

**REPORT OF
THE INTERNATIONAL COMMISSION OF INVESTIGATION
ON HUMAN RIGHTS VIOLATIONS IN RWANDA
SINCE OCTOBER 1, 1990
(January 7-21, 1993)**

FINAL REPORT

**FEDERATION INTERNATIONALE
DES DROITS DE L'HOMME - FIDH
(Paris)**

**AFRICA WATCH (New York,
Washington, London)**

**UNION INTERAFRICAINNE DES
DROITS DE L'HOMME ET DES
PEUPLES--UIDH (Ouagadougou)**

**CENTRE INTERNATIONAL DES
DROITS DE LA PERSONNE ET DU
DEVELOPPEMENT
DEMOCRATIQUE---CIDPDD/
ICHRDD (Montreal)**

March 1993

ACKNOWLEDGMENTS

At the request of a coalition of Rwandan human rights associations known as the Liaison Committee of Associations in Defense of Human Rights in Rwanda (CLADHO)¹ in affiliation with the Association for the Promotion of Union by Social Justice (KANYARWANDA) asked four international human rights organizations to form a commission to investigate violations in Rwanda since the beginning of war there in October 1990. The four organizations that created the commission were:

- o Africa Watch, a Division of Human Rights Watch, New York;
- o International Federation of Human Rights (FIDH), Paris;
- o International Center of Rights of the Person and of Democratic Development (CIPPDD), Montreal;
- o Interafrican Union of Human Rights (UIDH), Ouagadougou.

The international associations named an interdisciplinary team of ten experts in social sciences, law and medicine from eight countries. They are:

- o Jean Carbonare, Act Together for Human Rights, Paris;
- o Philippe Dahinden, doctor of law, journalist, Lausanne;
- o René Degni-Segui, Dean of the Law faculty, University of Abidjan, President of the Ivorian League of Human Rights;
- o Alison Des Forges, Africa Watch and State University of New York at Buffalo;
- o Pol Dodinval, forensic physician, Faculty of Medicine, Liège;
- o Eric Gillet, International Federation of Human Rights, Member of the Bar of Brussels;
- o Rein Odink, jurist, Amsterdam;
- o Halidou Ouedraogo, President of the Interafrican Union of Human Rights, Ouagadougou, Judge of the Administrative Chamber, Supreme Court of Burkina Faso;
- o André Paradis, Director General of the League of Rights and Liberties, Montreal;
- o William Schabas, Professor of Law, University of Quebec at Montreal, member of the Bar of Montreal.

¹ CLADHO includes the Rwandan Association for the Defense of Human Rights (ARDHO), the Rwandan Association for Rights of the Person and Public Liberty (ADL), the Association of Volunteers for Peace (AVP), the Christian League for Defense of Human Rights in Rwanda (LIC HREDHOR).

The final report of the Commission was prepared by a committee of three and approved by all the members. It was originally issued in French on March 8, 1993 in Paris, Brussels and Montreal and on March 17, 1993 in Ouagadougou. This translation of the report was prepared by Alison DesForges.

The Commission wishes to emphasize the grave risks taken by those who were willing to give testimony in order that the truth be known; it pays homage to their courage and patriotism.

INTRODUCTION AND SUMMARY OF FINDINGS

Human rights have suffered seriously in Rwanda since the beginning of the war there on October 1, 1990. Over the last two years, several international human rights organizations, including Africa Watch, Amnesty International, the Belgian League in Defense of Human Rights, and the International Commission of Jurists have investigated the situation and issued reports critical of the government of President Juvenal Habyarimana.² Although the Rwandan government, which has signed numerous international conventions and protocols guaranteeing human rights, has repeatedly promised reforms, the situation has continued to deteriorate.

During the Commission's investigation, which lasted from January 7-21, 1993, it visited five of the eleven prefectures--Kigali, Kigali-city, Gisenyi, Ruhengeri and Byumba. The Commission had to cancel visits planned to other prefectures because roads were blocked by political demonstrations, but it was able to gather official reports and to interview eyewitnesses from these areas.

The Commission gathered evidence from hundreds of witnesses and excavated two mass graves where victims of massacres had been buried. It investigated three major massacres--one at Kibilira in October 1990; the killings of Bagogwe, which took place in several communes from January through March 1991; and one in Bugesera in March 1992. In addition, it gathered evidence on other cases of communal violence, summary executions, assassinations and threats of assassinations, looting and destruction of property.

The Commission concluded that both the government of Rwanda and the RPF have been guilty of human rights abuses.³

Among other findings, it determined that:

- o The Rwandan government has killed or caused to be killed about 2,000 of its citizens.
- o The majority of the victims have been members of the minority group, the Tutsi, and they have been killed and otherwise abused for the sole reason that they are Tutsi.
- o In recent months, an increasing number of Hutu, Rwanda's largest group, belonging to parties opposed to the President and the former sole party, the MRND, have been targeted as well.
- o Authorities at the highest level, including the President of the Republic, have consented to abuses.
- o Officials and state agents have been responsible for carrying out attacks at the local level. In some cases they have even informed Hutu that killing Tutsi is part of *umuganda*, the obligatory communal labor ordinarily done for the public good.

² See Appendix 2 for a list of these reports.

³ Given the limitations of time, the Commission was able to examine only some of the human rights violations charged against the Rwandan government and the RPF. It was unable to investigate conditions in prisons outside Kigali, the conduct of trials, and harassment of the press, all questions which have been raised in previous human rights reports on Rwanda. Nor was it able to travel to Uganda to interview displaced persons who might have provided additional testimony on abuses by the RPF.

- o Of the dozens of officials known to be guilty of killings and other abuses, at the end of January 1993 only two had been removed from their posts and neither had been brought to trial. Although an official commission recommended that guilty authorities be removed or suspended, no such action has been taken.
- o The Rwandan army killed civilians during attacks on the Bagogwe and in Bugesera. It slaughtered hundreds of others in the course of a military operation in Mutara. The Rwandan army staged fake military assaults, one on the capital of Kigali and one on its own camp at Bigogwe, to provide a pretext for killing or arresting Tutsi and supposed opponents of the government.
- o The Rwanda military has assassinated or summarily executed civilians designated by civilian authorities.
- o The Rwandan army has killed RPF soldiers after their surrender.
- o In clear violation of Rwandan law, the President and government of Rwanda have tolerated and encouraged activities of armed militia attached to the political parties. Within recent months, the militia have taken over from the government the leading role in violence against Tutsi and members of the political opposition, effectively "privatizing" the violence.
- o The judicial system is paralyzed by political interference and does not afford justice to victims of human rights abuses. Those accused of killing or injuring Tutsi and members of the political opposition are often arrested, but then quickly released and never tried. The system itself has perpetrated abuses, as in massive arrests made in October 1990, when judicial procedure was ignored, and many detainees languished for months in prison.
- o The RPF has attacked civilian targets and has killed and injured civilians who are clearly protected by the Geneva Conventions. It has kidnapped and expelled civilians into Uganda and has looted or destroyed civilian property.
- o The war has forced hundreds of thousands of Rwandans to flee their homes. They live in miserable conditions, vulnerable to attack both by organized military forces and by undisciplined individual soldiers.

The Commission urges both the Rwandan government and the RPF to halt the abuses immediately and to bring to justice those guilty for past violations. It calls upon the international community to make future aid conditional upon improvements in the human rights situation, to halt military aid to both parties to the war and to use its influence to encourage the successful conclusion and implementation of peace accords.

The Commission commends the many officials who, often at considerable risk to themselves, have acted courageously to save lives or otherwise prevent or redress abuses. It also notes that in many cases it observed strong ties between Tutsi and Hutu: often Tutsi were warned or protected by Hutu friends, neighbors or colleagues, who sometimes paid for these acts of courage with their lives.

HISTORICAL BACKGROUND

Located in the heartland of central Africa, Rwanda has benefitted from the contributions of various groups that have migrated to the region from various parts of the continent. Through the exchange of goods and services, pastoralists living side by side with cultivators created a flourishing economy. Over the centuries, the groups have formed a homogeneous society with strong cultural unity. Bound by a single language, Kinyarwanda, they share a common history, practice religion in the same way, and value the same artistic and literary styles.

The kingdom of Rwanda took shape in the sixteenth century and became an important power in central Africa in the eighteenth and nineteenth centuries. As the central power grew, a social hierarchy including three groups, the Tutsi, the Hutu and the Twa, also evolved. The Tutsi specialized in raising cattle and the majority Hutu in cultivation while the Twa, a tiny minority, made their living by hunting and gathering and making pottery. The groups generally did not inter-marry. Rather than existing as separate ethnic groups, the Hutu, Tutsi and Twa were social strata in a single nation. Although it was not frequent, individuals could change category: a Hutu who had obtained many cattle would be assimilated among the Tutsi while a Tutsi who lost everything would eventually be considered Hutu.

The expansion of the state depended on effective military formations, which, in turn were supported by large herds of cattle. As owners of the cattle, the Tutsi enjoyed superior access to military and political authority, but their control was neither complete nor exclusive. Hutu who headed large lineages or small states and those who demonstrated great spiritual powers enjoyed high status and autonomy within the state.

With the beginning of the colonial period in the twentieth century, first the Germans and later the Belgians used the existing Rwandan political structures to administer the country, thereby strengthening and enlarging the powers of the local authorities who, in turn, used the support of the colonialists to increase their hold over the population. At the same time, the Europeans deepened and solidified the divisions among the social strata. They established a system of population registration that required all Rwandans to carry identity cards, labeling them either Tutsi, Hutu or Twa. For the Tutsi, with whom they most closely identified, they reserved not only all important administrative posts but access to the higher education necessary to obtain these positions. They expected the Hutu, whom they regarded as inferior, to furnish the labor needed to make the economy productive. The Twa were considered mere ethnographic curiosities.

In the 1950s, under pressure from the United Nations (UN), which supervised Rwanda as a Trust Territory, the Belgians began to reconsider their policies. The colonial administration began to admit more Hutu into secondary schools and to name them to responsible positions. The Belgians also held elections for communal and prefectural councils. Although the changes succeeded in frightening the Tutsi, they were not extensive enough to reassure the Hutu. With independence approaching, each group feared that the departure of the Belgians would leave them vulnerable to abuse by the other group.

King Mutara Rudahigwa, who had been a stabilizing force, died unexpectedly in 1959. Conservative forces then installed in power his young half-brother Kigeri Ndahindurwa. Abetted by ambitious politicians who preyed on the tensions and fears between Hutu and Tutsi, the political situation polarized rapidly. Political parties identified exclusively with Hutu or Tutsi flourished, and moderate parties appealing to both groups lost ground.

Violence began in November 1959 with a Tutsi attack on a Hutu leader, and quickly claimed hundreds of victims. The colonial administration rapidly replaced about half the Tutsi local authorities

with Hutu. The principal Hutu party, the Parmehutu, easily won the elections of June 1960, and in January 1961 it proclaimed the end of the monarchy and the establishment of the first republic.

Once in power, the Hutu authorities threatened and harassed the Tutsi, appropriating their land and cattle for use in building their own bases of power. Thousands of Tutsi were driven from their homes, either to resettle elsewhere in Rwanda or to take refuge in neighboring countries. In 1961 some of the refugees began to attack Rwanda, and made ten attempts over the next five years to invade the country. Each time, Tutsi within the country suffered reprisals, some of which were organized by local authorities. After an attack on December 21, 1963, for example, 10,000 Tutsi were killed, approximately fifty percent of the total number of victims killed between 1959 and 1966. After each incident, more Tutsi fled. In 1964, the number of refugees in surrounding countries was estimated at 150,000, but today natural population growth plus the arrival of new waves of refugees have pushed the number to somewhere between 400,000 and 500,000.

After 1966, attacks from the outside and internal violence diminished, but government discrimination against Tutsi continued, facilitated by the registration system, which included mandatory identity cards, held over from the colonial period.

Violence against the Tutsi flared again in 1973, probably staged by the military to provide the right conditions for a *coup d'etat*. Invoking the need to reestablish order, Juvenal Habyarimana, then a military officer and Minister of Defense, executed the coup. He proclaimed the second republic, promising to restore national unity. Originally seen as honest and committed, he gradually lost popularity as his regime became increasingly corrupt.

Under the pretext of easing tensions between Hutu and Tutsi, President Habyarimana established a policy of "balance" in distributing resources among groups and regions. In fact, the policy, though supposedly equitable, was used to exclude Tutsi as much as possible from important positions. Discrimination was eventually extended to Hutu from central, eastern and southern Rwanda, while those from Habyarimana's region of the northwest amassed a disproportionate part of the national resources and educational and employment opportunities.

In the late 1980s, dissatisfaction with worsening economic conditions encouraged opposition to President Habyarimana. The disastrous fall in the price of coffee, Rwanda's principal export, followed by drought and famine in the south and center of the country, figured among the local causes of economic deterioration. Faced with rising dissatisfaction at home and the pressure of foreign donor nations for reforms, President Habyarimana named a commission to discuss alternatives. Several months later, he agreed to end the monopoly that his party, the National Republican Movement for Democracy and Development (MRND), had held over political life since 1973. Opposition forces organized quickly into political parties, of which there are now sixteen.

The process of democratic reform had just begun when the army of the Rwandan Patriotic Front (RPF) invaded Rwanda on October 1, 1990. Of the approximately seven thousand invaders who crossed the frontier from Uganda, several thousand were Rwandan refugees who were absent without leave from the Ugandan army. In the early days of combat, the RPF advanced only a few kilometers inside the northeastern frontier. However, on the night of October 4, there were several hours of heavy shooting in the capital city of Kigali, which the government attributed to an attack by RPF infiltrators. Later it became clear that the attack had been faked by the Rwandan military to justify a crackdown on Tutsi and other opponents of the regime. Under the pretext of assuring security, the government immediately began making massive arrests in Kigali and elsewhere in the country. Between 8,000 and 10,000 were arrested and held without charge, some briefly, others for many months. All suffered from deplorable conditions of over-crowding, lack of sanitation and inadequate food. Many were beaten or systematically tortured.

Following protests by international human rights associations and by diplomats in Kigali, the government began a process of liberating the detainees, which continued until April 1991.

In April 1992, the MRND agreed to form a coalition government with four other major parties: Republican Democratic Movement, MDR; Social Democratic Party, PSD; Liberal Party, PL; and Christian Democratic Party, PDC. The government was to hold power for a year, during which time it was to prepare for national elections. Half the ministerial posts were allocated to the MRND and the other half to the other parties. Executive power was divided between the President and the Prime Minister, who is a member of the MDR, the largest of the opposition parties. The power-sharing arrangement frequently has paralyzed the government and necessitated lengthy negotiations to resolve important issues. Divisions within the government partially account for the cooperation afforded the Commission: officials were particularly willing to share information damaging to authorities from the other side.

At the end of 1992, after several unsuccessful efforts to end the war, the Rwandan government and the RPF signed the Arusha accords, establishing an effective cease-fire. Continuing political negotiations led to several other accords, the last of which was signed at Arusha on January 9, 1993. President Habyarimana did not accept the results of this last round of negotiations because of his dissatisfaction with the distribution of ministerial posts among the political parties. His refusal was supported by the MRND and its allied party, the Coalition for the Defense of the Republic (CDR), which organized extensive demonstrations, including one that shut down the city of Kigali on January 20, 1993. On February 8, 1993, the RPF violated the cease-fire, opening combat all along the front. Among the reasons given for their action was the continuing abuse of human rights by the Habyarimana regime. On March 9, an agreement between the Rwandan Prime Minister and the President of the RPF established a new cease-fire, which stipulated that the forces return to positions occupied prior to February 8 and that a neutral force fielded by the Organization for African Unity and the UN supervise the territory between the two armies.

THE INVESTIGATION

The massive arrests just after the start of the war first drew the attention of the international human rights associations to Rwanda, but the massacre of ordinary people in the countryside that began about the same time has proved to be a far graver violation of human rights.

Officially welcomed by both President Habyarimana and Prime Minister Dr. Dismas Nsengiyaremye, the government granted the Commission access to a wide range of government sources, including reports, correspondence, and judicial records. Government officials from all levels met with Commission members, and most responded frankly to questions.

The Commission obtained oral and written testimony from several hundred witnesses, many of whom took it upon themselves to find and testify before the Commission after learning of its visit from news on the national radio or in the press. Others appeared after they had noticed the presence of Commission members in their neighborhoods. Witnesses represented the full range of the Rwandan population, including high government officials and unemployed street kids; university professors and ordinary cultivators; Hutu and Tutsi; merchants and military; victims and confessed assailants; supporters and opponents of the regime.

The Commission traveled and conducted its interviews without official escort, except in the following circumstances: A military escort provided by the Minister of Defense accompanied the Commission on days when it was excavating the sites of mass graves; a policeman escorted several members to the commune of Kanzenze when they interviewed the local burgomaster (mayor); and officers of the Rwandan Patriotic Front (RPF) accompanied the Commission during its work in the zone which they control.

Except in the cases mentioned above, the Commission conducted interviews privately, with the witnesses alone, provided they were French-speaking. When interviews were done in Kinyarwanda, the Commission chose its own interpreters, recorded the sessions and later verified the translation with a second interpreter.

MASSACRES AND SUMMARY EXECUTIONS

The Commission examined the three most serious massacres to take place between October 1990 and January 1993: the massacre in Kibilira, the killings of the Bagogwe and the massacre at Bugesera.

After gathering hundreds of testimonies and excavating mass graves, the Commission concluded definitively that the Rwandan government killed an estimated 2,000 of its own citizens since war began in October 1990. Most of the victims were Tutsi, but the number of Hutu killed, almost all members of opposition parties, has risen sharply in recent months. In addition, attacks organized by the government have wounded thousands of people and deprived even more of their homes, domestic animals and other goods.

According both to attackers and to victims, authorities at all levels of local administration are, to varying degrees, responsible for the attacks. As shown below, some local authorities did not participate.

In regions near military camps, soldiers led or assisted civilians in the attacks. During the months before and after the attacks, soldiers summarily executed victims targeted by the civilian authorities in the camps.

Within communes, attacks were far more frequent and vicious in some cells and sectors than in others, depending on whether or not the local authorities participated in the violence. Yet, clearly a larger organization that spanned communes was involved, as evidenced by the timing of the attacks, the common pretexts invoked for them and a uniform tendency to blame victims themselves for the violence.

Highly placed authorities from outside the communities, including a minister, a prefect, a ministerial councilor intimately linked with the President of the Republic, and a journalist known for his associations with the highest authorities arrived in the communities shortly before the attacks to encourage the violence.

The reaction of the authorities to the major attacks was slow, weak and unconcerned. Those who were warned ahead of time did nothing to avert the violence and those who had a duty to intervene once the attacks had begun either denied them or reacted after undue delay, often only after pressure from the international community.

After each attack, judicial authorities arrested significant numbers of accused persons, but, in the vast majority of cases, the suspects were released quickly and their cases were dropped. Official inquiries often blamed the victims instead of the attackers or the authorities. Among the hundreds of implicated authorities, only two have been removed from their positions and neither one has been tried.

All efforts by the victims to receive compensation for their losses or even to be guaranteed protection in the future have been unsuccessful.

At first the residents, led by civilian or military authorities, undertook the attacks. More recently the militias, especially that of the MRND, have played a more important role in the violence.

KIBILIRA

The first massacre took place ten days after the start of the war, at Kibilira, a commune halfway between the national capital and the capital of the prefecture (province) of Gisenyi. Located in a region where the hills of central Rwanda give way to the mountains of the west, Kibilira is bordered on one side by the large Nyabarongo River.

The sizable Tutsi population had lived harmoniously in Kibilira with its Hutu neighbors for generations. According to testimony presented to the Commission, the peace was broken after a meeting of communal councilors⁴ where the assistant prefect⁵ showed the group two bodies, saying they were Hutu killed by Tutsi. He told the councilors to return home to "sensitize the population" to the importance of security measures. The prefect himself was present but did not speak at the brief meeting.

The councilors organized meetings in the various sectors that same afternoon.

- o In cellule Makoma, sector Gatumba, *responsable de cellule*⁶ Yozefina Mugeni beat the drum, a typical signal of alarm, to bring people running. She told them they should burn the houses of the *Inyenzi*,⁷ meaning the Tutsi, because they wanted to exterminate the Hutu.
- o Elsewhere in the sector of Gatumba, *responsable* Emmanuel Ngendahimana and committee member Protais Hajabakiga incited residents to attack their Tutsi neighbors. Authorities spread false rumors, asserting that Colonel Serubuga, an important regional authority, had been killed.
- o In Kirengo, Ntobwe, Ngurugunzu and Karehe sectors, other authorities spread false rumors that another leading military man, Colonel Uwihoreye, had been killed. In these same sectors, a driver employed by the commune, Andre Dusabemungu, exhorted residents to search for a certain Tutsi, supposedly one of the RPF, carrying a bag filled with arms.
- o In Nyamisa and Mikingo sectors, agricultural instructor Kagorora and committee member Mbanzabugabo aroused the population to attack by shouting from the hills the false rumor that Tutsi had killed the children at schools in Kabyinira and Musekera.
- o In Rubona sector, an influential teacher helped committee members mobilize the population to attack.

According to witnesses, local authorities, including the burgomaster, councilors, *responsables* and committee members, and state employees, such as teachers, communal policemen, staff of foreign-funded technical assistance projects, directed the attacks in most sectors. Among the most important authorities accused of participating in the massacres were:

- o Burgomaster J.B. Ntezilyayo;
- o Commune secretary Thomas Ushizimpumu;
- o Director of Potato Cultivation Project (PNAP) Pierre Tegera;
- o President of the local branch of the MRND, Innocent Teganya.

⁴ Each commune is divided into sectors, between seven and ten per commune. Residents of a sector elect a councilor, who participates in the communal council.

⁵ The official subordinate to the prefect, who heads the prefecture.

⁶ Each sector is divided into cells, each of which has an elected committee of five persons. The committee chooses its own head, called the *responsable de cellule*.

⁷ *Inyenzi* or "cockroaches" is the derogatory name given to the RPF soldiers. The name dates to the attacks of the Tutsi refugees in the 1960's.

That the leaders of the attack knew the community well was shown by the attackers' systematic movement across the hills, where they burned the Tutsi houses one after another, leaving the houses of the Hutu intact.

Some attackers, not satisfied with attacking the Tutsi's property, targeted the Tutsi themselves. Councilor of Ntobwe Sector Jean-Baptiste Ntwari, on the pretext of ensuring the attackers' safety, accompanied them and criticized them for not doing enough. He told the attackers:

You are burning houses, but that's not worth much. You're doing nothing but killing and eating the cattle instead of showing me skulls.

With his encouragement, the attackers began killing the Tutsi. The Commission learned of the following cases from the attack.

- o According to court documents, one confessed killer stated that he had beaten a man and thrown him in the Nyabarongo River, believing him to be dead. Upon noticing that the victim was still alive, he pulled him out of the water, beat him more thoroughly and threw him back in the river to die.
- o Madame B., in her thirties, saw her four children killed and was herself thrown in the river. She managed to escape but later learned that her father, her two paternal aunts, her father-in-law and his two children had all been killed.
- o Monsieur Hitimana, 45, hid when the attackers arrived at his house. He thought that they had come to get him and would leave his family unharmed. From his hiding place, he watched as his wife and six children were hacked to death by machete. He escaped and spent the night running, except for a few hours when he rested in the banana grove of the man who had directed the attack, in the hope that the attackers would not look for him there. The next morning, he took refuge at the parish of Muhororo, where he learned that among the dead were his five brothers, one sister and his mother. In all, he lost 14 members of his family. He still lives at the parish, not daring to return to try to take possession of his home and fields.

At least 348 people were killed, more than 550 houses were burned and nearly all the farm animals, food reserves and household furnishings were destroyed or pillaged in the 48 hours that it took the authorities to respond. In the same interval, 19 people were killed in the neighboring commune of Satinsyi.

Responsibility of the Authorities

Within hours of the first attacks, the priests of the parish of Muhororo informed the Prefect of Gisenyi, the Bishop of the local Bishopric of Nyundo and a number of diplomats at Kigali about the violence. According to Colonel Uwihoreye, then Commander of the National Police School at Ruhengeri, the burgomaster of Kibilira knew of the attacks because Uwihoreye heard of the violence on military radio and telephoned the burgomaster to insist that appropriate measures be taken to restore order. President Habyarimana himself knew of the violence at the latest on the second day because he reportedly discussed the situation then with Christophe Mfizi, then Director of the Rwandan Office of Information (ORINFOR). Diplomats in Kigali also pressed the President to act immediately to restore order and several took the initiative to visit the area.

The attacks began in Kibilira on Thursday, October 11, at about 3 p.m., but the prefect, accompanied by four policemen, did not arrive there until Saturday, October 13, at about noon, despite

Kibilira's proximity to Gisenyi prefecture's capital and to Kigali, which by car are between two and three hours away. Upon their arrival and without a shot being fired, the attacks stopped after the news was passed through the area that "things have changed."

According to witnesses, local authorities or state employees directed attacks against the Tutsi in seven of the ten sectors of Kibilira. In those sectors also, the greatest number of deaths occurred--up to 120 in the Rubona sector, for example. In the three sectors where authorities did not participate or even tried to discourage the attacks, fatalities reached a much lower total of thirteen.

The role of the burgomaster and the assistant prefect were so apparent that both were removed from their positions and imprisoned immediately after the attacks ended. According to one witness, the burgomaster, upon being taken to jail, asked residents to "continue their work." The two spent only a few weeks in prison and were then released. The assistant prefect died soon after in mysterious circumstances. The burgomaster was named to a position as medical assistant at the hospital of Kibilira and serves as the local Vice-President of the MRND.

Expediency, rather than justice determined the government's response to the episode. Of the 284 who were arrested on charges of murder and pillage, most spent less than four weeks in prison. Since their release in November 1990, they have faced no further action. The public prosecutor in Gisenyi told the Commission that he lacks the resources to follow up on the cases. A report from an inquiry performed by his office in May 1992 avoids examining the responsibilities of authorities in directing the attacks, instead blaming the victims for the attacks. The report lists the following causes of the violence:

- o the imminent attack of the RPF and incitement by certain Tutsi extremists;
- o people who remembered attacks by the Tutsi in the 1960s misinterpreted information about the "complicity of certain people" inside the country and believed it was their right to get rid of those whom they considered "accomplices" of the *Inkotanyi*⁸ attackers; they were led on by Hutu extremists who spread false information;
- o in sector Ntaganzwa, the death of a Hutu on October 14 at the hands of a Tutsi, which caused Hutu in the area to take vengeance on the Tutsi. This final "cause" deals with events on October 14; the attacks against Tutsi began on October 11 and finished on October 13.

The Second Attack at Kibilira

Following massacres in Bugesera during the first week of March 1992 (see below), the Tutsi of Kibilira were attacked again. This time, the authorities reacted more quickly. Only five were killed, but dozens more were wounded and 74 houses were destroyed. More than 1200 people took refuge at the parish of Muhororo. The same sectors were burned that were devastated in 1990, and many of the same families were attacked for a second time. In one sector, eighty percent of those attacked had undergone attacks two years before. Once again, those accused in the attacks were detained only briefly, and, once again, the victims themselves were blamed. An official report attributed the attack to relatives of the Tutsis who had just been attacked in Bugesera.

⁸ *Inkotanyi* is another name for the RPF; it is linked to Rwandan military prowess in the 19th century.

The Third Attack at Kibilira

A third attack occurred at the end of December 1992, at the same time as similar troubles at Kayove and Mutura (see below). The attack involved the same places and families as the first two attacks. One person was killed, and several were injured.

Several victims recounted their experiences to the Commission, including two women who lost family members.

- o Madame A. had seen her husband killed during the attack of 1990, when her house had been burned. She had rebuilt it only to have it burned again in March 1992. She built again, but saw the house destroyed once more in December 1992. She was taken prisoner by the attackers and freed only after giving them all her money, 700 Rwandan francs, (\$5). The attackers also had taken her entire supply of beans, leaving her with nothing to feed her three children.
- o Madame N, who had lost eleven family members in 1990, lost all her possessions in the 1992 attack.

They ate our sheep, destroyed our house. They threatened to kill us if we dared to come back. They said they don't want us as neighbors, and we are afraid to go home.

Once again, local authorities, including councilors and *responsables de cellules* organized and participated in the attacks, and those detained after the attacks were released soon after.

Broadening the Target: The Mugesera Speech

The third attack at Kibilira differed significantly from the first two in that the assailants also attacked Hutu who were members of opposition parties, accusing them of betraying the President and the country. This accusation had been heard before, but was expressed with unprecedented force and crudeness the month before the third attack in a speech by Leon Mugesera, a young local man and a graduate of Laval University (Canada). Known to have close ties to President Habyarimana, Mugesera is Vice-President of the MRND for the prefecture of Gisenyi and, until February 8, 1993, served as a ministerial councilor in the capital. Identified by witnesses as having played an important role in inciting the attacks against Tutsi in 1990, Mugesera was again in 1992 given the task of fomenting hatred in Kibilira and the neighboring commune of Gaseke.

In a November 22, 1992 speech, Mugesera labeled both Tutsi and members of opposition parties as "accomplices" of the RPF. He insisted that the RPF be referred to only as "Inyenzi" (cockroaches) and for the word "accomplices" he used the pejorative Kinyarwanda term "ibytso." He told his audience that peace was possible only after the ax of war had been brought out. He asserted that within the MRND the Biblical injunction to the turn the other cheek was to be interpreted as: "If you are struck on one cheek, you should strike your adversary back so hard on both cheeks that he will never get up again."

After accusing opposition politicians of having been responsible for the loss of Rwandan territory to the RPF and of having plotted to demoralize the Rwandan army, he said that the lawful punishment for such crimes was death. He continued, "What are we waiting for to execute the sentence?"

Referring to families who sent their children to serve with the RPF, a charge made frequently against Tutsi households whose young people had gone abroad for whatever reason, Mugesera asked, "What are we waiting for to decimate these families and these people who recruit for the RPF?" He

suggested that such offenders should be listed publicly and tried as "accomplices." Encouraging his listeners to ignore the legal process, he gave a directive that, if the justice system failed, "we, the people, are obliged to take responsibility ourselves to wipe out this scum."

He exhorted his listeners to prevent any adherent of the opposition parties from entering the region and declared that representatives of those parties "have no right to live among us because they are 'accomplices' of the enemy." Citing his duty as a top party leader to warn Rwandans of impending danger, he specifically directed them to "defend themselves" against any who had "sent their children to the rebels." He encouraged businessmen who had prospered with the financial backing of the party to "finance operations aiming to eliminate these people," and he urged his audience to keep a close watch on any "intruders" into the region. "Destroy them," he said. "No matter what you do, do not let them get away." He claimed that the fatal error of 1959, when Tutsi began to flee the country, was in letting them get away. Referring to the myth that Tutsi had originally come from Ethiopia, he said it was important to send them back there, adding that they should use a short-cut, via the Nyabarongo River.⁹

Mugesera concluded:

Remember that the person whose life you save will certainly not save yours. That is why they must get out of here to go live with their own kind or with the rebels. Drive them out.

Long Live President Habyarimana.

Mugesera's speech became widely known throughout Rwanda. The President, whom he saluted at the beginning as well as at the end of the speech, never disavowed the violent words of his protegee. One month later, the assailants at Kibilira cited phrases from it to justify their violence, as did attackers at the commune of Mutura (see below). The Minister of Justice sought to arrest Mugesera on charges of inciting hatred, but Mugesera avoided arrest by hiding, apparently in one of the military camps in Kigali.

The Militias

The ideological developments trumpeted in Mugesera's speech were matched by organizational changes. The third attack at Kibilira was carried out, not by a general crowd guided by local authorities, but by militias--groups of young men organized to support their party by all means necessary, including force. The militias of the MRND, called *Interahamwe*, or "Those Who Attack Together," began to disperse through the country in February and March 1992. The militia of the allied party, the CDR, known as the *Impuzamugambi* or "Those Who Have the Same Goal," often wear uniforms or at least some distinctive clothing and are trained in methods of attack. Several witnesses testified that they had seen soldiers and members of the Presidential Guard training the militias and, in civilian dress, participating in the attacks.

Witnesses claimed that local authorities and agents of the state, including councilors Sekarezi and Tembo, the brigadier of the commune Tabaruka, and the teacher Rugarama, as well as leaders of the MRND, including Innocent Teganya (already cited as a leader in the attack of 1990), assisted the militias in organizing the violence.

The attacks at the end of December 1992 and the beginning of 1993 were less deadly than preceding ones. On January 10, however, the burgomaster of Kibilira held a meeting at the market, cellule Nganzo, sector Mukingo, where he said that the program announced by Mugesera would continue.

⁹ Many Tutsi killed in attacks in the region were dumped in the Nyabarongo River.

He said that if the Tutsi from outside the country ever succeed in coming back, they should not find any Tutsi or member of an opposition party to tell them about the abuses they had suffered. He added that no attacks should take place as long as the International Commission was still in the country, strongly implying that they would resume once the Commission had left.

NORTHWEST RWANDA: THE TRAGEDY OF THE BAGOGWE

The massacres in the northwest of the country targeted the Tutsi in general as well as a particular group of Tutsi called the Bagogwe. Descendants of the Tutsi who left the central kingdom in the 17th and 18th centuries, the Bagogwe remained outside the established Tutsi political system. Pastoralists, they lived along the edges of the great forests that covered the mountains and volcanoes of the region, preferring the cool and rainy highlands for their excellent pasturage. More recently, with the reduction in available pasture land, they have adopted agriculture and salaried work. Scattered in small groups along both sides of the Gishwati forest and south of the forest on the volcanoes, they lived in several communes of the prefectures of Gisenyi and Ruhengeri.

The investigation into the Bagogwe massacres was more taxing for the Commission than any of the others, but because the information was not known outside the area, it was also more important. The massacres of the Bagogwe took place in combat zones and in a region closely associated with President Habyarimana and his family. Authorities limited movement between these regions and the rest of the country and even within the regions themselves by a system of barriers that blocked roads and even paths every two kilometers. Because they were able to prevent victims from fleeing and to keep journalists and other investigators from entering the region, authorities could deny that massacres were taking place, as did Ruhengeri Assistant Prefect Gaetan Kayitana, on Radio Rwanda in March 1991. In August 1991, President Habyarimana himself denied that such massacres had taken place even though the same month his own Minister of Justice admitted they had occurred. Even today, some Rwandans apparently do not believe that Bagogwe were massacred. A telegram of January 14, 1993, from the police commander at Gisenyi mentions mass graves excavated by the Commission that "are supposed to have contained bodies of the Bagogwe."

According to official statistics, about 300 people died in the attacks against the Bagogwe and other Tutsi. Sources independent of the government claim that between 500 and 1000 died. Given the secrecy that still shrouds the events, it is at present impossible to arrive at a more exact figure.

Irrefutable Proof of the Massacres: The Mass Graves

Unlike the Commission's work in researching the massacres in Kibilira and Bugesera, which took place over a period of a few days, involved hundreds of deaths and were clearly visible to people from outside the region and the country, the investigation of the killings of the Bagogwe required a more extensive effort than the collection of corroborating testimony of various witnesses.

Before going to Rwanda, the Commission had heard that caves, of which there are many in the northwest of the country, had served as burial places for dozens, even hundreds, of bodies. To verify these reports, the Commission brought to Rwanda a team of four speleologists. The Commission's findings in two different communes and prefectures confirmed the massacres in northwestern Rwanda and the reliability of reports that the graves are numerous and well known to the region's residents.

The cave most often named as a dumping ground for bodies was Nyaruhanga, at Kareba in the Nkuli commune. Famous in the region for its large opening and extensive passages, the Commission first learned of the cave from an anonymous witness who accompanied the Commission in disguise. Several witnesses had asserted that the cave's mouth had been closed up with wood, stones or even concrete, but

the Commission discovered that both of the cave's two entrances were open. The speleologists systematically explored all the galleries and found no human remains. They also visited a number of other caves, including several in the region of the Bigogwe military camp. In only one cave did they find a skeleton, that of a young man who had apparently died about two years earlier. The speleologists concluded that most caves in the area had small openings that broadened into more extensive passageways and that it would not be difficult to hide such an opening completely with earth, but that without knowing specific locations, discovering such a hidden opening would be almost impossible.

Many witnesses testified as to the existence of mass graves, some with twenty or more bodies, others with ten or fewer. The Commission collected information about the location of a number of these sites, which in some cases included the names of victims buried there. Most witnesses were afraid to risk showing the Commission the precise location where bodies were buried, and often their information was too vague to indicate where excavations should begin. A site identified as behind the left corner of the back of a given house, for example, was too imprecise for the team to begin excavations, given the limited equipment (hoes and shovels) at its disposal.

The Commission examined two sites next to the communal offices of Kinigi. In a hole that had originally been dug to serve as a public latrine but had since been covered with planks, the excavators found two hats and a cap with hair attached. However, because the earth underneath did not appear to have been disturbed, the team excavated no further at the site. At a second site, where many bodies reportedly were dumped, a tattered tee-shirt with holes that could have resulted from blows of a machete or a sharpened bamboo was found. The earth had obviously been disturbed and was mixed with waste material, but given the heavy mud and water in the hole, excavation with hoes and shovels proved impossible.

Elsewhere in Kinigi, a female witness who had witnessed the killing of her sons was willing to risk showing the Commission the exact site of their grave behind the house of the burgomaster. Additional witnesses told the Commission that up to fifteen bodies were buried there. After having procured the necessary search warrant, the Commission visited the house and asked the burgomaster's consent to excavate the site. He agreed, provided that the Commission was willing to pay him the value of the potatoes planted there. The Commission paid him and uncovered a mass grave on the site. Several layers of bamboo had been placed at intervals within the hole to discourage possible excavations. At a depth of about 3.5 meters, the excavators located part of a skull with hair attached and a left foot wearing a sneaker. The placement of the remains indicated that they came from two bodies lying next to each other. It was clear that numerous other human remains were in the adjacent ground, but the excavators then had to stop work, both because it was growing late (an 8 p.m. curfew was in effect in the region) and because the sides of the hole were beginning to crumble. The next day, the Commission reported its findings to the Public Prosecutor of Ruhengeri prefecture, who agreed to continue the excavation and to carry out a complete inquiry. As of this date, neither has been finished.

To the west of Kinigi, which is located in Ruhengeri prefecture, the Commission excavated a site in the commune of Mutura, which is part of Gisenyi prefecture. There, next to a cultivated field, the Commission found a grave only 50 cm. deep., containing bones and skulls of eight young men, all dressed in civilian clothes, who had died from multiple fractures of the skull and face, delivered by blunt instruments. The bodies had been dumped one on top of the other, far less carefully than at Kinigi. One victim's lower tibia and fibula had been fractured, consistent with a forced amputation.¹⁰

¹⁰ During the attacks of the 1960's, Hutu sometimes cut off the legs of the Tutsi, who are generally tall, to reduce them, they said, to the size of Hutu.

Massacres of the Bagogwe

In contrast to the glib official denials of massacres, survivors' accounts were detailed, precise, convincing and moving. The Commission supplemented their testimony with information from official reports and court files to piece together a composite picture of the massacre of the Bagogwe.

Commune Mukingo

Bagogwe and Tutsi of northwestern Rwanda were targeted from the first day of the war. Like Tutsi of the interior, they were accused of being "accomplices" of the RPF, but in this border region, where tensions were high because of fear of attack, they were also known as "Inyangarwanda," an old term that means "Those who hate Rwanda." Like Tutsi of the interior, many of them had spent weeks or months in prison following the massive arrests of October 1990. In addition, many had been stripped of their property, including cattle. In Mukingo, for example, the burgomaster ordered residents to a communal work project on October 12, 1990. Such projects, in which all citizens are required to participate, are called *umuganda* and usually involve repairing roads, building schools, or some other work for the good of the community. That day, the "workers" were told to kill and eat the cattle of two Bagogwe women, Mukecuru and Akobasingiza. Several days later, the burgomaster of Kibilira enjoined the people of his commune to continue their "work" as he went off to prison (see above).

The RPF took Ruhengeri, the most important city in the northwest, in late January 1991. They held it for only a few hours, but during that time they managed to free all prisoners from jail. Their success, though short-lived, was a shock to Rwandan authorities, who sought to account for it by accusing local Bagogwe and Tutsi of helping the RPF. In Mukingo, Burgomaster Juvenal Kajerijeri sent communal police and forest guards (usually retired soldiers, armed with guns, who protect the forests and national parks) to collect local Bagogwe in the communal pick-up truck. Together with teachers and the director of a local school, a communal councilor and other ordinary citizens, they then killed the Bagogwe with stones, spears, sticks, and guns.

Three Bagogwe women, accompanied by their children, who tried to reach the communal offices to inquire about the fate of their male relatives were stopped at the barrier of Gataraga sector, where authorities stripped, beat and raped them in front of their children. Later, the women and children took refuge with a congregation of nuns at Busogo. When they were able to return home, they found their houses destroyed and their goods pillaged.

Commune Kinigi

A witness recalled that, in December 1990 at a meeting called by Prefect of Ruhengeri Charles Nzabagerageza, many of the attendees were armed with machetes. Nzabagerageza told the gathering to lay down the arms because the moment to use them had not yet arrived. In the days after the meeting, the suggestion circulated that the Hutu should soon get rid of the Tutsi, that they should do what had been done at Kibilira.

According to the testimony of a survivor of the massacre, the time for killing came a month later, after the RPF attack on Ruhengeri. On January 27, 1991, at about 3 p.m., communal councilors, under the direction of Burgomaster Thaddée Gasana, led a number of Bagogwe to the place called "the rotary," near the communal offices, where they were killed by authorities and ordinary citizens armed with machetes, stones and sharpened bamboo sticks. Later, a soldier shot a number of victims. The survivor was left for dead under a cadaver. His father was among the thirty to sixty who were killed that day.

One female resident of the area, who had lost five sons in the carnage, testified that she had heard soldiers telling a crowd that they should simply "cut the Bagogwe to pieces," instead of bothering to arrest them and deliver them to the authorities. The witness said that Burgomaster Gasana and councilors Ndagije of Gihora, Matthieu of Kagana, Bizimana of Musanze and the councilor of Nyarugina were responsible for killings. After having seen her sons killed and her house destroyed, she fled to her sister's home in a neighboring commune but later returned to the Kinigi communal offices to replace her lost identity card. She was accompanied by her one remaining son, 17 years old, whom the communal authorities wanted to arrest on sight. His mother sought to intervene and was herself arrested. She was released the next day, without her son. When she asked about him several days later, she was told that he had disappeared. Nonetheless, she returned to the communal offices the next day to bring him some food.¹¹ Upon her arrival, she saw her son and another young man being led away to the forest by forest guards Rutazihana and Ntabwoba. She followed them until her son noticed her on the path, whereupon he carefully placed on the ground the family photographs he had been carrying, then disappeared into the forest with the guards. His mother was afraid to follow farther and never saw him again.

The woman later took the matter of her son's "disappearance" to the prefectural authorities. An assistant prefect, whose denial of the massacres on the national radio is discussed above, denied her version of events and refused to pursue the complaint.

Burgomaster Gasana, accused of having directed the killing of Bagogwe in his commune, told the Commission that he had fled the RPF attack on January 25 and stayed away from the commune for about three weeks. His story was contradicted by numerous witnesses, including soldiers of the Rwandan army, who reported seeing him in the commune during that period. He denied knowledge of any common grave in his own backyard (see above for details on the excavation), although he admitted that a pit, which had been dug to serve as a latrine, was there when he fled and that, when he returned several weeks later, the pit had been filled in. He professed ignorance of who had filled it in or why and said that he had not inquired into the matter.

Burgomaster Gasana's explanation of the mass graves was clearly constructed hastily. He claimed that a number of bodies found in the commune following the RPF attack were those of Rwandan soldiers who had been buried in mass graves by the commune's residents. Admitting that the law required the bodies of fallen soldiers to be returned to military authorities, he contradicted his claim that the victims were soldiers by saying that because the soldiers were in civilian dress, they could not be identified as soldiers. When asked how he knew that the bodies he was describing were those of soldiers, he again contradicted himself by saying that the victims were still wearing some parts of their military dress, for example, their berets.

Communes Gaseke and Giciye

The killings in Ruhengeri were repeated several days later in the communes of Gaseke and Giciye in the prefecture of Gisenyi. These communes, together with the commune Karago, form the heart of Bushiru, President Habyarimana's home region. Even though far from the war zone, the region had been virtually inaccessible to outsiders since the start of the war, and the killings of Bagogwe there went unreported elsewhere.

¹¹ Detainees in communal jails receive no food from the authorities and must depend on what is brought to them by their families or friends.

High-ranking authorities incited the massacres. According to testimony received by the Commission, Minister of the Interior Jean-Marie Vianney Mugemana, Prefect of Ruhengeri Charles Nzabagerageza, and Director of Ruhengeri Prison J. Sukiranya arrived in the region with a tract reading:

Go do a special "umuganda." Destroy all the bushes and all the Inkotanyi [RPF] who are hiding there. And don't forget that those who are destroying weeds must also get rid of the roots.

Once again the idea of *umuganda*, work for the communal good, was made to serve a vicious end. Under the elegant symbolism, the message was simple and clear: kill the Tutsi, who could serve as cover for their fellows from outside the country--and don't omit the children.

The order was effective. Although the burgomaster of Gaseke was said to have had the courage to resist the directive, several of his councilors and *responsables*, communal police and agricultural agents were ready to do the job instead. The burgomaster of Giciye, however, was willing to carry out the order.

On February 2, 1991, a large crowd that had been assembled for a day of *umuganda* attacked the home of a resident named Karasanyi. The group was armed with spears, machetes, hoes, sharpened bamboo sticks and large stones. With the help of some communal authorities, the family and others in the house fled to the tea factory of Rubaya, where 17 of them were killed and a dozen others were wounded.

According to judicial files obtained by the Commission, those accused of killings in this and other attacks in the region testified that the state had ordered the killing of all the Tutsi. Confessed assailants stated that they had been sent by the councilor and that members of the cell committee joined in the attacks. One attacker asserted:

We were sent by the councilor of Gisebeya sector. He said that there were a lot of people at Karasanyi's house and that he did not know who they were and that they were accomplices of the RPF. He told us to go see about it and that was our "umuganda" for that day.

After attacking the Tutsi, the same councilor led an attack against the home of a Hutu who was accused of having given refuge to Tutsi.

Another attack targeted Mukamana, wife of Aloys Muratwa, a teacher who had been imprisoned at Gisenyi since the start of the war. She was at home with her two sons, two and five years old. The attackers arrived between 6:30 and 7:00 p.m. and killed the mother with spears and hoes. They threw the two children, apparently still alive, in the latrine, where the older one died. The two-year-old was fished out still alive the next morning by the burgomaster of Gaseke. The councilor of Mwendo sector reportedly was present when the woman was killed. According to judicial records in the case, one killer said that Tutsi had been killed in other communes and that the same should be done here.

A group from Gaseke, assisted by five policemen, killed Tutsi in the neighboring commune of Ramba. One of those accused of murder and pillage in these attacks denied the charge. He said he had intended to commit those crimes but had not actually done so because:

The councilor stopped us from killing because the time was up. It was the councilor himself who had ordered us to "clear the brush." It was he who ordered Nkundanyirazo [a victim] buried. It was he who ordered Bahizi to kill Kabiligi... We operated in our sector, but on the orders of the councilor.

When Assistant Prefect Gatera asked for additional police to restore order, Minister of the Interior Mugemana refused. During ten days of attacks, about 60 people were killed in Gaseke and Giciye. Ninety-five suspects were accused of the killings, but not one was brought to trial. Joseph Buhirike, younger brother of Colonel Sagatwa, private secretary of President Habyarimana, who was accused of having killed Tutsi in sector Gihira, commune Giciye, was not even indicted.

Commune Karago

With one exception, judicial files and official reports make no mention of violence in Karago, the home commune of President Habyarimana. The exception is a report from the Ministry of Justice in 1992 that indicates that 68 people were killed there. The Commission did not find any further information on the killings.

Commune Mutura

The other communes of Gisenyi prefecture stayed quiet in the days after the RPF attack on Ruhengeri. In order to incite violence, the military staged a fake attack on the RPF camp at Bigogwe during the night of February 3-4, 1991, repeating the charade used the previous October in the city of Kigali (see above). The next morning, soldiers, assisted by local authorities and residents, began a search for RPF forces said to be in the area or, should they not be found, "accomplices" who might have facilitated their attack.

Mutura Burgomaster Faustin Ndabarinze and communal policeman Rwamakuba did not participate in the operation and instead tried to save Tutsi. The burgomaster urged Tutsi to defend themselves against both civilian and military attackers. One group of Tutsi, gathered in a marsh to resist a Hutu attack, succeeded in driving back the attackers, forcing the Hutu to seek military support. Even after the soldiers arrived, the Tutsi refused to surrender, and one of them killed a soldier with his spear. Shots fired by a second soldier attracted others from his company, and together they killed all the Tutsi in the group and later shot all the other Tutsi they found.

Elsewhere In Gisenyi Prefecture

In the communes of Kanama and Rwerere and in the city of Gisenyi, soldiers from the Bigogwe camp and from the camp in Gisenyi seized, beat and killed Bagogwe and Tutsi, whom they called "accomplices" of the RPF. During a 1992 investigation, Commission member Eric Gillet had obtained testimony that, at the end of January and the beginning of February 1991, prisoners from the Gisenyi jail had been forced each day to bury unidentified bodies apparently from the Gisenyi military brigade. During the Commission's visit, several witnesses sought out Commission members to testify that they had seen such burials in mass graves at the Gisenyi cemetery.

The burgomaster of Rwerere apparently knew in advance that a fake attack would be made at Bigogwe during the night of February 3, 1991. The previous evening, he had warned residents throughout the commune to be vigilant because, he said, the RPF was about to launch a terrible attack against the Hutu. The next morning, after having heard the shooting during the night, he insisted that residents who were eager to flee should stay and take up arms to help the soldiers attack the RPF and their "accomplices" in the commune.

According to a witness, a bus accompanied by the prefect of Gisenyi in his car traversed several communes on February 4 and 5, 1991, collecting Bagogwe who were then taken to the military camp of Gisenyi or to a military detachment at Kanzenze in the commune of Mutura.

Officially denied, the massacres continued from the end of January to the middle of March 1991. Local authorities who had tried to help the Tutsi by asking support from their own superiors, such as Assistant Prefect Gatera, were rebuffed. Some of those who tried to save lives by more direct action, like the burgomaster who fished the child out of the latrine, were successful, but others, like the burgomaster of Mutura who urged the Tutsi to defend themselves, failed. Among those who tried to help the Tutsi, some suffered for their efforts, including the burgomaster of Mutura, who was dismissed immediately after the attack, leaving his post unfilled for three months. A Hutu *responsable* in Kinigi who tried to protect his Tutsi neighbors was later arrested and eventually removed from his post.

The number of victims declined after mid-March 1991, but the harassment of Tutsi continued. In one incident, a crowd accompanied by two policemen killed a Tutsi; in another, soldiers shot a Tutsi who was "trying to escape." Many of the remaining young Bagogwe and Tutsi men fled the area. As the male population of Bagogwe and Tutsi was reduced from the killings and the resulting exodus, women and children suffered increasing incidents of threats, arrests and rapes. Many no longer dared to spend the night in their houses because crowds would come to shout insults at them and throw stones at the windows or on the roofs. When authorities relaxed the ban on travel and began allowing some people to leave the region, many women and children also left.

Responsibility of the Authorities

Testimony from both victims and assailants establishes the active participation of authorities, including a Minister, two prefects, burgomasters, and many lesser officials in the massacres. In addition to the evidence from these eyewitnesses, journalist Janvier Africa, a former agent of the Rwandan secret service, the Service Central de Renseignement KAREN(SCR), said he participated in meetings to organize these killings. Africa worked for the SCR until the beginning of the war, then was assigned to the President's Office. In a series of interviews, he told the Commission that he attended meetings of a group known as the "Death Squad." He asserted that such a meeting was held at 2 a.m. sometime in January before the RPF overtook the city of Ruhengeri. Present at the meeting were Joseph Nzirorera (then Minister of Mines), Charles Nzabagerageza (then Prefect of Ruhengeri), Come Bizimungu (then Prefect of Gisenyi) and Casimir Bizimungu (then Minister of Foreign Affairs). After the attack on the city, Colonel Elie Sagatwa, Protais Zigiranyirazo (brother-in-law of the President), Deputy Rucagu and the Prefect Nzabagerageza all agreed on killing the Bagogwe. Nzabagerageza was assigned the task of ordering burgomasters to find trustworthy agents to carry out the operation. Africa claimed that the operation had cost 15 million Rwandan francs (about \$110,000). His personal role had been to verify the results of the operation, a claim which he supported by showing the Commission identifiable objects taken from the homes of victims.

According to Africa, the President himself presided over the meeting that prepared for the killings. The President's wife was also present, as well as Colonel Sagatwa and his wife and a diviner brought by Sagatwa. Minister Nzirorera was in charge of getting the necessary money to the Prefect Nzabagerageza.

Colonel Sagatwa proposed the massacres to which President Habyarimana acquiesced with a nod. Nzirorera, Nzabagerageza and Come Bizimungu were to locate the burgomasters whom they could trust.¹² Once the operation had begun, police were to be provided to be sure that the work was well done.

¹² Africa said that burgomasters who had been appointed with the support of members of the Squad, such as Nzirorera, would have to participate, while those who had obtained their posts otherwise might find a way to avoid doing so. This explains why Nzirorera, Nzabagerageza and Come Bizimungu were the ones selected to choose the trustworthy burgomasters.

"Clearing the Brush" Once More: New Attacks in the Northwest

According to the burgomaster of the commune Kayove, authorities found four bodies in the Gishwati forest during the months of November and December 1992. Claiming that the deaths had been caused by "bandits" who lived in the forest, they decided to "clear the brush" in the forest. The burgomasters of several communes adjacent to the forest fixed the date of December 28, 1992 for this particular *umuganda* and advised their "workers" to arrive at their assigned sites equipped with machetes and large sticks. On the designated day, the Tutsi and Bagogwe of Kayove, no doubt aware of what "clearing the brush" could mean, did not arrive for the *umuganda*. According to the burgomaster, the Hutu noticed and remarked on their absence with resentment and suspicion.

The previous evening, a Hutu had spread the rumor that the operation was really meant to attack Tutsi and Bagogwe. One old man of the threatened minority had even come to warn the burgomaster of the impending violence. But, according to the burgomaster, he did not take the warning seriously because he knew police would be present and he expected them to control the situation.

On the day of *umuganda*, crowds armed with machetes and sticks descended on the Bagogwe and Tutsi and burned their houses, killed their cattle and pillaged other goods. Although considerable material damage was done and some people were injured, no one was killed in Kayove. The burgomaster had summoned additional police, some of whom were still in the commune at the end of January 1993.

At the same time, in the commune of Gaseke on the other side of the forest, a woman was attacked and killed by a group directed by the *responsable* and a member of the cell committee. She was related to Mukamana, wife of Muratwa, who had been killed with one of her sons the year before, when her other son had been saved from death in the latrine (see above). A 60-year-old woman from the same family was killed a week later on January 5, 1993, by assailants who had just left a meeting of the *Interahamwe*, the MRND militia, in the sector of Gisebeya. Her husband, who had been warned by a friend not to return home, had been able to escape. Two days later, Muratwa, from the same family, lost his house and property in an attack and barely escaped with his life.

Also on January 5, Bagogwe were attacked in the commune of Mutura, on the northern edge of the forest. The *nyumbakumi*, who is responsible for a group of households within a cell, organized an attack on a family that was said to be sheltering an RPF member. A son of the family had left the region four months before for an unknown destination, probably in search of work. The attackers, claiming that the young man had returned and was recruiting for the RPF, said he was carrying a red bag in his hand, probably filled with grenades (see above for a similar story from Kibilira). When the group arrived, the woman of the family was alone with her children. She told the Commission:

I asked them, "Why are you coming here in such a crowd? What are you after?" They answered that they were looking for the Inkotanyi [member of the RPF]. I said, "Well, look around. You are in luck because I have just lit the fire and so you have light everywhere in the house." They came in and tore the place apart. They even lifted up children to poke in the grass of the roof. When they finished with the house, they went out to the fields and began pulling up the potato plants. I said to them, "Even an Inkotanyi who was just born today would still be too big to hide in the hole of a potato plant."

Her young son and his uncles then arrived, and the attackers tried to capture her son, but he was able to flee along with her young daughter. The attackers severely beat the woman, and, that night, they burned down her house and several others belonging to Bagogwe. Several hundred people took refuge several kilometers away, at the Adventist University of Central Africa at Mudende. The burgomaster

arrested three male members of the family that had been attacked. The next day, after attracting the attention of the international community and human rights associations, the burgomaster released the three and arrested several others accused of having burned the houses. On the following day, a crowd beat two young women from one of the Bagogwe families for having caused the arrest of the accused arsonists. The burgomaster claimed that the women had been attacked by a transient drug addict (whom he did not identify) and suggested that the inhabitants had burned their own houses to conceal their decision to leave the area to join the RPF.

After concluding a day of interviews at Mutura, a group of about thirty appeared before the Commission and demanded to be heard. The councilor who led the group insisted that the burgomaster and his efforts to restore order had enjoyed wide popular support. The councilor then asserted--to an outburst of laughter from the crowd--that the victims of arson had burned their own houses "to make us look guilty."

On December 18, 1992, the burgomaster of Mutura held a meeting for all his subordinates and the general population. He warned them to be particularly vigilant towards Tutsi and Bagogwe teachers because they were "accomplices" of the RPF. He singled out one teacher in particular, whom he had previously tried unsuccessfully to have dismissed from his post. After that meeting, the teacher was subject to frequent threats from others in the community. He complained to his councilor to no avail. On January 5, the date of attacks elsewhere, the burgomaster accompanied police in search of the teacher, who, warned by a friend, had managed to flee. The burgomaster and police beat the teacher's wife and other family members who were at home.

The burgomasters of Mutura and Kayove both were distressed by the attention drawn to attacks in their communities. The burgomaster of Mutura angrily reproached women who had taken shelter at the Adventist University with having brought "the whites" down on him. In both cases, the burgomasters called for police reinforcements, which helped to limit the damage to injuries and the destruction of property. Elsewhere, for example, in Kibilira and Bugesera, attackers on the first day of violence often limited themselves to looting, arson and the killing of cattle, and then, growing bolder on the second and following days, they moved on to killings. When authorities so indicated, the violence stopped, as when police arrived on the second day in Kayove and Mutura to interrupt the cycle of violence and restore order before killing began.

As in previous attacks, the authorities promptly arrested those accused of the crimes and then released them soon after with no further judicial proceedings. Several of the poorest and least powerful of the accused were kept incarcerated at Kayove (including one of the victims whose house was burned), apparently to serve as examples that the crimes were being taken seriously.

"Clearing the brush" was a limited operation and appeared to be more of a threat than an end in itself. In the following weeks in the affected areas, Bagogwe and Tutsi were living in fear, subject to daily threats and insults. Some were sleeping outside, rather than spending the night at home, where they felt most threatened. Others stayed together in houses in order to be able to mount patrols.

BUGESERA

The region of Bugesera, which includes the three communes of Kanzenze, Gashora and Ngenda, is adjacent to Burundi. Flat, hot and dry, Bugesera was sparsely populated until the 1960s when a significant number of Tutsi settled there after having been attacked by Hutu elsewhere. In later years, both Tutsi and Hutu, including many Hutu from Ruhengeri, moved to Bugesera in search of arable land.

Far removed from the combat zone, Bugesera is the site of the Gako military camp, the most important military training center in Rwanda. As with the massacres of the Bagogwe, the troubles in Bugesera involved both military and civilian authorities, and, as with the third attack at Kibilira, the party militias helped carry out the violence. In Bugesera, the national radio played a role of unprecedented importance in heightening fears and hatreds.

Preparing for the Massacre

In October 1991, Burgomaster of Kanzenze Fidele Rwambuka ordered the arrests of a number of Tutsi youths, who were accused of planning to join the RPF and of having recruited others for that purpose.¹³ Twenty-eight were seized over a period of two weeks, and, after a brief detention at the communal offices, they were transferred to the Gako military camp, where they were all severely beaten. Eight were killed or disappeared.

The burgomaster claimed that the accused "were sent to Gako camp to be interrogated about the military training" given to young men who were planning to join the RPF. Neither the burgomaster nor the commander of the camp could explain the disappearance of the eight, except to suggest that they had finally been able to escape to join the RPF.

On November 11, 1991, the burgomaster held a large public meeting at the market of Nyamata where he denounced a Tutsi merchant, Gahima, who is a local PL party representative. Calling himself the burgomaster of the Hutu, Burgomaster Rwambuka said that Gahima was trying to be the burgomaster of the Tutsi, and that they would determine who was the stronger. He also denounced Gahima as the chief recruiter of soldiers for the RPF. By chance, the meeting was observed by representatives of Africa Watch who were in the region and noticed how explicitly the burgomaster was inciting the crowd against Gahima.

Two weeks later, Hassan Ngeze, editor of the journal *Kangura*, arrived from Kigali and traveled through the area distributing anti-Tutsi tracts. Ngeze, well known for his close ties with high authorities, returned several times on similar missions. He appears to have played a similar role of ideologue for Bugesera as Mugesera did for Kibilira.

During the following weeks, a number of land mines exploded in the region, causing several deaths. According to some, the mine-laying was the work of Tutsi "accomplices" of the RPF; others accused the authorities of planting the mines to further heighten fear and hatred against the Tutsi in preparation for an attack against them.

In mid-February 1992, five suspects were arrested and detained for a week at the Gako camp and then for a second week at the Gikondo brigade in Kigali, where they were beaten and tortured by agents of the secret service. They were released after intervention by human rights associations.

On March 1, 1992, the merchant Gahima sharply criticized Burgomaster Rwambuka at a PL meeting. Either Rwambuka or one of his supporters responded by a typed and mimeographed pamphlet,

¹³ In Bugesera, as in the northwest, young men regularly leave the country to look for work elsewhere. Here, in addition, a number of pastoralists often take their cattle to pastures on the other side of the frontier. Determining whether someone has left to join the RPF, to look for work or to tend cattle is almost impossible, which facilitates the ability of authorities to accuse residents of leaving or planning to leave to fight for the RPF.

accusing Gahima of being a rebel, an assassin and a filthy bandit¹⁴ and criticized PL President Justin Mugenzi. The tract ended with these words:

THEY MUST NOT ESCAPE US!

The burgomaster later denied all knowledge of the tract, which was distributed by the communal pick-up truck.

Radio Rwanda Sparks the Killings

Five times on March 3, 1992, Radio Rwanda broadcast a "warning," supposedly from a human-rights group, that Tutsi were plotting to kill important Hutu leaders in Rwanda. The following night, Hutu began attacking Tutsi in the sectors of Maranyundo and Mayange in the commune of Kanzenze. The attacks spread to Muyenzi, Kanazi and other sectors of Kanzenze, then to the neighboring communes of Ngenda and Gashora. A detailed list of victims indicate that 195 people were killed during the five days; another list adds another 82 names, for a total of 277 dead.

A witness told the Commission of killings, looting and the local leaders' roles in the attacks:

The attack began about 8:30 P.M. It was then that they began to pillage our goods and the next day they began to kill. They came in a great crowd, shouting like crazy people, the whole cellule. They came with baskets to take the beans and other containers to carry away the meat. They took the beans, killed goats and cattle. I had ten cows and twenty goats. They took all our clothes. After pillaging us, they went home to eat their loot.

They killed four of my children and my wife. They threw my wife's body into the latrine. It was a man from the north who is my friend who told me that. He was among the attackers. His name is Bakunzibake. Later I went to verify the information myself. The four children were buried next to the house.

There were a lot of them, but I know who were the ones attacking with machetes. Among them was Gakwandi, member of the cell committee. Three of my children escaped because I entrusted them to a Hutu to whom I had given a cow. He hid them in his house.

At the root of the conflict was our burgomaster Rwambuka and our councilor Hezekia Basigayabo. The councilor did not attack here in his own cellule, but in another one, in Gakamba.

Another witness declared that the attackers moved systematically from one cell to the next. She added, "They said they were supposed to kill the Tutsi. The proof is that no Hutu was injured or lost his cattle."

One old man, who exhibited a large scar on his chest resulting from a spear wound, claimed that his two houses had been burned and that he had been so badly struck on the ears that he could no longer hear. He also had been nearly blinded by the beating. He said that his child had been saved by a Hutu neighbor to whom he had loaned a field for cultivation.

¹⁴ Facilities for mimeographing in Bugesera are virtually non-existent outside of government or party offices.

On the plateau at Bugesera, the burning houses could be seen at a great distance, causing terror to spread quickly. About 15,000 people fled their homes to take refuge in churches, schools and health centers.

Responsibility of the Authorities

The commune of Kanzenze is located less than an hour by road from Kigali; the other two communes are somewhat farther away. The authorities at Kigali were quickly informed about the attacks that began the night of March 4, and although police and soldiers were dispatched to the areas, the attacks continued until March 9.

Human rights associations and the diplomatic community at Kigali strongly criticized the authorities, who quickly sought to minimize the most conspicuous evidence of an attack, the presence of displaced persons. As early as March 9, the authorities began insisting that the displaced return home. Naturally, they were reluctant to do this, both because they feared further attack and because their food supplies had been destroyed or stolen. In order to force the several thousand displaced persons at the Nyamata parish to leave, Burgomaster Rwambuka ordered their water supply cut off. On March 9, an Italian volunteer, Antonia Locatelli, who had worked in the region for more than twenty years and had first annoyed the authorities by informing foreigners, including correspondents, about the crisis, argued with Rwambuka over the cut-off of water. That night, she was killed, shot once in the mouth and once in the heart.

Here, as elsewhere, witnesses testified about the involvement of local authorities--members of cell committees, *responsables*, councilors and, especially, Burgomaster Rwambuka, who is a member of the central committee of the MRND and thus plays a role of national importance in politics--in the attacks. In an interview with Commission members, Rwambuka sought to excuse rather than deny the massacre. In a move similar to the "spontaneous" presentation by a group at Mutura in defense of the Burgomaster mentioned above, Rwambuka gave Commission members a letter alleging that the massacres had been justified by provocations from militant Tutsi, signed by several hundred of the residents of his commune. The councilor of Kanazi, a close friend of the burgomaster, claimed that the Tutsi had burned their houses to justify their flight to the churches, echoing the explanation for arson that was used by the councilor at Mutura.

Janvier Africa told the Commission that, once his superiors in Kigali had agreed on the operation, he assisted in the Bugesera attack. According to his testimony, Rwambuka was the local director and could order from Africa needed equipment and supplies. To support local efforts, the *Interahamwe*, the militia of the MRND from the three sectors of Remera, Cyahafi and Biryogo in Kigali, had been taken to Bugesera in two vans and a pick-up truck. Africa asserted that soldiers dressed in civilian clothes who came from camp Mayuya at Kanombe (Kigali) and from the Presidential Guard had participated in the massacres.

A soldier posted at Gako at the time of the attacks testified that Colonel Musonera, the commander of the sector, had received a telegram on March 8 from the Rwandan Army headquarters ordering him to put a company (about 150 soldiers) into the killing operation. They began the next day, March 9, in sector Nkanga, commune Gashora. Some of the soldiers, dressed in civilian clothes, were guided by local residents who pointed out the homes of Tutsi. They were preceded by a patrol of soldiers in uniform who disarmed and dispersed Tutsi who had gathered to defend themselves. The soldier also declared that he could identify latrines where victims had been thrown and a place in the marsh near Rilima where about 50 residents in hiding had been killed by grenades.

A victim, supporting his testimony, said that "the soldiers prevented people from fleeing to the church. [Soldiers in uniform] didn't kill, but they disarmed the people who wanted to defend themselves."

The Kigali prosecutor arrested 466 people accused in the attacks, but, as of January 1993, no one had been brought to trial. Many were released soon after their arrest, others were released several months later after an apparent error in judicial procedure. No restitution of any kind was given the victims, many of whom have continued to be threatened since their return home, in many cases by the same people who attacked them in March 1992.

A policeman who was found guilty of the murder of Mademoiselle Locatelli was sentenced to one year in prison.

THE QUESTION OF GENOCIDE

Article II of the Convention for the Prevention and Repression of the Crime of Genocide defines genocide as follows:

In the present convention, genocide extends to any of the following acts, committed with the intention of destroying in whole or in part, a national, ethnic, racial or religious group as such:

- a) Murder of members of the group;
- b) Serious attacks on the physical or mental integrity of members of the group;
- c) Deliberate submission of the group to conditions of existence such as would bring about its total or partial destruction;
- d) Measures aiming to prevent births among members of a group;
- e) Forced transfer of children from one group to another group.

Rwanda signed the convention, which not only forbids genocide, but also obliges states to punish genocide, the intention to commit genocide, public incitement to commit genocide, attempts at genocide and complicity in genocide, on April 15, 1975.

Testimony established that many Rwandans have been killed for the sole reason that they were Tutsi. The question remains whether the designation of some members of the Tutsi ethnic group as a target for destruction demonstrates an intention, in the sense of the Convention, to destroy this group or a part of it because of its members' ethnicity.

While the casualty figures established by the Commission are significant, they may be below the threshold required to establish genocide. These technical matters aside, the tragic reality is that for the sole reason of belonging to the Tutsi group, many Rwandans are dead, have disappeared, have been seriously injured or mutilated, have been deprived of their property, or have had to flee their homes and been forced to hide or live in terror.

Recently the attacks have included increasing numbers of Hutu opposed to the MRND or the CDR. This broadening of the group of victims complicates the situation but does not change its fundamental nature.

HUMAN RIGHTS ABUSES BY THE RWANDAN ARMY

The Commission documented numerous abuses by the Forces Armées Rwandaises (FAR), the Rwandan armed forces, which include the national police as well as the military. These abuses have occurred throughout the country, although in greater concentration in the vicinity of permanent military installations, and have been increasing in number in the last year.

KIBUNGO

Some of the most flagrant abuses took place in the prefecture of Kibungo, in the eastern part of Rwanda. After these abuses were publicized in *Kinyamateka*, Rwanda's most widely read newspaper, in November 1991 (number 1358) and August 1992 (number 1376), President Habyarimana ordered the Ministers of Justice and Defense to create a commission of inquiry to investigate the charges.

Witnesses from the area told the Rwandan commission that in the first six months of 1991 they saw one to three pick-up trucks at a time transporting civilians, some of whom were blindfolded, through their communities, escorted by soldiers. Soon after the vehicles passed, the witnesses heard shots from a place called "Ku musaraba," near Kazizi and the swamps alongside the Akagera River. The witnesses then saw the vehicles return without the civilians. To support their contention that the civilians had been executed by the soldiers, they showed Commission members skulls and bones at the site near Kazizi, which is now commonly called, "Rwabihanga," or the "Place of the Skulls." The witnesses said that those executed were suspected by the soldiers of being "accomplices" of the RPF.

Other cases of abuse by the Army at Kibungo include the following:

- o Four cattle herders who had known but had failed to notify the FAR that RPF soldiers were at Ngugu and Mishenyi and who had been arrested and taken to the Command Post at Village III Ibanda to be interrogated. There they were severely beaten. One of them, Ngiruwinsanga, died on the spot; the other three, Gakwaya, Elias Ndayambaje, and Gahima, were taken to Kazizi and never returned.
- o Another cattle herder, Andre Rukiziza of Village III, was accused of having said "that when the RPF take over the country, he would kill one of his cattle [to celebrate their arrival]." For this, he was arrested and taken first to the Command Post at Ibanda and later driven off in the direction of Rusumo. He was never seen again. A similar case involved Gerard of Rurambi, near Gitoma, who also disappeared.
- o Nzabamwita, a night watchman for the BGM project at Gitoma, disappeared after having been accused of assembling food and clothing for the RPF.
- o Gatura, head of a fishing cooperative at Mpanga, was killed by a drunken soldier after an argument at the cooperative headquarters at Tebe. The soldier was recalled to his command post to explain his actions but is not known to have suffered any punishment.
- o The cattle herder Innocent Makunza and Epiphanie Mukatisini reported many cases of rape among the women and girls of Village III.

The witnesses stated with certainty that Lieutenant Karekezi and Major Ndekezi of the Command Post at Village III were responsible for the crimes, but the Rwandan commission made no judgment as to their involvement, preferring to leave the decision to the operational commander who, they said, would be best able to determine which soldiers were active in the area at the time of the crimes.

In its conclusions, the Rwandan commission deplored the failure of all authorities--military, administrative and judicial--to prevent or stop the killings. Apparently no further action was taken.

FAKED MILITARY ATTACKS

On two occasions, the government enlisted the Rwandan army to mount fake attacks in order to set the stage for arrests and killings of those thought to be opposed to the Habyarimana regime.

On the night of October 4, 1990, the FAR simulated a battle in Kigali, enabling the government to charge the next day that the RPF had infiltrated the region. At first accepted as real, the "attack" is now acknowledged by all credible observers to have been a hoax that allowed the government to begin a campaign of massive arrests, totaling between 8,000 and 10,000 people. An unknown number of persons were summarily executed at the same time. Witnesses, including those then linked to President Habyarimana, indicated that no weapons were found during the arrests and that the display of arms mounted several days later to support government claims was similarly faked.

The second staged attack took place the night of February 4, 1991, at the military camp of Bigogwe, in Mutura commune, Gisenyi, where shooting continued for several hours. In the morning, soldiers fanned out through the surrounding area, supposedly to search for RPF soldiers. Finding none, they enlisted the local people in attacking Tutsi and Bagogwe who were accused of helping the RPF. The bodies discovered by the Commission in the mass grave at Mutura contained victims killed as a result of this faked attack.

SUMMARY EXECUTIONS

Military authorities cooperated with civilian officials in detaining, beating and executing civilians from communities near their military camps. In Bugesera, for example, Burgomaster Fidele Rwambuka arrested twenty-eight youths and sent them to the Gako military camp. All were severely beaten and eight of them disappeared or are known to have been killed there. Similar abuses have taken place at military camps at Bigogwe, Byumba, Gabiro, and Kigali.

The Byumba camp was reputed to be particularly dangerous. Among those known to have disappeared from there were eighteen civilians sent to the camp on October 7, 1990 by Burgomaster Jean-Baptiste Gatete of Murambi commune. At the time, the camp was commanded by Major Pierre Ngira, who had headed the military district of Byumba for eight years. In a meeting with the International Commission, he described the arrival of the prisoners sent by Burgomaster Gatete as follows: They were delivered in large cloth bags inside a pick-up truck. Some were dead. Those who brought the prisoners claimed them to be supporters of the RPF, an assertion that Major Ngira did not question. He ordered that they be put in a hole that had been dug for latrines, six meters by three, and four meters deep. In the morning, those still alive were transferred to prison and the others were buried. Major Ngira claimed that he was distracted by other duties and therefore was uncertain whether victims were buried inside or outside the camp, although he believed it was in the Byumba cemetery. According to other witnesses, however, Major Ngira himself ordered red hot coals dumped on the prisoners in the hole, burning them to death. The witnesses included prisoners who had been forced to pour the coals into the hole.¹⁵

¹⁵ Major Ngira was arrested on November 5, 1990, on charges of having failed to stop the RPF invasion at Gatuna. Released in April 1991, he was later named to a post at the Office of Food Products by a decree from President Habyarimana.

Among other prisoners who disappeared and presumably died at the camp were Zacharie Mugambira, a commercial entrepreneur, and Jean Mugambira, a teacher, both taken at Rukomo, in the commune of Muramba, and sent to the camp on the orders of Burgomaster of Muramba Onesphore Rwabukombe.

Another case of the security forces killing someone who had angered civilian authorities occurred on in Bugesera on March 9, 1992. A policeman killed Italian volunteer Antonia Loccatelli in cold blood at the parish of Nyamata; she had helped make the international community aware of the massacres in the region and had resisted Burgomaster Rwambuka's attempts to force the displaced to leave the parish and return home.

RAPE

With no fear of punishment, soldiers rape women throughout Rwanda, not just in the context of battle or during attacks against the civilian population, but everyday wherever soldiers are stationed. In Byumba, for example, on hills near military camps or barriers, dozens of young girls, some as young as twelve or thirteen, are pregnant as a result of rape. Reliable sources reported to the Commission that in the commune of Cyeru five young girls were raped and then killed by soldiers in the week of January 4, 1993. At military barriers, it has become the practice to demand a "*contribution en nature*" from passing women.

MUTINIES, LOOTING AND FORCED LABOR

During 1992, soldiers mutinied three times--on May 29 at Ruhengeri, where 20 died, 30 were injured and material damage was estimated at 30 million Rwandan francs (about \$220,000); on May 30 at Gisenyi, where a dozen died and 70 million Rwandan francs (\$450,000) worth of merchandise was stolen from merchants; and on June 6 and 7, at Byumba, where the FAR engaged in widespread looting. Goods pillaged at Byumba later appeared at impromptu markets at military bases in Kigali. The killings and looting in these incidents have apparently not been punished.

Some soldiers saw the opportunity to profit as an important by-product of attacks on the Tutsi and Hima populations of Mutara (see below), and they confiscated the pastoralists' herds to sell at the Kigali market. Soldiers also looted shops at Mukamira and Ruhengeri on several occasions. At the time of the RPF attack on Ruhengeri, soldiers robbed the Banque Commerciale. Civilians who sought to protect their property sometimes paid with their lives, including three at the camp for displaced persons at Ku Kabo: Alphonse Nyamuryotwe Gafuba, who was shot in October 1992, and Etienne Bayijahe and Albert Katalyera, who were shot on January 3, 1993, after resisting looting by soldiers.

Displaced persons who are temporarily settled near Nyagatare have lost everything and lack even the hoes necessary to cultivate the surrounding fields. Soldiers in the area own hoes and will lend them out only on the condition that the displaced persons cultivate the soldiers' fields, for a minimal salary. One worker said:

We are very poor. All our cattle, all our goods have been taken. We have neither seeds nor hoes. We cultivate for the Rwandan soldiers who allow us to use their hoes for the work....We are hungry. That is why we cultivate for the soldiers. We have no other way to eat.

VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

The Commission gathered testimony from several independent and corroborating sources about FAR killings of RPF members who had surrendered and about killings of other noncombatants, both of which clearly violate common Article 3 and Protocol II of the Geneva Conventions.

A military officer said that in a battle at Lyabega, Mutara, the FAR defeated an RPF force of 300. After about half of the RPF force had been killed, the remaining half laid down their arms but were nevertheless executed by the FAR. The witness explained that officers had ordered the killings because holding RPF prisoners would have strained food and transport supplies.

The region of Mutara was populated mainly by Bahima, a pastoralist people who form a subgroup of the Tutsi. Largely because Mutara was the region through which the invaders had entered Rwanda, the Bahima were accused of complicity with the RPF. According to the officer cited above and verified by testimony of displaced persons in camps in the region of Ngarama and others who had fled to Kigali, several companies of the Rwandan army were ordered to clear the zone between Nyagatare and Kagitumba of all humans and animals. The massacre was carried out on October 8, 1990 by helicopters and soldiers on the ground. The above-mentioned officer led his company up the road towards Kagitumba, flanked by one company on each side. Between 500 and 1000 persons were killed. The Rwandan Red Cross buried the dead.

Some of the FAR abuses are no doubt due to the lack of training and discipline that have resulted from the rapid expansion of the force following the outbreak of war. Many other abuses, however, are the result of orders given by superiors who enjoy immunity. While ordinary soldiers appear undisciplined in dealing with the civilian population, the hierarchy is well organized and efficient, as demonstrated by the staged attacks and the military role in the massacre of the Bagogwe.

Judicial authorities make no effort to investigate military attacks or to prosecute soldiers accused of crimes. Several prosecutors and magistrates told the Commission that such action was clearly impossible. Court records from Gisenyi, for example, indicate that only one person died in the February 1991 attacks in Mutara, when in fact dozens died there. Because the killings involved soldiers, no judicial inquiry took place. A similar case was noted with regard to the above-mentioned government commission report on military abuses in Kibungo.

Military camps also enjoy a kind of extra-territoriality. Civilians arrested and taken there cannot be traced, and those who hide there can avoid arrest, as is the case with Leon Mugesera, cited above, who remains in a military camp to escape prosecution for his speeches inciting attacks on Tutsi and members of the political opposition.

The most powerful state authorities, including President Habyarimana himself, are clearly involved in the violations and in creating ideological justifications for them. On December 4, 1991, following a meeting presided over by President Habyarimana, the military high command issued two communiques, which both reaffirmed support for democratization and denounced Rwandans who "consciously or unconsciously" aid the enemy under the cover of political activity. At the same time the military created a commission of ten officers to propose a plan for defeating the enemy "on the battlefield, in politics and in the media."

In a widely distributed military commission report, issued on September 21, 1992, the officers of the high command defined the principal enemy as:

Tutsi inside or outside the country, who are extremists and nostalgic for power, who have never recognized...the realities of the Social Revolution of 1959 and who want to take power in Rwanda by any means, including by force.

Partisans of the enemy, "any persons who give needed support to the enemy," were to be found among Tutsi, both refugees in exile and those within the country, Hutu dissatisfied with the current government, the unemployed, foreigners married to Tutsi wives, and the "Nilo-Hamitic"¹⁶ people of the region. Among the acts by which enemies could be identified, the report listed the expected: taking up arms, providing arms, spying, spreading false rumors and so on. The report went on to label as "suspicious" the publication of certain newspapers, the meetings of cultural associations, and activities that draw the attention of the international community to the condition of refugees and to human rights abuses in Rwanda. It condemned "activists" who would "turn public attention from the ethnic problem to the socioeconomic problem of divisions between the rich and the poor." The report concluded by naming a number of people said to be "activists" for the enemy "in order to make clear to what extent the political and administrative authorities have been devoured" by the enemy.

¹⁶ "Nilo-Hamitic" is an old racist term for Tutsi and related peoples of the area.

HUMAN RIGHTS ABUSES BY THE RWANDAN PATRIOTIC FRONT

The RPF considers its forces "an organized army" as defined by Protocol II to the Geneva Conventions, that is, as one "under a responsible command, exercising such control over part of the territory of one of the contracting parties that permits it to carry out continuous military operations there and to apply the present Protocol." As with the FAR, it must assume responsibility for acts committed under the cover of its operations, whether committed by its own forces or by others accompanying them. Common Article 3 of the Geneva Conventions protects those not directly involved in combat from attacks on their lives or bodily integrity and from mutilation, cruel and inhumane treatment and summary executions. The Commission found that the RPF had committed infractions of this article as well as other violations of international humanitarian law.

The RPF has been guilty of attacking civilian targets, of summary executions, forced expulsions of populations, injuring civilians, and pillage and destruction of property. The apparent absence of punishment for those guilty of these crimes makes it likely that the abuses will be repeated.

ATTACKS ON CIVILIAN TARGETS

Previous examinations of the human rights record of the RPF, including one by Africa Watch, criticized it for hitting civilian targets, including such camps for the displaced as the one at Rwebare, in December 1991. The RPF countered such charges by claiming that the FAR installed its posts too near civilian targets, thus making it likely that civilians would suffer in the course of attacks. The Commission collected eye-witness testimony of deliberate RPF attacks on the Nyarurema clinic on February 15, September 5, and December 7, 1991. During the first incident, the RPF attacked hospitalized Rwandan soldiers; during the third, they killed seven civilians, including five children who were hospitalized with measles.

SUMMARY EXECUTIONS, EXPULSIONS AND LOOTING

The Commission collected testimony about RPF abuses from displaced persons in communities and camps between Nyagatare and Ngarama and between Byumba and Ngarama. Witnesses said that the behavior of the RPF troops changed over time. Immediately after the October 1990 invasion, the soldiers were disciplined and maintained good relations with the displaced persons who willingly shared their meals with RPF. Beginning in November, however, when the RPF was being driven back towards Uganda by the FAR, the RPF began to abuse the population. Sometimes victims suffered abuses by both sides, first by the FAR who suspected them of having ties with the invaders, then by the RPF who were angered at their connections with the FAR.

Displaced persons at Bushoga, originally from the commune of Muvumba, recounted a number of RPF abuses, including executions, arbitrary conscription and theft. One older woman said that the RPF had attacked several times and had taken everything, even the pots and oil that had been distributed by the Red Cross. She continued:

They took all the cattle that they could find, ours and those of other families. They took all our property and they even took people. They killed several persons. They took people from the houses and led them away just like that.

Another witness, confirmed that the RPF confiscated animals and forced residents to accompany them, said:

The Inkotanyi came and took the cattle and drove them off to Murahashi. They took people to help them drive the cattle, including Nyakayiro and Karego, men about the same age, one the father of 3 children, the other, father of 4.

A young man reported that his community was attacked by both sides. He said:

There were also attacks by the Rwandan soldiers who came to pillage us. In fact, everyone knew that we were weak and so everyone came to attack us. There was a total lack of security and we were robbed of everything. When the Inkotanyi came last March, they found no cattle [because they were all gone] so they took several young people who could serve them as guides at the time of their next attack. Since their departure, the young people haven't been seen again.

At a camp near Ngarama, one young woman gave the following account of an attack by the RPF during December 1992:

The father, Kwigamba, had stayed [instead of fleeing like other men] because he was sick. They took him and told his wife to stay in the house. They took two other men and they killed them, just like that, for the sake of killing. Kwigamba was killed with a bayonette after the Inkotanyi told the women and children to go home.

A witness who had fled from the commune of Kiyombe said that the RPF had come to his house on December 23 and 24, 1992. He continued:

There were more than 40, all in uniform, with black or white boots, armed with Kalachnikofs. They were all soldiers; no civilians were with them....The next day they killed the son of Karenzi, who was 18 years old, with a gun.

Another witness from Ngarama reported that her family had been chased away from Mabare and that their houses had been destroyed. Her father had been killed with a bayonette along with other men named Kayingana, Mubirigi, Karumba, Rugema, Ziramulinda, Sebyasi, Bamkala, Bagira, Zangosa, and Gahinyusa.

At a camp near Rukomo, a child told what had happened at Shonga, near the frontier:

My father was killed, trying to flee, like many others. I saw the Inkotanyi attack...They had rifles and other weapons and they pillaged our goats. Many people in my family were killed. The Inkotanyi killed my two parents and other people and I was left alone.

Other witnesses at Ngarama testified that the RPF killed Kayihura, 27, and his brother Kabyasiza, also 27, who was shot in the head in October 1991, and Faustin Ndimurwango, 19, who was shot in the chest in August 1991 in the sector of Kaniga.

Testimony from many witnesses corroborates that the RPF expelled large numbers of people to Uganda. Some were required to serve as porters or cattle herders to help the RPF convey pillaged goods to a final destination. A number of them were released or later escaped and returned home. In addition, the RPF moved hundreds, perhaps thousands, of people northward into Uganda, supposedly to insure their safety. Their strategy, expressed in letters to Africa Watch in February and March 1992, was to empty combat zones of their populations to create free-fire zones.

THE RPF OCCUPIED ZONE

On January 17, 1993, the Commission visited the RPF zone, escorted by RPF officers who had been temporarily transferred to the Neutral Group of Military Observers (GOMN), established by the first Arusha accords to monitor the cease-fire between the two armies. After crossing the battle front, the Commission found a completely uninhabited area, with fields gone wild and houses deserted. After leaving the main road to Gatuna, the convoy traveled on a dirt track and continued on foot another two kilometers to a community of 2250 people, which in addition to a community of 750 at Butaro to the west, were the only settlements then administered by the RPF. The inhabitants had been gathered by the RPF from various parts of the territory they controlled and settled temporarily in the two communities.

In the Commission's brief visit, the inhabitants appeared well treated and adequately fed.¹⁷ The Commission was able to choose its own witnesses but was not able to interview them privately. In most cases RPF officers remained in the immediate vicinity, despite being asked on several occasions to leave the Commission members alone with witnesses. In addition, many witnesses were filmed by the RPF as they spoke with members of the Commission.

No witnesses complained of abuses, although many expressed the hope that on day they would be able to return to their homes. When Commission members asked the officers why the civilians could not have stayed in their homes, the officers answered that security considerations, both of the RPF and of the displaced themselves, required their removal. The officers claimed that allowing the residents to live and travel freely in the occupied zone would make it difficult to control infiltration by the FAR and that any attack on the population would be blamed on the RPF.

The Commission learned that the civilian population was allowed free movement between RPF sectors only after asking permission and depositing their identity papers with authorities of the sector they were leaving. Among other oppressive regulations were requirement that the civilians cultivate four days a week for the benefit of the sector and the larger community and a ban on brewing beer except on Thursdays and Sundays.

Before leaving the occupied zone, the Commission interviewed several former FAR soldiers who had been taken prisoner in battle and later, supposedly voluntarily, joined the ranks of the RPF. Because the interviews were not private, they could not be accepted as credible testimony.

¹⁷ Departure from Kigali had been delayed because the RPF officers said they were not ready to leave and that an early return was required in order to pass the battle front. In fact, the Commission later learned that they had been misinformed and that the visit could have been extended.

DISPLACED PERSONS

At the time of the Commission's visit, about 350,000 displaced persons had taken shelter in a number of camps in northern Rwanda, and hundreds of thousands more, having been driven from their homes by RPF attacks, had fled to other parts of the country. In visiting camps between Byumba and Nyagatare, the Commission observed miserable conditions: temporary shelters that afford little protection from cold nights and torrential downpours of the rainy season as well as inadequate food, sanitation and medical facilities.

Several camps have been attacked in the course of combat, including Rwebare, which was targeted several times at the end of 1991 and again in February and March 1992. Often it is difficult to establish with certainty the responsibility for such attacks, but the end result is the same in either case: increased danger and misery for the displaced who again are forced to flee.

As mentioned above, the FAR has been guilty of killings and pillage in the camps. In some cases, the displaced have sought to prohibit FAR soldiers from entering their camps.

Some of the camps shelter thousands of people and extend over large areas, such as the camp at Rebero that stretches six kilometers along a valley. Inevitably, the presence of the displaced in such large numbers poses problems for residents of the surrounding communities, who have often offered assistance. In several cases, however, local authorities have sought to profit from the misfortunes of others, including those at Rebero, where the local authorities diverted for their own profit about half of the food aid meant for the displaced.

The ICRC has had difficulty delivering food. The RPF has insisted that the food convoys coming south from Uganda take the road from Gatuna, which they control completely, refusing to guarantee safe passage on the second road, from Kagitumbá, that runs through territory still contested with the FAR. The ICRC maintains that it must be able to use both roads in order to deliver the seven tons of food needed each month. In January 1993, the ICRC was able to send through a shipment on the Gatuna road as a temporary measure, but then it faced difficulties in removing trucks from Kigali because roads were blocked by barriers erected by the MRND militia.

DEATH SQUADS AND THE CLIMATE OF TERROR

According to testimony collected by the Commission, death squads are shadowy, secret and informal but nonetheless real. Their existence was verified by testimony and evidence of the massacres, summary executions, attempted assassinations, and threats that have destroyed the lives of Tutsi and political opponents of President Habyarimana.

As already documented in this report, the massacres in Rwanda since October 1990 were neither accidental nor spontaneous, but the result of deliberate decisions taken at the highest levels. In the highly structured Rwandan society, the authorities easily exercised power. Preparation for the massacres can sometimes be traced to long before the actual event. In Bugesera, for example, the targeting of the Tutsi population and certain of its leaders began in October 1991 and through the use of public meetings, the national radio, and pamphlets culminated in the March 1992 violence. In executing the massacres, the key actors have ranged from local prefect authorities to members of the cell committee. In the cases of the Bagogwe massacre and the massacre in Bugesera, the military cooperated with the authorities in inciting people to attack their neighbors and in helping to carry out the killings.

ARMED MILITIAS

Since their establishment in early 1992, the armed militias of the political parties, especially the MRND and the CDR, have played an important role in engendering fear and insecurity among Rwandans. As shown above, the militias have participated in the attacks on Tutsi and members of other political parties. They have also established barriers on roads and paths where they demand to see travelers' identity papers and party membership cards and harass, bribe, beat and sometimes kill Tutsi or members of parties opposed to the MRND and CDR. Two members of the Commission experienced such harassment when they were stopped at a barrier at Kanama, in Gisenyi prefecture on January 12, 1993. Men armed with machetes who openly identified themselves as members of the *Interahamwe*, the militia of the MRND, insisted on examining the identity papers of Commission members and the two Rwandans who were accompanying them. After discovering that one of the Rwandans was Tutsi, they refused to let the group pass unless the Tutsi were left behind. One of the Commission members who understood enough Kinyarwanda to grasp that they intended to kill the Tutsi, succeeded, after a long and hostile confrontation, in obtaining permission for the entire group to proceed. Such dangers increase after night-fall, and members of the targeted groups rarely go out after dark in MRND and CDR militia strongholds.

The military and police never try to halt abuses by the militias. FAR barriers can be found on the same roads and at a short distance from those manned by militias and, as Commission members witnessed, military officers regularly pass through them.

Because President Habyarimana is President of the MRND as well as of the Republic, he bears special responsibility for the party's violations of the law on political parties of June 18, 1991. Although Article 4 of that law specifically forbids "creating militias or any similar organizations," President Habyarimana has endorsed the militia's tactics both publicly and privately. In a November 15, 1992, speech in Ruhengeri, he called upon the militia *Interahamwe* to form a "force de frappe" (striking force) when Rwanda was ready to undertake national elections. In an interview with the Commission, President Habyarimana reiterated his support for the *Interahamwe*, which he described as a beneficial youth organization, like the Boy Scouts. According to Article 26 of the same law, the Minister of the Interior is empowered to "suspend any activity of a political party" that risks disturbing public order. In contravention of the article, the present Minister, who is a member of the MRND, has made no attempt to require his party or any other to dissolve the armed militias.

ASSASSINATION AND THREAT OF ASSASSINATION

Assassinations, actual and threatened, have been used to intimidate members of opposition political parties. Recent cases include a December 26, 1992 grenade attack on the home of a sister of Justin Mugenzi, President of the Liberal Party, in which several children were wounded. Threats and assassination attempts were made on Sylvestre Kamali, President of the MDR for Gisenyi, and his family.

Similar attempts have been made to silence "witnesses who know too much." One such case is that of Dr. Pio Ngirimana, who was responsible for autopsies at the Butare Hospital from October 1990 to February 1991, when there were a number of questionable deaths at Butare Prison. Dr. Ngirimana was attacked at his home at 9 p.m. on January 5, 1993, by uniformed men, one of whom has been identified as a member of the Presidential Guard and as a body guard of President Habyarimana's brother, Seraphin Bararengana.

THE ZERO NETWORK

The attacks against communities or individuals, the creation of an atmosphere of fear and intimidation through the militias and the discourse of hatred and suspicion all reveal a level of coordination and organization at the top. Those leading the operations, who are known collectively as the "Zero Network," were able to direct civilian, military and judicial authorities and the militias. They determined the ideological bent, the choice of means, and the selection of targets for the abuses. Those cited repeatedly by witnesses as members of this group include Colonel Elie Segatwa, Protais Zigiranyirazo, Captain Pascal Simbikangwa and Come Bizimungu.

Witnesses corroborated that President Habyarimana participated in the decisions. One example of his complicity is his refusal to remove burgomasters identified as responsible for directing massacres in their communes. A National Commission for the Evaluation of State Officials investigated a number of burgomasters and concluded that several were sufficiently implicated that they should be removed or at least suspended pending more extensive investigations. In reports submitted in July and August 1992, it named, among others, Burgomaster Mathias Mpiranya of Nkuli, Burgomaster Juvenal Kajerijeri of Mukingo; Burgomaster Jean-Baptiste Gatete of Murambi and Burgomaster Fidele Rwambuka of Kanzenze. In addition, it cited the need for a complete inquiry in communes Kinigi, Mukingo, Nkuli, Karago, Giciye, Kanama, Mutura and Rwerere, to establish the extent of killings of the Bagogwe and to indemnify the families of those who were killed. No action had been taken on these recommendations at the time of the Commission's visit. When asked why those who had been implicated in the massacres at least had not been removed from positions of power, President Habyarimana cited the need for a recommendation from the Council of Ministers as a whole. He neglected to mention that in the three times the matter had been presented to the body, it had been defeated by the vote of members of his party, the MRND.

PARALYSIS OF THE JUDICIAL SYSTEM

The judicial system in Rwanda is paralyzed. Victims of attacks cannot count on any form of effective judicial action, whether in recording charges, carrying out serious investigations, or in conducting impartial trials. The failings of the system were deplored by the National Commission for the Evaluation of State Officials which in the summer of 1992 noted that a significant number of jurisdictions had ceased functioning.

The Ministry of Justice, responsible for courts and prisons throughout the country, is seriously underfunded. Judges are poorly trained: only 34 of 659 have law degrees or doctorates in law, and no judge at the level of *tribunal de canton* (local court) has completed legal studies. Similarly, only 18 of the 84 public prosecutors have law degrees. There is no organized control over the quality or ethics of the legal profession.

Although underfunding and lack of training are serious shortcomings, political interference is the most serious failing of the judicial system. In principle, the independence of the courts is guaranteed by the June 10, 1991 Constitution, but in practice the lack of judicial tenure assures the courts' politicization. The President names judges after nomination by the Minister of Justice and the consent of the Superior Council of the Magistrature. Nevertheless, as the National Commission for the Evaluation of State Officials noted, the Superior Council offers no real guarantee of judicial independence. The report noted that recruitment, evaluation, and promotion of judges depends on "subjective criteria" (meaning political considerations), not on competence, experience and achievement. Other members of the government have also criticized the Superior Council, including the Minister of Justice who, when President Habyarimana tried to convene the Council in January 1993, denounced the meeting because of the "fraudulent irregularities" that have tarnished the reputation of the Council. The President of the Supreme Court concurred.

After the massacre in Bugesera, some 460 suspects were arrested and charged with murder and pillage. Although the court agreed to keep them in preventive detention, given the serious nature of the crimes, their lawyer managed to obtain their release on a technicality. Rather than pursuing efforts to keep the accused in custody, the prosecutor dropped the matter. Unsurprisingly, victims of the attacks believe the decision was motivated by political, rather than legal considerations.

Prosecutors have acted quickly to release the accused in the Bugesera and other massacres, but authorities who handled the cases of the 8,000 to 10,000 people detained at the start of the war worked far more slowly and with less regard for judicial procedure. Many of those arrested or detained were never served with warrants and, once behind bars, some of them languished for months before being released without trial. The last were not freed until April 1992, after having spent more than six months in prison.

Prosecutors' decisions regarding whether or not to investigate even the most flagrant crimes are often politically motivated. A number of such cases have been described above, including the failure to examine deaths in the communes of Mutura and Karago. In a similar case, the Ruhengeri prosecutor, who is required by law to investigate killings, whether or not charges are brought by victims, told Commission members that he had never investigated the killings of the Bagogwe because "no one had ever come forward to press charges."

THE PRISON SYSTEM

Rwandan prisons are old, dilapidated and overcrowded, although less crowded than in October and November 1990 when human rights associations protested the conditions. When the Commission visited the central prison of Kigali, for example, there were about 3,000 inmates, while in 1990 there were between 4,000 and 5,000.

The prisoners spend their days in the open air in a central courtyard. At night they sleep in dormitories five meters by twenty meters and five meters high, without windows or other sources of air or light. Each bed occupies a space of two meters by one meter and is shared by two prisoners. Each dormitory is occupied by about 250 people, with the beds in two layers. Because of the overcrowding, some prisoners sleep in the courtyard, under a tin roof. One dormitory is reserved for prisoners under the age of eighteen, but Commission members observed the children, one only thirteen, mixing with the older population during the day.

In past years, human rights groups have criticized Rwanda for using "black cells," which violate internationally accepted standards for the treatment of prisoners. Prisoners in the cells are deprived of all light and of any contact with others. Black cells were destroyed in the Kigali prison during a riot in 1992, but they remain in prisons elsewhere in the country.

LOSS OF EMPLOYMENT

Many of those arrested between October 1990 and April 1991 lost their jobs, whether they had been employed in the private or the public sectors. The Rwandan National Bank, the Commercial Bank of Rwanda and the Rwandan Office of Information fired many of their employees who had been detained, even though the detentions were themselves illegal and had never resulted in any trial or conviction. Some teachers, soldiers and others who worked in the public services were also fired.

At the beginning of January 1992, the government stated that those released from jail should be rehired in both the public and the private sector. On August 6, 1992, Prime Minister Nsengiyaremye sent a memo to all the ministries reminding them that rehiring those who had suffered unjust imprisonment was a priority for his government and asking that appropriate measures be taken for their rehiring before the end of August. Neither this directive nor a similar effort by the Minister of Work and Social Affairs has had much effect, including at the Commercial Bank of Rwanda, which is headed by Come Bizimungu, the former prefect of Gisenyi and death squad member discussed above.

CONCLUSION

In order to exacerbate conflict between Tutsi and Hutu, the Rwandan government violated human rights systematically and on a large scale, deliberately targeting Tutsi and members of the political opposition. By defining activists who seek to turn attention away from the Hutu-Tutsi conflict as the enemy, the authorities reveal the importance they attach to keeping the conflict alive, no doubt because it serves to solidify their own base of power.

The policy led to the massacres described in this report, in two of which the army played an important role. President Habyarimana and his immediate entourage bear heavy responsibility for these massacres and other abuses against Tutsi and members of the political opposition.

The horror of the reality examined by the Commission overshadows the judicial debate about whether the massacres should be labeled "genocide." For the sole reason that they were Tutsi, thousands of people were slaughtered, seriously injured or made to disappear; deprived of all their property; driven from their homes; and forced to go into hiding where they live in constant terror of discovery and death.

The RPF has been guilty of military attacks on civilian targets, summary executions of and injuries to civilians, of kidnappings and forced expulsions and of looting the property of civilians. Without taking a position on the RPF's resort to arms, the Commission notes that the war has created a tragic situation in which hundreds of thousands of people have been forced from their homes to live in misery in camps for displaced persons. Some have suffered for more than two years from hunger, cold, inadequate medical care and little or no access to education for their children. The Commission deplores the enormous increase in the numbers of displaced persons resulting from the recent resumption of combat and urges all parties to pursue negotiations as rapidly and sincerely as possible so that a peace agreement may be concluded and the displaced can return to their homes.

Executive power in Rwanda is not monolithic, but divided between the President and the Cabinet, which includes the major political parties and is headed by the Prime Minister. Nonetheless, the President holds virtually all real power: he gives orders to the army, the police and most of the judicial and administrative system. He can and does make use of his party's illegal militia to sow terror when and where he chooses.

In the face of such solid power, the Cabinet is vulnerable. Ministers who are not part of the MRND are subject to threats and efforts to block their actions. The Minister of Justice, for example, may find it impossible to carry out investigations or make arrests because most of the police do the President's, rather than the Minister's, bidding. At times, the Ministers have shown a lack of courage in trying to establish respect for law and human rights.

RECOMMENDATIONS

Recognizing the division in the government of Rwanda between the President and the Cabinet, the Commission addresses recommendations to them separately.

TO THE PRESIDENT OF THE REPUBLIC:

- o The President should speak out forcefully and unequivocally for peace and human rights. He should clearly and firmly condemn all incitation to hatred and violence between Hutu and Tutsi. He should undertake to respect and execute the accords agreed to between his government and the RPF. He should refrain especially from making any statements himself that could be interpreted as opposing peace or favoring conflict between Hutu and Tutsi.
- o The President should undertake to guarantee the safety of all Rwandans, regardless of ethnic group or political persuasion. He should clearly and publicly order all soldiers, police, and other public authorities to take the necessary steps to assure the security of all citizens. He should also announce publicly that any authorities who fail in these duties will be brought to justice.
- o The President should take administrative sanctions against all public officials who have been guilty of human rights violations, including incitation to and complicity in violence. He should announce prompt and concrete measures to remove or suspend officials charged with human rights abuses, as recommended by the National Commission for the Evaluation of State Officials, and he should order immediate investigations in those communes where the Commission Nationale recommended further inquiries.
- o The President, in his capacity as President of the MRND, should immediately dissolve the armed militia of this party, the *Interahamwe*. He should work with his Cabinet to obtain the dissolution of the armed militias of all political parties.

TO THE CABINET:

- o Together with the President, the Cabinet should undertake the necessary measures to suspend immediately all activities of the party militias and then to dissolve these militias completely.
- o The Cabinet should hold accountable all officials guilty of human rights abuses, taking administrative sanctions against them and bringing them to justice.
- o The Cabinet should instruct public prosecutors to pursue the investigations begun by the International Commission, especially those concerning mass graves, which should be completely excavated. It should also instruct them to locate other such graves, excavate them and determine who was responsible for the killings. The International Commission is ready to share relevant information on these questions with appropriate judicial authorities.
- o In collaboration with the President, the Cabinet should take all necessary measures to reintegrate persons dismissed from public service following their detention in and after October 1990 and to see that persons dismissed under similar conditions in the private sector are rehired. Rather than limiting itself to issuing memoranda on this matter, the Cabinet should make full use of the judicial means available to it to see that these orders are carried out.

To the Rwandan Patriotic Front:

- o The RPF should immediately take all necessary measures to prevent further summary executions, injuries or kidnappings of civilians, as well as the destruction and pillage of their property.
- o The RPF should ensure that all future military action avoid civilian targets, such as camps for the displaced, hospitals and schools.
- o The RPF should stop the forced removals of civilian populations.
- o The RPF should punish those responsible for past abuses.

TO THE INTERNATIONAL COMMUNITY:

- o The international community should make future development aid conditional upon substantial improvement in human rights, including action taken on the above recommendations. Donor countries should insist, in particular, that Rwandan authorities end all violence against any ethnic or political group and that they remove and bring to justice all officials, civilian or military, guilty of human rights abuses.
- o The international community should halt all military assistance and intervention on behalf of both the belligerents in the war.
- o The international community should continue to raise the question of human rights in Rwanda before the competent international bodies.
- o The international community should continue to encourage all the parties to pursue negotiations for peace.

APPENDIX 1

REPORT OF DR. P. DODINVAL, FORENSIC PHYSICIAN FACULTY OF MEDICINE, UNIVERSITY OF LIEGE

Examination of Remains Excavated Behind House of Burgomaster, Kinigi Commune, January 10, 1993

1) Fragment of the right upper side of a skull, including part of the parietal, frontal and temporal bones. A fragment measuring 13 x 12 cm, it has a clump of black, kinky hair attached to it.

2) A left shoe without shoelace, 27 cm long, with a worn sole that had been poorly repaired with pieces glued on it. In the shoe was a left foot, stopping at the astragalus, already in an advanced state of putrefaction.

These materials were taken from about the same place, indicating that they apparently came from two bodies lying side by side. They were found at a depth of about 3.5 meters.

Further excavation was to be done by the Ruhengeri Prosecutor and other bodies were found.

Remains Found at Kanzenze, Commune Mutura

The bones were located in a field, at a depth of 50-60 cm. The bodies, still clothed in civilian dress, were piled in a disorderly way, one on top of the other. They were buried without shrouds, clearly thrown in the ground hastily.

The bones were generally free of flesh and separated, but there was some bloody, muscular tissue found on a pelvis still attached to a femur and on a right scapular.

Five skulls were found. Several of them still had kinky hair on them, but without scalps. Interossal scissures were very visible. Several of the skulls were fractured on the crown, at the base or on the face. One skull was completely splintered on the crown and on the lower jaw. There were traces of hemorrhaging. A second skull showed round indentations, 3 to 4 cm in diameter, on each side of the crown of the skull, due to blows of a blunt instrument. It also had multiple fractures of the crown of the skull. The third skull showed multiple fractures of the top of the skull and of the face. The fourth skull was not fractured, but on its exterior showed a furrow, the trace of a blow from a machete or another sharp instrument, not squarely delivered. The fifth skull had only a part of its crown and this was broken by multiple fractures. By the left parietal, there was a round hole, 8 mm in diameter, that seems to have been caused by a projectile.

Fifteen femurs were found, most still in clothing: 6 long pants and 1 pair of shorts.

Twelve tibias were found, but very few bones from feet or hands; they were clearly lost in the soil, given their small size.

Five pelvises were found, all with male characteristics.

All the teeth were complete and without alterations.

One shoulder-blade was fractured. A tibia and a fibula were fractured with the lower third of these bones missing, perhaps evidence of a traumatic amputation.

Conclusions of the Kanzenze Excavation

The examination established the presence of at least eight bodies, all young men, estimated to be between 20 and 30 years old. Their deaths were due to multiple fractures of the skull and face, due to blows of blunt instruments.

Note: Only about two thirds of the grave was excavated. It is likely that additional remains were not exhumed or examined.

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APPENDIX 2

PREVIOUS REPORTS ON RWANDA

- o Africa Watch, "Rwanda: Talking Peace and Waging War, Human Rights in Rwanda Since the October 1990 Invasion," February 1992.
- o Amnesty International, "Rwanda, Persecution of Tutsi Minority and Repression of Government Critics, 1990-1992," May 1992.
- o Association pour la Promotion de l'Union Par la Justice Sociale (Kanyarwanda), "Trois Mois d'Engagement," 31 December 1991.
- o Association Rwandaise pour la Defense des Droits de la Personne et des Libertés Publiques (ADL), "Rapport sur les droits de l'homme au Rwanda, septembre 1991-septembre 1992," December 1992.
- o Comité pour le Respect des Droits de l'Homme et de la Démocratie au Rwanda (C.R.D.D.R.), "Rwanda, Rapport de Deux Missions Effectuées par Eric Gillet et André Jadoul, avocats au Barreau de Bruxelles, au Rwanda du 9 au 17 Janvier et du 2 au 5 Fevrier 1992," May 1992.
- o Commission Internationale de Juristes (C.I.J.), "Conclusions et Recommandations du Représentant de la Commission Internationale de Juristes," 14 February 1991.
- o Ligue Independante pour la Défense des Libertés Publiques, "Rwanda: Le Non-Dit Sur La Violation des Droits de l'Homme," January 1993.
- o U.S. Committee for Refugees, "Exile from Rwanda: Background to an Invasion," February 1991.