

6.155 Seven ICTR trials were in progress at the end of 2003 including the Butare case against former Minister of Family and Women's Affairs Pauline Nyiramasuhuko. An additional 30 persons remained in detention, awaiting trial at the year's end. Two of the three ICTR investigators arrested in 2001 on genocide charges were in custody awaiting trial at year's end; the remaining investigator had been released from custody but was fired by the ICTR. [2a](p13)

6.156 In January 2004, defence lawyers went on a three-day strike to complain that a fair trial was impossible because defence investigators were not given the same resources as the prosecution teams. The lawyers also insisted that prosecution witnesses should not be allowed to testify anonymously. [13r]

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Treatment of persons detained and convicted by the ICTR

6.157 As explained to the British/Danish fact-finding delegation in March 2002, the detention facility at the ICTR in Arusha held accused persons on remand awaiting trial. The high security facility was built to international standards, it was the first ever to have been built and managed by the United Nations. It was regularly inspected and detainees were visited by the ICRC who commended the high standards maintained.

6.158 Any individual convicted by the ICTR could serve their sentence in a country other than Rwanda or Tanzania [7](p80) The Governments of Mali, Benin, and Swaziland have agreements with the ICTR to accept convicted prisoners. By 2003, six convicted génocidaires were serving their sentences in Mali including the former Prime Minister Jean Kambanda. [2a](p13) [1b](p873) [26c]

6.159 An ICTR press release of March 2003 reported that the Ambassador of France in Tanzania and the Registrar of the ICTR had signed an agreement between France and the UN on the enforcement of sentences imposed by the ICTR. Negotiations are in progress with other African and European States. [26c] [1b](p873)

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ANNEX A

CHRONOLOGY OF EVENTS

Independence

1957

Hutus, who have "second-class" status in Rwanda, issue a manifesto calling for a change in Rwanda's power structure to ensure more equitable distribution of power. Hutu political parties formed. [13e](p1)

1959-1961

The Hutus rise up against the Tutsi nobility and kill thousands. The transfer of power ignites the first instances of organised political violence between Hutus and Tutsis. Thousands of Tutsis flee to Uganda, Burundi, and Tanzania. Rwanda proclaimed a republic. [35](p1)

1962

Rwanda gains independence from Belgium. Rwanda and Burundi are separate nations. The Hutu nationalist government of Grégoire Kayibanda's Parmehutu comes to power. Many Tutsis leave the country. While Hutus are in power in Rwanda, Tutsis rule in Burundi. [13e](p1) [35](p1)

1963

Tutsi exiles in Burundi attack Rwanda, but are defeated by the Hutu army. Rwandan Tutsis are targeted for attack by Hutu authorities, and thousands are killed. At least 150,000 Tutsis flee Rwanda by the summer of 1964. [35](p2)

1973

Tutsis purged from the universities, there is a further outbreak of killings directed at the Tutsi community. The chief of staff of the army, General Juvénal Habyarimana, seizes power. [13e](p2) [35](p2)

1975

Habyarimana's political party, the MRND, is formed. [1b](p868)

1978

Habyarimana elected president. A referendum approves a new Constitution, aimed at ending the military regime and returning the country to normal government within five years. [1b](p868) [13e](p2)

1986

The Rwandan Patriotic Front (RPF), a guerrilla movement committed to the overthrow of Rwanda's Hutu government, is formed by Rwandan Tutsi exiles in Uganda. [35](p2)

1990-1991

The Interahamwe ("those who work together") are organised as civil defence militias by Rwanda's Hutu-dominated government. [35](p3) 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. [1a](p869) [13e](p2) New multiparty Constitution promulgated. [13e](p2)

1992

A coalition government of four opposition parties MDR, PSD, PL and PDC together with the MRNDD is announced. [1b](p869)

Genocide

1993

August In Arusha, Tanzania, Habyarimana agrees to greater power sharing with the Hutu opposition and with the RPF. 2,500 UN troops (UNAMIR) deployed in Kigali to oversee the implementation of the accord. [1a](p3512)[1b](p870)[13e](p2)[35](p3)

1993-94

Between September and March, Habyarimana delays the implementation of the Arusha Accord. 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. [1a](p3512) [35](p3)

1994

April On 6 April Habyarimana and the president of Burundi, Cyprien Ntaryamira, are killed when Habyarimana's aeroplane is shot down near Kigali airport. Hutu extremists opposed to the Arusha accords are blamed. This signals the start of the genocide. The RPF launches a major offensive, extremist Hutu militia and the Rwandan military begin the systematic massacre of Tutsis. [1a](p3512)[1b](p870-871)[13e](p2)

May The UN agrees to send a peacekeeping force of 5,500 troops to Rwanda, with powers to defend civilians, protect refugees in 'safe areas' and defend Kigali airport. [1b](p871)

June The UN Security Council authorises the deployment of French forces in south-western Rwanda. International outrage and calls for the establishment of a tribunal to investigate the genocide. [1b](p871)

July 800,000 Tutsis killed, most by clubs and machetes. Under the leadership of Paul Kagame, the RPF takes Kigali and puts an end to the genocide. Two million Hutus flee to refugee camps, mostly in Zaire. [35](p4) The RPF sets up an interim government of national unity in Kigali headed by Faustin Twagiramungu as Prime Minister. Pasteur Bizimungu is inaugurated as President for a five-year term. The majority of cabinet posts are assigned to RPF members. [1b](p871)

November A multi-party protocol of understanding is concluded, providing for amendments to the terms of the 1993 Arusha Accord, relating to the establishment of a transitional legislature. Members of parties implicated in alleged acts of genocide during 1994 are excluded from the legislative process. [1a](p3513)[1b](p872)

December A seventy-member Transitional National Assembly is installed. [1a](p3513)[1b](p872)

1994-1996

Refugee camps in Zaire fall under the control of the Hutu militias responsible for the genocide in Rwanda. [13e](p2)

1995

May The legislature announces the 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. [1b](p872)

August Following a widely criticised attempt to forcibly repatriate some 15,000 Rwandans from the DRC, its government agrees to entrust the repatriation process to the UNHCR. [13e](p2)[1a](p3513)

November ICTR begins formal proceedings. [13e](p2) [1a](p3513)

Intervention in DRC

1996

May-July Using the refugee camps as a base, Rwandan Hutus launch raids on Zairean Tutsis. Siding with the perpetrators of the Rwandan genocide, the Zairean government of Mobutu Sese Seko threatens to expel all Tutsis from Zaire. [35](p3)

October Rwandan troops invade and attack Hutu militia-dominated camps in Zaire in order to drive home the refugees. [13e](p2) [6a](p2) Thousands of refugees go home.[61]

1997

January-April Regional courts in Rwanda pass death sentences on a dozen individuals accused of acts of genocide.[61]

May Kabila names himself president of the newly renamed Democratic Republic of the Congo. [35](p5) [13e](p2-3)

July Seven prominent people, including the former Prime Minister, Jean Kambanda, and the former senior military commander, Gratién Kabiligi, are arrested in Nairobi for their part in the 1994 genocide. [1a](p3514)

October UN releases a report accusing Rwanda of maintaining troops in eastern DRC for commercial exploitation of the DRC's natural resources rather than national security.[1b](p874)

1998

April Twenty-two people convicted of genocide are publicly executed. [61]

June About 5,000 suspects plead guilty to acts of genocide to reduce their sentences. [1a](p3514) Kabila sets a deadline for all Rwandan troops to leave the Congo. Rwanda is eager to maintain a presence in the Congo so it can stop Hutu guerrillas from using the refugee camps as bases from which to raid Rwanda. [35](p5)

August Rwanda supports rebel forces trying to depose Kabila as a result of the Congolese president's failure to expel Hutu extremist militias. [13e](p3) [35](p5)

September Former Prime Minister, Jean Kambanda, is sentenced by the ICTR to life imprisonment for six counts of genocide and crimes against humanity. [1a](p3514)

October The Government announces plans to set free 10,000 genocide suspects with no concrete evidence against them. [1a](p3514)

1999

March Local elections are held for the first time in 10 years. [1a](p3514-3515)

May The National Human Rights Commission (NHRC) is established with a mandate to promote and protect human rights in Rwanda. [7](p26)

July-August The five-year transitional Government is replaced by a four-year national unity Government. [1b](p872) The Transitional National Assembly creates a national security force which unites the national gendarmerie, communal police and judicial police. [1b](p872)

October Several government ministers are convicted of corruption. [1b](p872)

November The Prime Minister is implicated in the misuse of funds donated by the World Bank for the education sector. [1a](p3515)

Kagame elected

2000

January Kabuye Sebarenzi, the popular Speaker of the Transitional National Assembly is forced to resign on fabricated charges. Sebarenzi flees to Uganda and then to the US. [1b](p872)

February Legislation introducing a traditional system of justice called Gacaca is adopted. Rwigema resigns as Prime Minister. [1a](p3515)

March Pasteur Bizimungu, a Hutu, resigns as President, over differences regarding the composition of a new cabinet and after accusing parliament of targeting Hutu politicians in anti-corruption investigations. [13e](p3) [1a](p3515)

April Paul Kagame becomes the first ethnic Tutsi President since Rwanda won independence from Belgium in 1962. [1a](p3515) [1b](p872)

July Rwigema is dismissed as leader of the Republican Democratic Movement Party (MDR) and seeks political asylum in the US. MDR elects Célestin Kabanda as interim President. [1a](p3515) [1b](p872)

September President Kagame says that all Rwandans still in exile are free to return

home and help in the reconstruction of the country. [12c] It is also announced that identity cards will no longer show the holder's ethnicity. [25h] A new Civilian Rwandan National Police (RNP) replaces the gendarmerie and the communal police. [2a](p4-5)

October Rwanda convenes a Summit on Reconciliation and Unity; however this measure fails to convince opponents that Kagame is serious about national reconciliation. [1a](p872) Belgium pledges 13 million Euro for Rwanda's health and education sectors. [9az]

2001

February MDR leader Célestin Kabanda is dismissed. [1b](p872)

March Local elections are held. International human rights organisations criticise them as being unfair. [1b](p872-873) A group of Rwandans, including Sebarenzi, form a new party in exile in the United States called the Alliance rwandaise pour la renaissance de la nation (ARENA). [7](p47)

May-June Former president Pasteur Bizimungu announces the creation of a new party, the PDR. [1a](p3515) [9b] The government declares the launch of the PDR illegal and it is banned. [7](p45)

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. [13e](p3) Some 250,000 judges for the courts are elected in a national ballot. [1a](p3515)

December Gratien Munyarubuga, a member of the opposition PDR, is killed by two of his taxi passengers. [7](p45) A new flag and national anthem are unveiled to try to promote national unity and reconciliation. [13e](p3) [1a](p3515)

DRC pull-out

2002

April Former president and leader of the PDR Pasteur Bizimungu and PDR Secretary General, Charles Ntakirutinka are arrested and face trial on charges of illegal political activity and threats to state security. [1a](p3515-3516) [2b](p6)

June The Gacaca system of justice is formally launched throughout the country. [1a](p3516) (41)

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. [13e](p3)[9c] [2a](p2) The Supreme Court rejects the appeals of Ntakirutinka and Bizimungu. [2b](p6) A new Press Law law takes effect. It permits the licensing of private radio and television stations. [4d](p2)

August Meningitis outbreak in Butare kills 65 people. [9o]

September Rwandan troops begin to withdraw from the DRC. [1b](p874)

October Rwanda claims it has withdrawn the last of its troops from DRC. [13e](p3)
[9j][2b]9p2) The name of the Rwandan Patriotic Army is changed to the Rwandan
Defence Force. [2b](p1)

First elections since genocide

2003

January The President issues a decree granting the provisional release of genocide suspects to relieve overcrowding in prisons. [10](p1) The voluntary repatriation of refugees from Tanzania is complete, tripartite agreement signed with Zambia. [10](p1) The government announces a plan to vaccinate 3.3 million children against measles. [9y] Police arrest and detain Ismail Mbonigaba, chief editor of the independent newspaper Umuseso, for publishing defamatory and divisive material.

February Mbonigaba released. Pastor Ntakirutimana and his son are sentenced to 10 years in prison for their role in the genocide. . [10](p2)

March Twagiramungu announces his presidential candidature. Rwandan diaspora allowed to vote in forthcoming elections. France signs agreement with ICTR to implement its sentences. [10](p3-4)

April Parliament adopts draft constitution. [10](p4) Border police seize Ismail Mbonigaba's new publication, Indorerwamo (The Mirror), which is printed in Uganda. [9ac]

May

The Rwandan government endorses the parliamentary report that calls for the banning of the MDR. [10](p4) Voters back a draft constitution designed to prevent another genocide. The document bans the incitement of ethnic hatred. [13e](p3) [10](p5) EU sends observers to monitor the vote. [10](p5)

June Rwanda's new constitution becomes effective when the President signs it into law. [9aj] [10](p5) 5,770 genocide suspects who had been provisionally released are rearrested after fresh allegations are made against them. [10](p6) An African first ladies conference on HIV/AIDS-related stigma opens in Kigali. [10](p6) The Rwandan parliament approves a draft law on presidential and parliamentary elections. [10](p6)

July Four candidates approved to contest the country's first post-genocide presidential elections. The Supreme Court dismisses the appeals of Pasteur Bizimungu and a former minister. Tripartite agreement signed with Uganda for the voluntary return of refugees. [10](p6-7)

August The UN World Food Programme (WFP) signs a US \$35.4 million development aid deal with the Rwandan government to help HIV/AIDS affected households. [9at] USAID agrees to provide \$10.55 million to support Rwanda's

development. [10](p7) President Paul Kagame claims a landslide victory in the first presidential elections since the genocide. [13e](p3) Twagiramungu files a petition with the Supreme Court. [10](p7)

September The Supreme Court dismisses Twagiramungu's petition. Kagame sworn in as President. World Bank gives Rwanda \$30 million to combat AIDS. [10](p7-8) Legislative elections are held and women win approximately 40 percent of the seats in parliament during the September legislative elections [9g].

October President Kagame's RPF wins absolute majority in the parliamentary polls. EU observers say poll is marred by irregularities. [13e](p3) Prime Minister Bernard Makuza is sworn in, Kagame appoints a new cabinet and seeks to establish an ombudsman's office to prevent corruption. [10](p8) Two prisons are closed because they pose a health and environment risk. [9ae]

November Police arrest Umuseso Editor Robert Sebufirira. The Deputy Editor is also arrested and beaten. [2a](p8)[36b](p3) Tripartite agreement signed with Malawi. UNHCR launches a repatriation campaign to bring Rwandan refugees home, mostly from the DRC and Uganda. Britain gives £82 million to Rwanda to help alleviate poverty. [10](p9)

December Three former media executives are found guilty of inciting violence during the genocide and receive lengthy jail sentences. [13e](p3) [10](p9-10) Tripartite agreement signed with Zimbabwe and Mozambique for the voluntary return of refugees. Ibuka condemns the targeting of its members over their testimony under the Gacaca system. Rwandan lawyers call for Gacaca law to be harmonised with the new Constitution. [10](p10)

10th anniversary of genocide

2004

January New passports and temporary travel documents are introduced. [11a] Food is distributed to drought stricken areas.[9n] Some genocide survivors flee in fear of being killed by genocide suspects. [9d] [9ar] [9aw][21] [41a] [23a](p1) Kamuhanda, former Minister for culture and higher education sentenced to life imprisonment for his role in the genocide. [44] [54b] [4b] Defence attorneys at ICTR strike to protest against treatment of accused. [13r] Rebel groups in DRC accused of holding Rwandan ex combatants. [9av] Commission Nationale de Lutte Contre la VIH/SIDA (CNLS) offers Kigali City Council 90m Rwandan francs to fight HIV/AIDS. [21]

February Kigali hosts an African First Ladies' Conference on HIV/Aids. [9m] Kagame declares his wealth. [13f]

March Audit finds irregularities in use of state funds. [9ah] Nine sentenced to death over killing of genocide survivors.[9aw] Deadline for confessions of genocide crimes extended by a year. [9v] First private radio station since the genocide is launched. [9r]

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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, banned since 2001 [1a](p3523)

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 Hutus.

[1a](p3523) [8] Implicated in the 1994 genocide and banned from participation in the transitional national assembly and legislature. [1a](p3523) Founding member of the CDR: Jean-Bosco Barayagwiza, sentenced by ICTR to 35 years in prison for his involvement in the genocide in December 2003. [9a0]

Front patriotique rwandais (FPR)

See entry below for the "Rwandan Patriotic Front "

Le Peuple en Armes Pour Libérer le Rwanda (PALIR)

Party for the Liberation of Rwanda.

Additional information: ALIR is the armed branch.

Mouvement Démocratique Républicain (MDR)

Formation and leadership: The MDR stems from the Parmehutu MDR, which was the dominant party until 1973 when it was banned by the Habyarimana regime. It was legalised in 1991. It led the campaign for the creation of a transitional government and headed successive coalition governments. [8] In 1992 a coalition government of four opposition parties MDR, PSD, PL and PDC together with the MRNDD was announced. [1b](p869) MDR was signatory to the August 1993 Arusha Accord with the then rebel RPF. Many MDR members were victims of Hutu extremism during the genocide. [8]

Additional information: The Rwandan government endorsed a parliamentary report that called for the banning of the MDR in May 2003. [1b](p873) [9a1] The MDR dissolved when all existing political parties were required to reregister under a new political party law. It split into three factions, and each attempted to register as a new political party before the presidential and legislative elections in August and September 2003. Only the Party for Peace and Concord (PPC), was accepted. The other two, which were led by opposition figures Celestin Kabanda and Stanley Safari in July, were rejected because of concerns with the parties' constitutions. [2a](p9)

English Translation: Republican Democratic Movement [8]

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

Formation and leadership: Founded in 1975 by General Habyarimana, as the Mouvement révolutionnaire national pour la développement (MRND) [1a](p3523) [8].

Status: Sole legal party till 1991 when it adopted its present name. [1a](p3523) [8]

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

Additional information: Drew support from hard-line Hutu elements, operated unofficial militia known as the Interahamwe (translated as "Those Who Stand Together") which was reported to have been extensively involved in the atrocities of the 1994 genocide. The party was banned in 2001. [1a](p3512)[1a](p3523)[1b](p870)[8] The Interahamwe remain active in the volatile eastern region of the DRC. [8]

Leader: Robert Kadjuga [1a](p3523)

Parti démocrate centriste (PDC): Formerly Parti démocratique chrétien (PDC) [1b](p892)

Formation and leadership: Formed 1990, leader Alfred Mukezamfura [1b](p892)[8]

Status: The Rwandan Patriotic Front (RPF) led a coalition of four other parties in the presidential elections which included the Centrist Democratic Party (PDC) as well as the PSR, PDI and UDPR. [2e](p4)

English translation: Centrist Democratic Party [8]

Additional information: Hutu, Christian, democratic.

Parti démocratique idéal (PDI): Formerly Parti démocratique islamique (PDI) [1b](p892)

Formation and leadership: Formed in 1991. Leader: Andre Bumaya Habib. [1b](p892)

Status: The Rwandan Patriotic Front (RPF) led a coalition of four other parties in the presidential elections which included the Ideal Democratic Party as well as the PDC, PSR and UDPR. [2e](p4)

English translation: Ideal Democratic Party [8]

Parti démocratique pour le renouveau - UBUYANJA (PDR)

Formation and leadership: Formed in May 2001, Chairman: Pasteur Bizimungu, Secretary-General: Charles Ntakirutinka (both detained since April 2001 and awaiting trial as of February 2004). [7](p45) [2e](p4)

Status: The PDR was banned in June 2001. [7](p45)

English translation: Democratic Party for Renewal. [7](p86)

Additional information: The Government claimed the PDR was a pro Hutu party that advocated ethnic division. [7](p45) The PDR had criticised the Government over the fact that crimes committed by RDF soldiers were not considered under the Gacaca process. [4d](p3)[7](p62)

Parti démocratique rwandaise (Pader)

Formation and leadership: Formed 1992, Secretary: Jean Ntagungira [1b](p892)

Status: Banned in 2001 for inciting violence during the genocide. [46]

English translation: Party for Democracy in Rwanda

Parti écologiste (Peco)

Formation and leadership: Formed in 1992

Banned in 2001 for inciting violence during the genocide. [46]

English translation: Ecologist party. [46]

Parti libéral (PL)

Formation and leadership: Formed in 1991 but split into two factions during late 1993 and early 1994, one faction joining the coalition government installed by the RPF following its military victory in July 1994. [8] Leader: Prosper Higiroy [2e](p4)
Status: Did not field any Presidential Candidate in the 2003 elections but endorsed President Kagame for Presidency. Represented in the Chamber of Deputies along with the PSD and PPC. [2e](p4)[30]
English translation: Liberal Party [29]
Additional information: Hutu liberal. [29]

Parti du progrès et de la concorde (PPC)

Formation and leadership: Formed in 2003, Leader: Dr Christian Marara [1b](p892)
Status: Formerly members of MDR
English translation: Party of Progress and Agreement

Parti progressiste de la jeunesse rwandaise (PPJR)

Formation and leadership: Formed in 1991, leader André Hakizimana [1b](p892)
Status: Banned in 2001 for inciting violence during the genocide. [46]
English translation: Progressive Party for Rwandan Youth [46]

Parti républicain rwandais (Parerwa)

Formed in 1992, leader Augustin Mutamba. [1b](p892)
Status: Banned in 2001 for inciting violence during the genocide. [46]
English translation: Rwandan Republican Party [46]

Parti social-démocrate (PSD)

Formation and leadership: Formed in 1991; Leader: Vincent Biruta [1b](p892)
Status: Formed by a breakaway faction of former MRND. [1b](p892) One of the first three opposition parties to be recognised under the 1991 constitution and participated in government coalitions in 1992. [8] [1b](p869) Did not field any Presidential Candidate in the 2003 elections but endorsed President Kagame for Presidency. Represented in the Chamber of Deputies along with the PL and PPC. [2e](p4)[30]
English translation: Social Democratic Party [8][29]
Additional information: Hutu based social-democratic. [29]

Parti socialiste rwandais (PSR)

Formation and leadership: Formed in 1991, Leader Dr Medard Rutijanwa [1b](p892)
Status: The Rwandan Patriotic Front (RPF) led a coalition of four other parties in the presidential elections which included the Parti socialiste rwandais (PSR) as well as the PDC, PDI and UDPR. [2e](p4)
English translation: Rwandese Socialist Party [29]
Additional information: A socialist party campaigning for workers' rights. [1b](p892)[29]

Ressementlement travailliste pour la démocratie (RTD)

Formation and leadership: Formed in 1991, leader Emmanuel Nizeyimana. [1b](p892)
Status: Banned in 2001 for inciting violence during the genocide. [46]
English translation: Workers' Rally for Democracy. [46]

Rwanda Patriotic Front (RPF)

Formation and leadership: Formed in 1990, Chairman: Major General Paul Kagame, Secretary-General: Charles Muligande. [1b](p892)

Status: The RPF have been the dominant political force in Rwanda since taking power in July 1994. [2b](p10) [13](p1) [45](p1)

French/Kinyarwanda translations: Front patriotique rwandais (FPR)/Inkotanyi. [1b](p892)

Additional information: Tutsi dominated but with some Hutu members. Commenced armed invasion of Rwanda from Uganda in October 1990, took control of Rwanda in 1994 which culminated in the signing of the Arusha accord. [1b](p892) Led a coalition of four other parties in the presidential elections which included the Parti socialiste rwandais PSR, PDC, PDI and UDPR. [2e](p4)

Union démocratique du peuple rwandais (UDPR)

Formation and leadership: Formed in 1992, President: Adrien Rangira

Status: The Rwandan Patriotic Front (RPF) led a coalition of four other parties in the presidential elections which included the Union démocratique du peuple rwandais (UDPR) as well as the PDC, PDI and PSR. [2e](p4)

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. [34] Joseph Sebarenzi, former Speaker of the National Assembly was one of the founders. [7](p47)

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. [7](p47)

Forces démocratiques de libération du Rwanda (FDLR)

The Kinshasa-based FDLR has 15,000 and 20,000 Rwandan Hutu guerrillas fighting to topple the Tutsi-led government of Rwanda from jungles in the east of the DRC. [23b] DRC banned the FDLR in September 2002, arrested Paul Rwarakabije, the military commander and transported him to the ICTR. [9] [23b]

Forces de résistance pour la démocratie (FRD)

Leadership: Faustin Twagiramungu: 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](p3523)

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. [34]

Policies: Aims for the restoration of the Tutsi King, Kigeri V who was exiled in the USA. Part of the ADRN alliance. [34]

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

Leadership: The Chair: François Nsabahimana; formed in 1995 by former supporters

of president Habyarimana, the organisation, based in Holland. [1a](3523)
Policies: Represents Hutu refugees. [1a](3523)

Union du peuple rwandais (UPR)

Leadership: President: Silas Majyambere, Secretary-General: Emmanuel Twagilimana; the party was formed in 1990.
Policies: A Hutu led party based in Belgium. [1a](3523)

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]

Alliance pour la démocratie et la réconciliation nationale (ADRN)

The coalition, Alliance for Democracy and National Reconciliation (ADRN) or Igihango was launched in Belgium on 5 April 2002. ADRN wants 'consensual democracy' and a Government representing all ethnic groups that will promote the return of Hutu exiles.[34] ADRN is an umbrella group based in Belgium, comprising ex-Rwandan Patriotic Front (RPF) members, the Alliance pour la renaissance de la nation (ARENA), the monarchist movement Nation-Imbanga y'Inyabutatu Nyarwanda, and combatants of the Forces démocratiques de libération du Rwanda (FDLR). Igihango claims to fight for reconciliation in Rwanda and shared control of power in the country. It submitted a 10-point plan in September 2002 for implementation of the Pretoria agreement. [9ag]

Rebel Groups

Armée pour la libération du Rwanda (ALIR), now Democratic Front for the Liberation of Rwanda, or FDLR [2a](p5)

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 was referred to as the ALIR, the armed wing of the PALIR, Le Peuple en Armes Pour Libérer le Rwanda or Party for the Liberation of Rwanda. During the war in the DRC the ALIR were allied with the DRC Government against the Rwandan invaders. The DRC Government had allegedly provided the ALIR with training, arms and supplies. Several thousand ALIR regular forces reportedly operated alongside the DRC army during the civil war. [2f]

Ex-FAR (Forces armees rwandaises)

The FAR was the army of the Hutu regime that carried out the 1994 genocide; it merged with the Interahamwe in 1994 and is now part of the ALIR (see above). [27]

Interahamwe

The Interahamwe were the civilian militia force that carried out much of the killing during the 1994 genocide, it merged with the Interahamwe in 1994 and is now part of the ALIR (see above). [27]

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PROMINENT PEOPLE

AKAYSEU Jean Paul: Former mayor of the Taba commune, found guilty by ICTR, in September 1998, of nine counts of genocide, crimes against humanity and war crimes. It was the first time an international court had punished sexual violence in a civil war and the first time that rape was considered to be an act of genocide. [4f](p1)(26b) (4k)

BARAYAGWIZA Jean-Bosco: Founding member of the CDR and founder of RTLM, he was sentenced to 35 years in prison by ICTR in December 2003 for his involvement in the genocide. [9a0]

BIZIMUNGU Pasteur: An ethnic Hutu, Bizimungu joined the Rwanda Patriotic Front (RPF) just as the movement was beginning its push into Rwanda from neighbouring Uganda in October 1990. Bizimungu held a series of senior posts in the RPF and during the genocide, soldiers and national policemen under his command directed the massacre of Tutsi civilians. Bizimungu was inaugurated as President of Rwanda's government of national unity for a five-year term, when the RPF took power in July 1994. However, in March 2000, he resigned citing differences with the RPF. [7](p14) [9b] [4i] At the end of May 2001 he launched a new political party, the PDR. In April 2002, he was arrested for engaging in illegal political activity. [2a](p6) [9b] As of February 2004, Bizimungu and former Minister of State Charles Ntakirutinka who was detained with him, were still awaiting trial. [2e](p4)

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. [2b](p6) [3h]

HABYARIMANA Juvénal: President Habyarimana and the president of Burundi, Cyprien Ntaryamira, were killed when the presidential aeroplane was shot as it approached Kigali airport on 6 April 1994. In August 1993, the Rwandan President had signed a peace agreement with the RPF which led to the formation of the transitional government. [1b](p869-870)

HITIMANA Leonard Dr: A Parliamentarian, Hitimana disappeared on 7 April 2003: his car was found near the Rwanda-Uganda border and it was alleged it was driven there to make it look as though Dr Hitimana had fled to Uganda. [3g]

KABANDA Celestin: Former Minister of State for Finance and Economic Planning and former President of the banned opposition party: MDR. He was barred from contesting the elections in August 2003 and his opposition ADEP-Mizero party was not allowed to be registered because of concerns over its constitution. Kabanda was detained in 2003. [2e](p4) [2a](p5) [2a](p9)

KAGAME Major-General Paul: President of the Rwandan Republic since 2000. He helped to establish the RPF with Rwigema in 1990. When the RPF took power in July 1994, Kagame accepted Rwanda's vice-presidency and defence portfolio. After

Pasteur Bizimungu stepped down from the presidential office in 2000, Kagame took over the position.[40] He was returned to power on 25 August 2003 at the first elections to take place in Rwanda since the genocide with about 95.1% of the votes cast. [1b](p873) Kagame is against any ethical agenda and presents himself as a Rwandan rather than a Tutsi. He believes the UN could have done more to prevent the genocide. [13i]

KAMBANDA Jean: Former Prime Minister of the Interim Government of Rwanda, he was sentenced to life in prison by the ICTR for his role in the genocide. He had pleaded guilty to six counts against him. [44][54b][4b]

KAMUHANDA Jean de Dieu: Former minister for culture and higher education sentenced to life imprisonment for his role in the genocide by ICTR. [44][54b]

MAKUZA Bernard: Prime Minister since February 2000, he replaced Rwigema. [1a](p3515) [2b](p1) [29] Reappointed Prime Minister in October 2003 after the elections. [10](p8)

MBONIGABA Ismail: Chief editor of the independent newspaper Umuseso, arrested and detained in January 2003, on charges of discrimination and sectarianism for publishing defamatory and divisive material. [2a](p8)[36b](p3) Border police seized his new publication, Indorerwamo (The Mirror), which was printed in Uganda In April 2003. The move was criticised by human rights groups as amounting to 'censorship'. [9ac]

NAHIMANA Ferdinand: Founder and ideologist of the Radio-Télévision Libre des Mille Collines (RTLM) used the media to inflame ethnic hatred and promote massacres during the genocide. [49](p14-17) RTLM "was used to direct gangs of killers to specific Tutsi targets". [38] [5c](p1) He was convicted, in December 2003 and sentenced to life imprisonment.[4b]

NAYINZIRA Jean Nepomuscene: Former minister in Habyarimana's MRNDD. When multipartyism was introduced in 1991, he founded the Christian Democratic Party (PDC), now Parti démocrate centriste. He was a minister in the RPF-led transitional government after the genocide and became a member of parliament. "He resigned after charges of 'unworthy behaviour'". [40] An independent candidate, Nayinzira secured 1.3% of the votes in the Presidential elections held in 2003. [13k] His election platform included promotion of unity, security and belief in God. [40]

NDAHINDURWA King Kigeli V: The exiled former Rwandan king Jean-Baptiste Ndahindurwa Kigeli V lives in exile in the US. A movement to bring him back gained momentum in 2000. [9u]

NGEZE Hassan: Owner and editor of the Hutu extremist newspaper Kangura, was found guilty of genocide, incitement to commit genocide, and crimes against humanity in December 2003 and sentenced to life in prison. The Kangura newspaper published the "ten Hutu commandments" to incite the Hutus against the Tutsis. [2a][4b] [5c](p1) [49](p14-17)[9ao]

NIYITEGEKA Eliezer: Former Minister for Information sentenced, in 1998 to life in prison by the ICTR for his role in the genocide. [54b]

NTAKIRUTINKA Charles: Formerly a Government Minister but forced to resign in 1999 after being implicated in a corruption scandal. [1a](p3515) Became Secretary General of the PDR upon its formation in May 2001; he was arrested in April 2002 and has been in detention along with PDR leader Pasteur Bizimungu (both are still awaiting trial as of February 2004). [2a](p6)[9b][2e](p4)

RWIGEMA Pierre-Célestin: Prime minister from August 1995 - 28 February 2000 when he resigned, former leader of the MDR. He then fled Rwanda and sought asylum in the US amid mounting allegations of financial impropriety. [1a](p3515) [1b](p872)

SAFARI Stanley: Opposition candidate whose party was rejected before the presidential elections because of concerns with the constitution. He was not given the opportunity to amend the constitution; as a result, his party was unable to field candidates during the elections. [2a](p9)

SEBARENZI Joseph Kabuye: Former speaker in the National Assembly resigned on 7 January 2000 following various accusations, including mismanagement of Assembly funds. Sebarenzi fled the country, initially to Uganda, and then to the United States where he was involved in the formation of ARENA. [7](p47) [1b](p872)

SEBUFIRIRA Robert: Umuseso Editor, Sebufirira was arrested on accusations of publishing false information and 'defamatory' stories and inciting ethnic divisions in November 2003. [2a](p8)[36b](p3) He was released without having been formally charged. [5b]

TWAGIRAMUNGU Faustin: Former leader of the anti-MRNDD faction of the MDR. He was prime minister of the RPF-led transitional government between July 1994 and August 1995. He was replaced due to his criticism of the government's lack of adherence to the Arusha Accord and of the security forces' use of violence in their management of the refugee crisis. Currently leader of the FRD based in Belgium. He returned from Belgium in June 2003 to enter his candidacy for the 2003 presidential election. [1a](p3513) [1b](p870-1). "He chose to run independently after the current government banned his party, accusing him of spreading politics of ethnicity. Twagiramungu campaigned on a platform of national unity, fairer taxes and a reduction in unemployment. He also promoted restoring diplomatic relations with neighbouring countries Uganda and the Democratic Republic of the Congo." [40] In the presidential elections, Twagiramungu, the main challenger, won 3.6% of the votes. He made accusations of electoral mismanagement when his supporters were detained but the Supreme Court rejected his appeal. [13k]

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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]

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ANNEX E

LIST OF SOURCE MATERIAL

- [1] Europa Yearbook Publications**
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- [2] US Department of State <http://www.state.gov>**
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 - (d) Country Report on Human Rights Practices in Rwanda 2001 issued 4 March 2002 <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8398.htm> Date accessed 15 March 2004
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- (a) Annual Report 2003 Rwanda <http://web.amnesty.org/report2003/rwa-summary-eng> Date accessed 11 March 2004
 - (b) Peace workers are victims of increasing political repression, 5 February 2002 Date accessed 14 March 2003
 - (c) Number of prisoners of conscience on the rise 7 June 2002, Press Release, Date accessed 25 June 2002
 - (d) Gacaca - gambling with justice, Press Release, 19 June 2002, Date accessed 25 June 2002
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- (a) World Report 2002 <http://www.hrw.org/wr2k2/africa9.html> Date accessed 21 August 2002
 - (b) Case Law of the ICT: Summary of judgements against the accused, February

- 2004, Date accessed 5 April 2004
- (c) Opposition politician shot, others detained, 9 January 2002, Date accessed 13 March 2004
 - (d) World Report 2003 <http://www.hrw.org/wr2k3/africa9.html> Date accessed 14 March 2004
 - (e) Rwanda Government Forces, Child Soldier Use 2003, A Briefing for the 4th UN Security Council Open Debate January 2003 Date accessed 14 March 2004
 - (f) Human Rights Watch Applauds Rwanda Rape Verdict, 2 September 1998 Date accessed 14 March 2004
 - (g) Rwanda Youth Still Suffer from Genocide War, extracts from HRW report Lasting Wounds: Consequences of Genocide and War for Rwanda's children 3 April 2003 Date accessed 14 March 2004
 - (h) ICTR/ICTY: Tribunals Set Key Precedent, 20 February 2004, Date accessed 14 March 2004
 - (i) Top génocidaire arrest an 'important step', 15 August 2002, Date accessed 14 March 2004
 - (j) The Search for Security and Human Rights Abuses, 2000, Date accessed 30 March 2004
- [5] Committee to Protect Journalists (CPJ) <http://www.cpj.org/>**
- [a] Attacks on the Press 2001 Date accessed 25 June 2002
<http://www.cpj.org/attacks01/africa01/rwanda.html>
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 - [c] Attacks on the Press 2003 <http://www.cpj.org/attacks03/africa03/rwanda.html> Date accessed 14 March 2004
- [6] Foreign and Commonwealth Office <http://www.fco.gov.uk>**
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 - (c) Kabila, Kagame sign peace pact, 30 July 2002, Date accessed 12 March 2004
 - (d) New political coalition-in-exile created, 15 January 2002, Date accessed 11

- March 2004
- (e) Training of Gacaca judges begins, 10 April 2002, Date accessed 28 March 2004
 - (f) Amnesty concerned over effectiveness of judiciary, 15 October 2003, Date accessed 27 March 2004
 - (g) UN agency lauds women's involvement in government, 18 November 2003 Date accessed 15 March 2004
 - (h) Focus on the struggle for survival in child-headed households, 10 March 2004 Date accessed 15 March 2004
 - (i) Parliament adopts media bill, excludes genocide clauses, 5 June 2002 Date accessed 13 March 2004
 - (j) Focus on helping former soldiers, 22 January 2004, Date accessed 20 March 2004
 - (k) Gacaca courts begin operating nationwide, 26 November 2002, Date accessed 28 March 2004
 - (l) Rwanda completes troop withdrawal, 7 October 2002, Date accessed 22 March 2004
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 - (p) Interview with UNICEF representative Theophane Nikyema, 10 June 2002, Date accessed 21 March 2004
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 - (s) Newspaper editor, others still in custody, 21 November 2003, Date accessed 13 March 2004
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 - (ac) Media watchdog criticises police seizure of newspapers 24 April 2003 Date accessed 30 April 2003

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- (ae) Health concerns lead to closure of two prisons, 24 October 2003, Date accessed 22 January 2004
- (af) Construction starts on 180-bed hospital in Kigali Province, 6 May 2003, Date accessed 16 January 2003
- (ag) Opposition in exile proposes peace plan, 18 September 2002, Date accessed 7 April 2004
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- (aj) New Constitution becomes effective, 5 June 2003, Date accessed 26 March 2004
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- (ao) UN Tribunal convicts media leaders of genocide, 3 December 2003, Date accessed 22 January 2004
- (ap) Government acts against gender violence, 6 June 2002, Date accessed 22 March 2004
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