

UNAMIR

HUMAN RIGHTS

21 JULY 1995 - 23 MAR 1996

PLEASE RETAIN
ORIGINAL ORDER

UNCLASSIFIED
RH/WG APR 2009

UN ARCHIVES	
SERIES	<u>S-1120</u>
BOX	<u>13</u>
FILE	<u>2</u>
ACC.	<u>1998/0278</u>



HRFOR

Kigali, 23 March 1996

H. E. The President of the Republic of Rwanda
Kigali

Subject : " Chambres Spécialisées - Categorization - Plea bargaining."

Your Excellency,

It has come to our attention that next Tuesday the Council of Ministers will be considering a piece of proposed legislation relating to prosecutions for participation in genocide. I am taking the exceptional measure of writing to you directly, because the United Nations High Commissioner for Human Rights Field Operation in Rwanda (HRFOR) is concerned that the passage of the proposed legislation - as written - would negatively impact the ability of Government to meet its international and national legal obligation.

Since its inception the HRFOR struggled to understand how continued impunity for the genocide and gross human rights violations relates to and stimulates most of the current human rights violations. This understanding was eventually institutionalized, as reflected in the HRFOR's Programme of Technical Cooperation for Rwanda dated March 1995. That programme is grounded in the understanding that unless the Government adopts a viable and sustainable policy response to the genocide and other crimes against humanity perpetrated before the present Government came to power, the development of a society based on the respect for human rights and the rule of law would be an unobtainable goal.

Understanding the transcendental nature of the development of a Government policy response to the genocide for the future of Rwanda, the HRFOR has attempted to facilitate the difficult task the Government confronts. Of particular note is the HRFOR early preparatory work with the Government on the conference: "Genocide, Impunity and Accountability: Dialogue for a National and International Response".

While the HRFOR has been a consistent source of support to the Government in this area, the HRFOR has from the beginning understood that the heavy responsibility of developing and implementing the policy rested solely with your Government. Our role has been to provide information and comparative experience that could be useful to the Government in the development of its policy response.

The proposed legislation is still a draft, and the Government should be congratulated for its attempts to grapple with a problem where there is no panacea. Given the immensity and complexity of the problem, no policy response will be sufficiently satisfactory to anyone. The decisions that need to be taken, based on real and realistically expected capacity, are difficult and painful. Especially, in light of the fact that even with the herculean efforts made the Government to train and deploy judicial personnel from the Communal Courts to Supreme Court Justices, the capacity to actually deal with

UN Human Rights Field Operation in Rwanda

Tel. [1-212] 963 9906/9907; [250] 73720, 73722, 73035; Fax (1-212) 963 9908; [250] 73719

B. P. 445 Kigali, Rwanda

Reçu le 27 MARS 1996

what happened according to the law is still very limited. Thus, without a rational sustainable policy response to the genocide that fully considers this limited capacity, the outlook for human rights in Rwanda is less than positive.

While appreciating that it is the Government of Rwanda's decision and understanding that the balance to be struck between competing interests is far from easy to achieve, it is the responsibility of HRFOR to signal its concern that the present proposal, were it to become law, would not create a sustainable policy.

As presently formulated, the proposal simply defers difficult decisions, and limits the use of creative alternatives. The fact that categorization of accused persons does not distinguish between those who conceptualized and planned Genocide and those who organized at the regional and communal levels (i.e., who were following orders) is of serious concern.

Secondly, the fact that plea bargaining is limited to marginal offenders, and thus not available for the majority of defendants, will negate the intended benefits of the introduction of plea bargaining to the overloaded justice system. The proposal's implementation will more than likely result in an exacerbation for the worse of the present human rights situation.

Given that what is under consideration is merely a draft, it would be inappropriate to sound alarm bells.

Nonetheless, it is a matter of great concern to the HRFOR that the positive steps already taken by the Government regarding developing a sustainable policy in response to the genocide, which are highlighted by the recommendations of the Genocide Conference, do not appear to be the basis of each important aspect of the present proposal.

HRFOR appreciates the work the Government has done to this point in developing a sustainable policy, and hopes the work continues until that objective is fully reached. The HRFOR stands ready to provide more input you may find useful in developing a sustainable policy response to the genocide.

The United Nations High Commissioner for Human Rights avails itself of this opportunity to renew to you the assurances of its highest consideration.

Abderrazak ESSAIED
Chief, HRFOR a.i.

H.E. Mr. Pasteur BIZIMUNGU
President of the Republic of Rwanda
Kigali.

UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS
FIELD OPERATION IN RWANDA



HRFOR

NATIONS UNIES
HAUT COMMISSAIRE AUX DROITS DE L'HOMME
OPERATION SUR LE TERRAIN AU RWANDA

To Ian Martin
Chief HRFOR

From John Balnaves
HRFOR Security Officer

Sec /Sitrep / 009 / Dated 22 March 96

Subject Weekly Security Summary/ Period ending 22 March 96.

General

1 The general security situation within the western border areas of Rwanda remains tense. Insurgency activity has increased significantly over the period of the last seven days. The insurgency operation continues to be concentrated mainly within the western prefectures and primarily consists of acts of sabotage against power lines combined with other random attacks and the laying of anti vehicle munitions on well traveled dirt roads normally in areas frequented by local government officials and members of the RPA. The pattern of insurgency activity continues to fluctuate and the long term possibility of a concerted campaign cannot be accurately assessed at this point. Recent insurgency attacks are detailed by prefecture below

Cyangugu

2. It is suspected following attacks in the Bugerama area in early March, that insurgents are crossing into Rwanda from Burundi to avoid the heavily guarded Zaire/ Rwandan border. The insurgents are possibly crossing from Zaire into Burundi then north into Rwanda or emanating directly from camps in Cibitoke, Burundi. The following incidents have been reported from Cyangugu.

- a. At Karengeri on 11 March, an alleged sniper attack took place on a motorcyclist using the Nyakbuye to Karengera dirt road, no casualties were reported. Again at Karengeri on 12 March, MSF reported that locals were being fired upon from hills in the Nyungwe forest in Bweyeye Sector, no casualties were reported.
- b. At Gisuma/ Shagasha a family was attacked on 14 March, two killed.
- c. At Kamembe, 16 March at about 0130 hours a health clinic at Nkanga came under attack from automatic weapons and rockets from an RPG. No casualties, but extensive damage has been reported to the property.
- d. At Cyimbogo, 17 March at about 0130 hours one electrical bearing pylon was destroyed by explosive demolition charges. On the same date and time another pylon was destroyed by explosives at Kagano in Mubano Sector. Another pylon was destroyed in Gatere north east of Kibogora at about the same time.
- e. On 19 March at about 0730 hours, a minibus carrying local passenger detonated a land mine close to Bushenge hospital on the main dirt road leading to Gafunzo. The mine was laid in a water filled pot hole, and several vehicles had used the road prior to the mine being activated by the minibus. Latest casualty figures are recorded as ten dead and thirteen seriously injured.

Reçu le 27 MARS 1996

UN Human Rights Field Operation in Rwanda

Tel. (1-212) 963 9906/9907; (250) 73720, 73722, 73035; Fax (1-212) 963 9908; (250) 73719

B. P. 445 Kigali, Rwanda

f. At about 0130 hours this morning (22 March) four mortar rounds were fired in the general direction of Kamembe market place. The mortar base plate position is reported to have been situated close to Kamembe air strip. No further details are known at this stage. Further attacks are anticipated.

Kibuye

3. Kibuye remains relatively calm. Belated reports indicate that limited amphibious infiltration by insurgents took place during the month of February into the communes of Gitesi, Gishyita and Rwamatamu. weapons and arms have been captured and occasional confrontations with the RPA have been reported resulting in the killings of the infiltrators. A sensitizing campaign to encourage the locals to work against the insurgents is proving to be fairly effective. The local population and civilian patrols in particular are advising the RPA on the movements and activities of insurgents who attempt to operate within the Kibuye area.

Gisenyi Prefecture

4. Gisenyi due to the proximity of the Goma refugee camps and the sanctum provided within the area of the Gishwati Forest remains susceptible to insurgency activity. The following incidents have been reported.

a. On 14 March three RPA soldiers engaged in a cordon and search operation of the Gishwati Forest were reported to have been injured by anti personnel mines. The forest area is a known sanctum for members of the interahamwe and insurgents who cross into the Gisenyi area from Zaire.

b. On 17 March at Kabaye, MSF reported that whilst the Gendarmerie were engaged in a meeting with the locals, to inform them of an impending house search, a local ran away from the meeting. A subsequent search of his house revealed a substantial arms cache of small arms, explosives and anti vehicle munitions. A written order detailing targets to be sabotaged and local government officials to be assassinated was also reportedly discovered in the house.

c. On 20 March, in Nyamyumba Commune, a car travelling on the main dirt road to Gisenyi detonated an anti tank mine close to Kivuma. Two Spanish nuns travelling in the vehicle were killed as a result of the mine explosion. Fatalities to locals from land mine explosions are becoming a regular occurrence within the western prefectures, however the death of the expatriate nuns who worked for CARITAS has temporally focused more than normal international media attention on this particular security concern.

5. Pertinent to the recent wave of insurgency activity, an RPA Liaison officer, from Gisenyi, was reported to have stated that the increase in security incidents was directly attributable to the success the RPA was having in detaining insurgents and members of the interahamwe. Apparently he is quoted as saying that because the insurgents feel unsafe they are attempting to leave Rwanda and the present upsurge of activity is an attempt to use up stored munitions prior to their departure. He predicted that the situation would calm down within two weeks.

Ruhengeri

6. Ruhengeri remains extremely tense. The two explosive mining incidents of the previous week at Cyabingo (08 March) and the Kinigi area (14 March) have not helped to alleviate the local security situation. The majority of the FRGF insurgents operating in Ruhengeri originate from this area and find ready sanctuary amongst the predominantly sympathetic Hutu locals. This combined with the close proximity of the insurgency bases in the Goma area undoubtedly presents the RPA with an extremely difficult local counter insurgency operation.

7. An increased RPA presence has recently been noted within the Ruhengeri area and the number of military check points on the main Gisenyi to Ruhengeri road have been increased. A verbal report received this morning indicates that an explosive device was placed in a culvert on the road in an area directly to the north of the Gishwati Forest. The resultant explosion, time not reported, has partially destroyed the road reducing traffic flow to a single lane, in the area of the destroyed culvert.

Conclusion

8. FRGF insurgency operations against Rwanda, mostly focused on the western prefectures, have been occurring sporadically over the last eighteen months. The increased intensity of the current action is assessed as being attributable to a combination of related factors and events, explained as follows,

a. A restructuring of the FRGF and a necessary change to their offensive strategy brought about by their disastrous defeat on Iwawa island. (Amphibious operations replaced by land infiltration into areas such as Ruhengeri from the Goma camps and into Cyangugu from Cibitoke in Burundi)

b. The recent failure of the forced repatriation scheme in the Kivu camps, enables them to preserve their safe havens within Zaire and concentrate their force on Rwanda..

c. The timing of the present offensive to coincide with the increased international attention and concern focused on Rwanda (due to the withdrawal of UNAMIR) is also probably designed to discredit the RPA by pressurizing them into an over reactive phase of counter insurgency operations.

9. The increased mining of dirt roads by the insurgents, is effectively beginning to paralyze UN/ NGO operations in the western prefectures. The Cyangugu, Ruhengeri and Gisenyi HRFOR Teams are currently restricted to asphalt paved roads. Visits to most of the communes on dirt roads is extremely dangerous at the moment. The shape, strategy and direction of future insurgency action is likely to emerge over the next fourteen days or so.

10. The remainder of Rwanda and Kigali remains calm.

cc

Management Group
All Field Teams

UNITED NATIONS

HIGH COMMISSIONER FOR HUMAN RIGHTS
FIELD OPERATION IN RWANDA



HRFOR

NATIONS UNIES

HAUT COMMISSAIRE AUX DROITS DE L'HOMME
OPERATION SUR LE TERRAIN AU RWANDA

Reçu le 20 MARS 1996

MEMORANDUM

RECEIVED
18 MAR 1996
OFFICE OF THE SRSG
UNAMIR

To: Amb. Shaharyar Khan
Special Representative
of the Secretary-General

From: Ian Martin *U*
Chief, HRFOR

Date: 15 March 1996

Subject: Allegation of Killings by RPA

I attach a draft letter to Mr. Sendashonga, in response
to his press statement. Perhaps we could talk about this soon.

Best regards.

Encl.

*I discussed with Mr Martin. He will send
letter. Sel.
2013.*

ED.

96Mar046
IM/mjd

UN Human Rights Field Operation in Rwanda

Tel. [1-212] 963 9906/9907; [250] 73720, 73722, 73035; Fax (1-212) 963 9908; [250] 73719

B. P. 445 Kigali, Rwanda

UNITED NATIONS

HIGH COMMISSIONER FOR HUMAN RIGHTS
FIELD OPERATION IN RWANDA



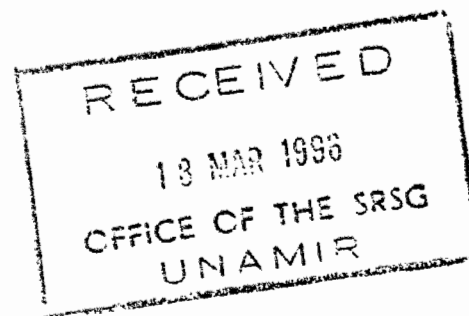
HRFOR

NATIONS UNIES

HAUT COMMISSAIRE AUX DROITS DE L'HOMME
OPERATION SUR LE TERRAIN AU RWANDA

Reçu le 20 MARS 1996

MEMORANDUM



To: Amb. Shaharyar Khan
Special Representative
of the Secretary-General

From: Ian Martin *IM*
Chief, HRFOR

Date: 15 March 1996

Subject: Allegation of Killings by RPA

I attach a draft letter to Mr. Sendashonga, in response to his press statement. Perhaps we could talk about this soon.

Best regards.

Encl.

*I discussed with Mr Martin. He will send
letter. See. 2013.*

ED.

*Vu 21.3.96
WS*

96Mar046
IM/mjd

UN Human Rights Field Operation in Rwanda

Tel (1-212) 963 9906/9907; (250) 73720, 73722, 73035; Fax (1-212) 963 9908; (250) 73719

B. P. 445 Kigali, Rwanda

D R A F T

15 March 1996

Dear Mr Sendashonga,

Thank you for sending me copies of your Press Release of today's date.

May I first reiterate the deep concern I expressed through Gilbert Bawara at the attack on you and your nephew. I hope that you are continuing to recover as speedily as possible from the injuries you sustained, and that those responsible will be brought to justice.

I am sorry that you think that I have been part of any campaign of denials of reports of mass killings by the RPA since the article which appeared in *Libération* on 27 February. I attach a copy of the Statement which we issued, which states that HRFOR cannot corroborate or refute the allegations in the article.

Beyond that statement, I have of course been questioned frequently in public and in private about the article, and before that about the public statements of Mr Twagiramungu. I have consistently pointed out, as you do, that HRFOR did not have a field presence during the period to which many of the reports relate. I have also said that it is impossible to assess the lists relating to Gitarama prefecture without having seen them. I am not sure whether the Special Rapporteur, Professor Degni-Ségué, has already formally asked you to make available copies of whatever lists or evidence is in your possession; I should be grateful if they could be made available to HRFOR as well as to him.

I do believe, and have said, that it is not sound to extrapolate statistically regarding human rights violations from one geographical area. But I have never suggested or meant to suggest that killings by RPA soldiers were confined to Gitarama prefecture.

I think it is of great importance that all killings which occurred, and those which occur currently, in Rwanda are investigated as fully as possible and appropriate action is taken against those responsible. It is particularly important that specific information is made available to bodies with a mandate to investigate it, in particular to the International Tribunal for Rwanda (in so far as it relates to 1994) and to the Special Rapporteur, who has indicated that he will refer it to HRFOR.

Yours sincerely,

Ian Martin
Chief, HRFOR

96Mar045
IM/sjd



To Ian Martin
Chief HRFOR

Copy Abderrazak Essaied
Deputy Chief HRFOR

Mark Frohardt
Chief FCU HRFOR

John Cleland
Snr Field Security Officer
UNDP

From John Balnaves
Security Officer HRFOR

HRFOR

HRSC / 009 Dated 14 February 96

Subject Security Meeting between National Gendarmerie and HRFOR held on 14 February 96

Reference HRFOR Letter to Gendarmerie Major John Zigira from Ian Martin Dated 25 January 96

Meeting Venue HRFOR Kigali

Participants Major John Zigira, National Gendarmerie, Mark Frohardt and John Balnaves HRFOR

General

The meeting opened at 1610 hours with Major Zigira acknowledging receipt of the above reference and by him stressing the necessity for all UN agencies in Rwanda to forge closer links with the National Gendarmerie. The request for security support from HRFOR was considered as a natural extension to the excellent working relationship currently in place between HRFOR and the Gendarmerie and was clearly in keeping with government policy.

Security Requirements

The Security Officer outlined the HRFOR territorial areas of operation and fully reviewed pertinent security needs. He further requested that the gendarmerie should plan on being able to extend full security coverage to HRFOR Kigali and all field locations by the end of February 96. The security review focused on the following areas of concern.

- a. Intrusion into staff residences and property
- b. Hijacking of HRFOR vehicles
- c. Road traffic accidents involving HRFOR vehicles
- d. Provision of safety information
- e. In exceptional cases the need for gendarmerie mobile escorts.

Reçu le 21 FEV. 1996

UN Human Rights Field Operation in Rwanda

Tel. [1-212] 963 9906/9907; [250] 73720, 73722, 73035; Fax (1-212) 963 9908; [250] 73719

B. P. 445 Kigali, Rwanda

Major Zigira concurred with the above assessment and stressed that plans were being implemented to appoint gendarmerie liaison officers to all team locations. These officers would also be responsible for the security of all other UN agency personnel within their area of operation. The protection of staff residences within Kigali would necessitate that their locations be passed on to the Gendarmerie Brigade Commanders. Major Zigira further intimated that effective Gendarmerie reaction to the security incidents outlined would depend upon good communications and vehicle mobility. The Gendarmerie were currently having difficulty maintaining their present fleet of vehicles. To guarantee an adequate security response the Gendarmerie would require an additional two vehicles per prefecture. Likewise in relation to guaranteeing security communications within Kigali and the prefectures the Gendarmerie would require to be provided with approximately 18 VHF Motorola hand sets.

The Chief of FCU duly responded by emphasizing that the provision of equipment and the general rehabilitation of the Gendarmerie was a subject that clearly needed to be discussed at inter agency level through UNDP..

Coordination of Security

It was agreed by all that a further coordination meeting would be held at HRFOR Kigali on Friday 23 February at 1600 hours. The objectives of this meeting would be to.

- a. Supply to the Gendarmerie the locations of all HRFOR staff residences within Kigali
- b. Allocation of appointed Gendarmerie security liaison officers to HRFOR field locations.
- c. Exchange of emergency contact information. eg. focal points and telephone numbers as appropriate.
- d. Establish a schedule for the introduction and implementation of gendarmerie security coverage to HRFOR..
- e. Provide information on the RPA mining teams and contact procedures.
- f. Further discuss the procurement of vehicles and Motorolas for the gendarmerie and any progress made.

There being no further business the meeting concluded at 1645 hours.

ROUTING & REQUEST	
Please...	To: <u>DIRECTEUR</u>
<input type="checkbox"/> Read	<u>POUR VOTRE DOSSIER</u>
<input type="checkbox"/> Handle	<u>(Point discuté avec M. ANN</u>
<input type="checkbox"/> Approve	<u>FROM CARLSON, from</u>
And...	<u>HUMAN RIGHT</u>
<input type="checkbox"/> Forward	<u>OFFICE</u>
<input type="checkbox"/> Return	Date: <u>16/2/96</u>
<input type="checkbox"/> Keep or Toss	
<input type="checkbox"/> Review with Me	
Post-It 7664 ©GM 1993 <u>DESSANDE, CP</u>	



UNITED NATIONS

HRFOR

High Commissioner for Human Rights
Field Operation in Rwanda

Copie au DE
pour information
16/2/96
CP

NATIONS UNIES

Haut Commissaire aux Droits de l'Homme
Opération sur le Terrain au Rwanda

Kigali, le 06 février 1996

Monsieur le Ministre des Finances
Kigali

Monsieur le Ministre,

J'ai l'honneur de porter à votre connaissance que, tenant compte du prochain retrait de la MINUAR qui assurait jusqu'à ce jour la fourniture des services et équipements administratifs de la Mission des Droits de l'Homme au Rwanda, celle-ci assurera elle-même et directement le règlement des frais financiers de tous frais et taxes ou de toutes factures relatives à ces services et équipements administratifs.

Je voudrais également, Monsieur le Ministre, rappeler à cet égard, que, conformément à l'Accord de Siège signé par le Gouvernement rwandais et le Haut Commissaire aux Droits de l'Homme, la Mission, ses avoirs, revenus ou autres biens sont exonérés de tout impôt direct, taxe à la valeur ajoutée, redevances, péage ou droit.

L'Accord sus-mentionné (dont copie jointe) spécifie en particulier que la Mission, ses avoirs, revenus ou autres biens sont exonérés de tout droit de douane et prohibitions et restrictions d'importation ou d'exploitation à l'égard d'objets importés ou exportés pour l'usage de la Mission.

En outre, les membres du personnel de la Mission sont exonérés de tout impôt et peuvent importer ou réexporter, en franchise ou sans autres restrictions, des effets personnels y compris des marchandises et du matériel destiné à leur usage personnel pendant la durée de leur affectation à la Mission.

Jusqu'à présent, la Mission a rencontré des difficultés pour faire valoir les clauses précitées de l'Accord et a été contrainte selon les circonstances de payer des taxes en dehors de la simple rémunération de services d'utilité publique fournis.

En conséquence, je vous saurai gré, Monsieur le Ministre, de toute instruction que vous voudriez bien donner aux services concernés afin d'éviter des difficultés de nature à entraver la bonne marche des activités de la Mission.

Je vous remercie, Monsieur le Ministre, pour votre compréhension et votre précieuse collaboration et vous prie d'agréer l'expression de ma haute considération.

Ian Martin
Ian Martin
Chef de la Mission

Monsieur Marc RUGENERA
Ministre des Finances
Kigali

CC:
Dr Anastase GASANA
Ministre des Affaires Etrangères et
de la Coopération Internationale
Kigali

Reçu le 16 FEV 1996

ROUTING SLIP

FICHE DE TRANSMISSION

TO:
A: Mr. William Clive, OIC, CAO

FROM:
DE: Wilfrid de Souza *WS*

Room No. - No de bureau | Extension - Poste | Date
09/02/96

FOR ACTION		POUR SUITE A DONNER
FOR APPROVAL		POUR APPROBATION
FOR SIGNATURE		POUR SIGNATURE
FOR COMMENTS		POUR OBSERVATIONS
MAY WE DISCUSS?		POURRIONS-NOUS EN PARLER ?
YOUR ATTENTION		VOTRE ATTENTION
AS DISCUSSED		COMME CONVENU
AS REQUESTED		SUITE A VOTRE DEMANDE
NOTE AND RETURN		NOTER ET RETOURNER
FOR INFORMATION		POUR INFORMATION

Could you please let me know whether we are in a position to grant the attached request.

The seminar is scheduled to start on Monday 12 February.

Thank you for your cooperation.

LIRGENT

UNITED



NATIONS

HIGH COMMISSIONER FOR HUMAN RIGHTS

Human Rights Field Operation
in Rwanda
(HRFOR)

To: Mr D'Souza,
Executive Director
UNAMIR

From: Mr Essaied
Chief, ai HRFOR

Date: 9 February 1996

Re: Chairs HRFOR/UNESCO Seminar journalists covering trials

HRFOR and UNESCO will be holding a month long professional training seminar to teach journalists how to cover trials. Due to a procurement problem chairs for the conference room designated for the seminar have not yet arrived in Kigali.

Would it be possible for HRFOR to borrow 25 folding chairs to use in this seminar? We are sorry for the short notice, but if you could please contact us as soon as possible concerning this matter.

Thank you in advance for your consideration of this request.

Reçu le - 9 FEV. 1996

UN Human Rights Field Operation in Rwanda, B.P. 445 Kigali, Rwanda Tel:
(1.212 New York) - 963.99.06 or 963.99.07
Fax: (1.212 New York) - 963.99.08 Rwanda Telephone: (250) 73.720, or 73.722,
or 73.035 Fax: (250) 73.719

ROUTING SLIP

FICHE DE TRANSMISSION

TO: .
A: Mr. IschlikaFROM: Wilfrid de Souza *WS*
DE:

Room No. - No de bureau Extension - Poste Date 11/12/95

FOR ACTION		POUR SUITE A DONNER
FOR APPROVAL		POUR APPROBATION
FOR SIGNATURE		POUR SIGNATURE
FOR COMMENTS		POUR OBSERVATIONS
MAY WE DISCUSS?		POURRIONS-NOUS EN PARLER ?
YOUR ATTENTION		VOTRE ATTENTION
AS DISCUSSED		COMME CONVENU
AS REQUESTED		SUITE A VOTRE DEMANDE
NOTE AND RETURN		NOTER ET RETOURNER
FOR INFORMATION		POUR INFORMATION

Could you please answer the
SRSG's question?

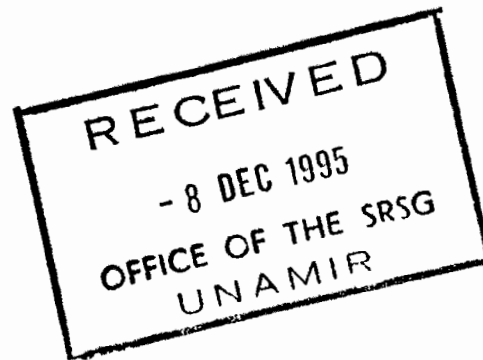
UNITED NATIONS
High Commissioner for Human Rights
Field Operation in Rwanda



HRFOR



NATIONS UNIES
Haut Commissaire aux Droits de L'Homme
Operation sur le Terrain au Rwanda



7 December 1995

Ambassador Shaharyar Khan
Special Representative of the Secretary General
UNAMIR
Kigali, Rwanda

Dear Ambassador Khan,

I enclose for your information a copy of the joint report of the National Gendarmerie and HRFOR on the incident at Kanama commune. This was finally signed by both parties on 27 November.

I want to make clear that HRFOR's investigations into this incident were not confined to this joint investigation. Other HRFOR officers were involved in investigations. I am hoping, albeit long after the incident, to bring this information together in a final HRFOR report.

Best regards,

Ian Martin
Chief, HRFOR

I would like to know what happened to the military personnel who were interrogated, court marshalled for the event?

Shaharyar Khan
8.12

ED.
Isel
JNK.

Reçu le - 8 DEC. 1995

JOINT REPORT
ON THE INCIDENT AT KANAMA COMMUNE

I. Introduction

As a result of the incident at KANAMA commune, Gisenyi prefecture, on 11 and 12 September 1995, the Technical Co-operation Unit (TCU) of the Human Rights Field Operation in Rwanda (HRFOR) approached the Etat Major of the National Gendarmerie on 13 September 1995¹ and requested for an officer to go with them to Gisenyi for a joint fact finding mission on KANAMA incident. The mission was composed of the Head of the Information Unit of the National Gendarmerie, Captain Emanuel BAYINGANA, and the programme officer of the Technical Co-operation Unit (TCU, HRFOR), Homayoun Alizadeh. The primary task of this fact-finding mission was to discuss the recent events in KANAMA commune with local authorities, and to determine the cause of the incident.

On 13 and 14 September, the mission concluded consultations with high-ranking officials of the Gendarmerie and the RPA in Gisenyi and Ruhengeri. Hospitals were visited and the local population in KANAMA was interviewed. At request the team was permitted to go into the local military camp to meet with the battalion commander who was responsible for the military search operation at KANAMA commune, and to meet those detainees suspected to have had a hand in the killing of the RPA officer. While there, the delegation was also able to photograph a car and many weapons reportedly involved in the incident.

This joint fact-finding mission was designed to facilitate further governmental investigation of the incident at KANAMA commune, given that the two day joint-mission was preliminary in nature.

II. Meetings with the local authorities

On the way to Gisenyi the delegation was able to attend the funeral for Lieutenant Claude RURAZA, on 13. September. The ceremony took place in Ruhengeri where the Vice-President and the Minister of Defence, Major General Paul KAGAME, the Chief of Staff, Ministry of Defence, Colonel Sam KAKA, the Brigade Commander Ruhengeri/Gisenyi/Kibuye, Colonel William BAGIRE, and other high-ranking military officials were present. Between 1,500 and 2,000 civilians also attended the funeral.

¹ The Etat Major of the Gendarmerie, Ministry of Defence, was contacted by the TCU on 13 September 1995 as follows: Bureau of the Etat Major of the Gendarmerie, Col. Deogratias NDIBWAMI; Bureau of the Deputy Chief of Staff, Gendarmerie, Col. Kayumba NYAMWASA, Head of the Information, Documentation and Public Affairs Unit, Gendarmerie, Major John ZIGIRA; Chief of Logistics, Gendarmerie, Major Lambert SANO and the Bureau of the Chief of Staff, Ministry of Defence, Col. Sam KAKA.

II. 1. Meeting with the Groupement Commander of the Gisenyi Prefecture, Lieutenant Karara MISINGO

The delegation met with the Groupement Commander of the Gisenyi prefecture on the same day. Lieutenant Karara MISINGO gave his report on the incident as follows:

At 7. p.m. Second Lieutenant Claude RURAZA was ambushed in KANAMA commune. The car was stopped by about eight “thugs” who made an unofficial roadblock, immediately after which the “thugs” opened fire. Lieutenant RURAZA was shot dead. The driver and two escorts were seriously injured. The “thugs” then ran away.

After this incident “intervention forces” came to the site to search and locate the “thugs,” who were hiding in KAYOVE and BISIZI sectors. Ultimately, an exchange of fire took place, the result of which was 24 dead civilians in KAYOVE sector and 61 in BISIZI sector. Eight persons were injured and were transported to hospitals in Ruhengeri and Gisenyi.

The military arrested four soldiers of the former Rwandan government. It is known that this area has many security problems caused by the activities of infiltrators and saboteurs from Zaire. In this military search operation many uniforms, four guns, six grenades and one sub-machine gun were found. The military operation was carried out by the Battalion Commander of BIGOGWE, Major George RWIGAMBA. The National Gendarmerie was not involved in this military operation. Lieutenant MISINGO also said he visited KAYOVE and BISIZI sectors on 12 September.

He also stated that neither the press nor human rights field officers had contacted his office. Although Lieutenant MISINGO stated he had visited KAYOVE and BISIZI sectors, the delegation asked him to visit those sectors again. He then ordered a gendarme to accompany the delegation to the sites.

II. 1. 1. Visits to KAYOVE and BISIZI sectors

The delegation spoke with civilians who seemed to be very angry about the search operation which had been carried out by the army on the night of the events. Many civilians reported the incident as follows:

- They did not believe that a RPA Lieutenant was killed;
- The attack began towards morning between 2 and 5 a.m.;
- Over 100 soldiers were involved in the operation;
- The soldiers went into the houses, brought the inhabitants out of their houses, and proceeded to conduct executions;
- The executions took place in two ways: some were executed immediately, while other were interrogated, accused of collaborating with infiltrators and saboteurs from Zaire, and then were executed;
- Many bodies were strewn about the sector.

Despite the fact that the delegation was accompanied by soldiers, the civilians discussed the actions of the soldiers involved in the operation very openly.

II. 2. Visit to Gisenyi hospital

In order to obtain more information about the incidents at KANAMA commune, the delegation decided to visit the injured persons in a hospital in Gisenyi on 14 September 1995. After discussions with the Director of the hospital, Dr. SARAMBUYE, the delegation was able to meet two injured persons.

1. A civilian named SEBUSORE (33) had been accompanying Second Lieutenant RURAZA in the car and was injured by bullets in his right arm and in chest. As an eyewitness he stated the following:

On 11 September 1995 at 7 p.m. the car in which Second Lieutenant RURAZA, two escorts, a driver and a civilian were driving, was stopped by about 12 uniformed gunmen. A wood barrage was put on the road in order to hinder the car from driving further. Eight of the gunmen surrounded the car. The eyewitness was able to hear that one of the gunmen told his colleague, "Do it quickly." Four of the perpetrators opened fire. The Lieutenant was shot dead. His two escorts, the driver and the civilian were injured. Soon after this, a taxi on route from Ruhengeri to Gisenyi arrived and took the injured persons to Gisenyi hospital.

The following points were mentioned by the above-mentioned civilian:

- The perpetrators spoke Kinyarwanda language;
 - It seemed that two "thugs" conducted the assassination;
 - Lieutenant RURAZA and his team had no means of communication, such as a radio;
 - The type of weapons used is not known.
2. A ten-year old girl named NYIRAMBONERA who is from BISIZI sector was injured during the subsequent military search operation. She was scared and, for that reason, the delegation was not able to make any inquiry into the incident.

II. 2. 1. Meetings with the personnel at Gisenyi hospital

The delegation spoke with the Director of the hospital, as mentioned above, and the Head of the surgery section, Dr. Emanuel MUNYARUGERERO. Based on these conversations six injured persons had been brought to the hospital. Their health condition was described as satisfactory. The hospital has a capacity of 325 beds and is faced with problems such as lack of qualified personnel and inadequate facilities to treat the injured and ailing. The relationship between hospital authorities, local authorities and human rights field officers was positive.

II. 3. Meeting with the Battalion Commander, Major George RWIGAMBA

The delegation met the Battalion Commander of BIGOGWE on 14 September 1995. Major RWIGAMBA conducted the military search operation at KANAMA commune. The delegation was able to meet Major RWIGAMBA inside the camp.

Major RWIGAMBA gave his statement as follows:

On Monday, 11 September 1995 at 7.30 p.m., Second Lieutenant Claude RURAZA left with his driver, two escorts and two civilians from the military camp to Gisenyi. At about 15 km from BIGOGWE, the car was stopped by between eight and ten men in military uniform at an unofficial roadblock. The gunmen opened fire, killing the Lieutenant at once. Three people were seriously injured. Meanwhile, a military car coming from Gisenyi approached the site. An exchange of fire between the perpetrators and the RPA soldiers was reported. The uniformed gunmen ran away.

After the incident, the deceased was taken back to the military camp in BIGOGWE by the RPA car which came from Gisenyi. The injured persons were taken to Gisenyi hospital by a taxi. The taxi had come from Ruhengeri and reached the site after the uniformed gunmen ran away.

According to the Battalion Commander at the military camp, Major George RWIGAMBA, 30 soldiers were sent to the site of the incident at midnight. From there they were commanded to cordon off the nearby villages in BISIZI and KAYOVE sectors in order to search for the alleged perpetrators. Supplementary military forces were also sent to that area.

According to Major RWIGAMBA's report, the alleged perpetrators hid in the villages and opened fire on the RPA soldiers, to which the soldiers responded. Civilians ran away and were thus caught in the crossfire. One soldier was killed and one was injured.

The allegation that RPA soldiers broke into the houses and inhabitants including women and children were brought out of their houses and shot in front of them at close range was denied by Major RWIGAMBA. He said that the civilian deaths were a result of stray bullets during the shoot out between the armed thugs and the RPA soldiers who had mounted a cordon-and-search operation.

In this military search operation two rifles, 13 grenades and two mines were found. According to Major RWIGAMBA about 60 soldiers took part in this military operation.

After the military search operation, inhabitants of the KAYOVE and BISIZI sectors were brought to the sector Headquarters in which they were "screened." Nine alleged "thugs" were arrested, two of whom were carrying machine guns (Kalashnikovs).

After the interview with Major RWIGAMBA the delegation was able to meet the detainees. Seven of the detainees were retired soldiers of the former Rwandan Government armed forces. The team was told by Major RWIGAMBA these detainees were innocent and would be released shortly as there was no evidence connecting them to the incident. Only two of the detainees (Tharcisse NIZEYIMANA and Pière UWATWESE) were to be transported to the prison. They had been accused of carrying machine guns during the incident. The two detainees confessed to the delegation that they had carried a rifle.

The team photographed the car in which the lieutenant was killed and also photographed weapons, mines and grenades allegedly used during the incidents.

The delegation was not able to meet the Brigade Commander Ruhengeri/Gisenyi/Kibuye, Colonel William BAGIRE.

The delegation ended its mission on 14 September at 2 p.m.

On 15 September a provisional report on the fact-finding mission was given to the Chief of Staff, Gendarmerie, Colonel Deogratias NDIBWAMI by the IIRFOR representative of the delegation.

III. Remarks

The joint fact finding mission conducted into the KANAMA incident is the first mission of its kind that the UN Human Rights Field Operation in Rwanda has carried out in such close collaboration with the Rwandan authorities at the national level. This sort of confidence building measure will strengthen the co-operation between the Rwandan authorities and the United Nations High Commissioner for Human Rights and will reinforce efforts being made to improve the human rights situation in Rwanda.

The joint fact finding mission however, has raised a number of questions as follows:

- According to a number of statements, a driver and two escorts were injured in the ambush of Lieutenant RURAZA's car. The investigating delegation was not able to meet or to speak with these people whose testimony is of obvious importance. Whereas the Gendarmerie Commander in Gisenyi stated that the ambushed vehicle contained one civilian, who was injured in the attack, the Battalion Commander of BIGOGWE, Major RWIGAMBA claimed that there were two civilians in the vehicle, both of whom were injured. The delegation was only able to meet and interview one civilian at Gisenyi hospital.
- Following the information gathered about the incident, the delegation was unable to have a completely clear picture of what happened in the ambush of lieutenant RURAZA. The identity of the uniformed gunmen allegedly responsible for the attacks was not established.
- According to the information given to the delegation the ambush on the vehicle was carried out by between 8 and 12 gunmen some of whom were near enough to the vehicle for their conversation to be heard by the one civilian interviewed by the delegation. On the basis of the information given to the delegation one must ask how it is that only one person was killed in the ambush while the remaining three (or four according to different statements) survived in spite of being injured.
- The delegation was not able to obtain the exact names of the cellules in which the members of the civilian population were killed.
- Whereas the local military authorities spoke about 85 civilian deaths, the Radio Rwanda stated on 14 September that there were over 100 civilian deaths.

During the events in KANAMA a very large number of civilians were killed. According Major RWIGAMBA's information these civilians were killed in a crossfire between the gunmen who attacked Lieutenant RURAZA and about 60 RPA soldiers who were tracking them down. Given that one RPA soldier was reportedly killed in this clash and a second injured and apparently none of the gunmen were killed or injured, the delegation was not able to establish how 110 civilians who, in the early hours of the morning would normally all be in their homes, were caught in a 'cross fire'.


IV. Recommendations

In the framework of confidence building measures the co-operation between the HRFOR and the authorities, particularly the military authorities, should be strengthened in order to have a common response to such violations of human rights.

- On 14 September, a press communiqué was released by the Minister of Defence, stating that a commission to investigate the incidents will be established. The delegation recommends that a member of the Gendarmerie and of the HRFOR should be members of this commission.
- It is essential that the Gendarmerie as a national law enforcement entity has sufficient material support to ensure public order. The KANAMA incident highlights the lack of an adequate communications system.
- Support to military tribunal, military prosecutor.

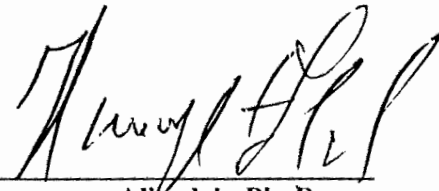
Kigali, 27 November 1995

Republic of Rwanda
Etat Major of the National Gendarmerie



Captain Emanuel BAYINGANA

Human Rights Field Operation
in Rwanda (HRFOR)




Homayoun Alzadeh, Ph. D.

- NOTE FOR THE SRSG -

The SRSG desired to know, as to what happened to the Military personnel who were interrogated, court marshalled for the Kanama incident.

Through informal sources, it is learnt that the RPA is very reluctant to disclose the outcome of the investigations carried out with regard to the Kanama incident. However, consequent upon this event, reliable sources confirm that Colonel William Bagira, the Brigade Commander 211BDE and Major George Riwigamba, the Battalion Commander, had been relieved off their active command and placed under house arrest, including 7 other officers/NCOS. This means that 9 officers are under house arrest in connection with the Kanama incident.

It is presumed that the Military structure in Rwanda lacked an adequate legal framework through which violations of the aforementioned nature could be dealt with promptly. It is probably for this reason that around 700 RPA soldiers are held under captivity for want of investigation/trials.


Javid N.A. Khan
Pol/Eco Affairs Officer
11 December 1995

cc.: Executive Director

Reçu le 11 DEC. 1995

UNITED NATIONS



NATIONS UNIES

High Commissioner for Human Rights
Field Operation in Rwanda

HRFOR

Haut Commissaire aux Droits de L'Homme
Operation sur le Terrain au Rwanda

28 November 1995

Ambassador Shaharyar Khan
Special Representative of the
Secretary General
UNAMIR
Kigali

RECEIVED

29 NOV 1995

OFFICE OF THE SRSG
UNAMIR

Dear Ambassador Khan,

I have just received a copy of the report of the High Commissioner for Human Rights on HRFOR as transmitted to the General Assembly, and thought you would wish to have a copy.

You will no doubt have received a report from DPKO on the Group of Ten meeting in New York on 21 November, but I also enclose a copy of the note I have received from the office of the Centre for Human Rights in New York.

Best regards.

Yours sincerely,

Ian Martin
Chief, HRFOR

Encl. a/s

Reçu le 30 NOV. 1995

4/18

27 November 1995

NOTE FOR THE FILE

GROUP OF TEN MEETING ON RWANDA

21 November 1995

1. I was invited to participate at the above-mentioned meeting which was chaired by Mr. Riza, Assistant Secretary-General for Peace-keeping Operations, and attended by representatives of the U.K., the U.S., Germany, Belgium, the Netherlands, Ghana, Nigeria and France. The representative of Rwanda also made a brief presentation regarding his Government's position on UNAMIR's withdrawal.

2. Mr. Riza recalled that on 20 November the SRSR in Rwanda had been told by the Government in no uncertain terms that UNAMIR should not be renewed. The Government had stated that security and protection is the exclusive responsibility of a sovereign state and it would be offensive for Rwanda if others were to provide security to the humanitarian and human rights missions there; refugees should not be linked with UNAMIR either. Moreover, Rwanda "insists" that UNAMIR leave behind to the Rwandan Governments as much of its material as possible after withdrawing. Despite this language, Mr. Riza explained that the latter was treated by the U.N. as a request. [Since the meeting of 21 November, I have learned that the Government has also put its full position in writing.] Mr. Riza also sought the Group's permission to invite the Permanent Representative of Rwanda, Ambassador Bakuramutsa, to explain his Government's views.

3. In explanation of his Government's position, Amb. Bakuramutsa stated that for Rwanda there were more important things than UNAMIR. The Government is busy with other issues such as the security problem for which UNAMIR has been of little use. If UNAMIR could play a role in the security problem, his Government would not have difficulties. UNAMIR has had no impact on the return of refugees, but has only provided transport for them. UNAMIR had no impact on the impunity problem in the country, nor had it any role in the cycle of killings that still continue. Instead of providing solutions to the Government's problems, the international community spoke only of the return of refugees; refugees who had killed thousands. Rwanda's economic infrastructure had been completely destroyed and therefore the Government needed cooperation. It left the door open to the international community. The only rich organization in Rwanda was UNAMIR and therefore the Government had requested the material after UNAMIR's departure.

4. In response to Mr. Riza's question as to whether the Government would be open to a UNAMIR presence devoted to the reconstruction of the country, the Ambassador stated that this would be the case. The U.S. recalled Judge Goldstone's concern for the security of the Rwanda Tribunal, to which the Ambassador responded that there is

5/18

- 2 -

excellent security now in Rwanda. "You know the culprits, why do you close your eyes? The intimidation is outside Rwanda." At this point the Ambassador left the meeting.

5. During the exchange of views it was obvious that different positions were held by different countries. Ghana and Nigeria were in favour of ending UNAMIR given the Government's position on the matter. Belgium and the U.K. underlined the confidence-building role of UNAMIR in the return of refugees and the work of human rights monitors. Germany and Switzerland could not see a reconstruction for UNAMIR, while the Netherlands did. The U.S. asked that the Secretary-General's report to the Security Council leave some room for maneuvering so that creative solutions can be found; as to the equipment, the U.S. did not see why it should be left to the Government. Several delegations expressed concern on the safety of withdrawing troops and personnel and, in this general climate, the safety of human rights monitors.

6. I conveyed the concern of the High Commissioner for Human Rights and of Mr. Ian Martin, Director of our Operation in Rwanda, over the practical and logistical problems after the possible withdrawal of UNAMIR. UNAMIR provided us with several kinds of logistical support and we needed to extend this support for as long as possible, after its phasing out of UNAMIR. Our needs were immediate and our situation precarious since the Operation was only funded through voluntary contributions. Mr. Lowell seconded these points.

7. The Group finally decided that a flexible report would be presented to the Security Council by the Secretary-General and that bilateral efforts will continue.

Elsa Stamatopoulou

cc: - Geneva:

Mr. Ayala-Lasso
Mr. Fall
Mr. Mautner-Markhof

cc: - Rwanda:

Mr. Martin

cc: - NY:

Dr. Quisumbing

28-11-1995

6/18

UNITED
NATIONS

A



General Assembly

Distr.
GENERAL

A/50/743
13 November 1995

ORIGINAL: ENGLISH

Fiftieth session
Agenda items 20 (b) and 112 (e)

STRENGTHENING OF THE COORDINATION OF HUMANITARIAN AND DISASTER
RELIEF ASSISTANCE OF THE UNITED NATIONS, INCLUDING SPECIAL
ECONOMIC ASSISTANCE: SPECIAL ECONOMIC ASSISTANCE TO INDIVIDUAL
COUNTRIES OR REGIONS

HUMAN RIGHTS QUESTIONS: REPORT OF THE UNITED NATIONS HIGH
COMMISSIONER FOR HUMAN RIGHTS

Human Rights Field Operation in Rwanda

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly
the report of the United Nations High Commissioner for Human Rights on the Human
Rights Field Operation in Rwanda.

95-35247 (E) 241195 271195



/...

7/18

A/50/743
English
Page 2

ANNEX

I. INTRODUCTION

1. The present report describes the principal elements and role of the Human Rights Field Operation in Rwanda in responding to the serious crisis in that country. In general, the Operation serves Rwanda by charting with its Government the long and difficult path to national reconciliation and by ensuring that human rights are fully respected at all stages of that process.
2. The Operation, as the key response of the United Nations High Commissioner for Human Rights to the catastrophe that occurred in Rwanda, has to be understood against this background. From April to July 1994, Rwanda suffered the slaughter of between 500,000 and one million persons. The main victims of this extensive carnage were members of the Tutsi minority and moderate Hutus. The massive human rights violations were perpetrated in a pre-planned, organized and systematic manner by extremist Hutu militia throughout the country, and started within hours of the attack on the presidential aircraft on 6 April, which took the lives of Juvénal Habyarimana, President of the Rwandese Republic and Cyprien Ntaryamira, President of the Republic of Burundi. The mass killings were condemned by all the principal organs of the United Nations, first and foremost the Security Council. The massacres were later qualified by the Commission of Experts on Rwanda 1/ in very clear and unambiguous terms as constituting "genocide" within the meaning of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.
3. The ensuing civil war and atrocities perpetrated against the civilian population exacerbated the trauma, which was worsened further by the extensive destruction of the country's infrastructure. The new Government that took power in Rwanda in mid-July 1994 was able to halt the genocide. It was then faced with the immense task of restoring law and order, fostering national reconciliation and reconstructing public and economic institutions.
4. The United Nations, including the High Commissioner for Human Rights, committed to assist in this endeavour, took a multifaceted approach to this complex set of problems. It is the deep conviction of the High Commissioner that a climate of confidence and long-lasting peace can be built only upon the foundations of full respect for human rights and the rule of law. In order to achieve this, Rwanda must be supported by the sustained efforts of the international community acting through the United Nations. As this process involves the healing of deep wounds inflicted by the genocide that left no part of Rwanda untouched, a long-term engagement is required. Moreover, the system of justice has to be reconstructed from its very foundations so as to ensure that in future justice is administered fairly and impartially. The return of refugees to Rwanda and their resettlement together with that of internally displaced persons, within the country constitute another major problem to be resolved.

/.

8/18

A/50/743
English
Page 3

II. RESPONSE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS TO THE CRISIS IN RWANDA

5. The High Commissioner for Human Rights, who had assumed office only a day before the outbreak of hostilities in Rwanda, introduced a number of timely initiatives to address the crisis. He acted immediately to spur an urgent response from a wide range of United Nations agencies and mechanisms of the Commission on Human Rights, the Organization of African Unity (OAU) and the non-governmental organization community. On 4 May 1994, he called for the convening of an emergency session of the Commission on Human Rights to address the human rights situation in Rwanda.

6. After having visited Rwanda in May 1994, the High Commissioner urged that a special rapporteur on Rwanda be appointed to examine all the human rights aspects of the situation, including root causes and responsibilities for the atrocities. 2/ The High Commissioner also proposed that the Special Rapporteur should be supported by a field operation, staffed with specialists to investigate past human rights abuses and to monitor the ongoing situation, to deter human rights violations and to promote national reconciliation. These proposals were endorsed by the Commission and the Economic and Social Council.

7. On 1 July, in its resolution 935 (1994) the Security Council requested the Secretary-General to establish urgently an impartial commission of experts to examine and analyse information concerning responsibility for serious violations of international humanitarian law committed in Rwanda, including genocide. In his report to the Security Council of 26 July 1994, 3/ the Secretary-General stated that the Commission of Experts on Rwanda would be based in Geneva and would benefit from the resources of the High Commissioner for Human Rights and, in particular, those already made available to the Special Rapporteur of the Commission on Human Rights in Geneva and in the field.

8. Another major development was the exodus of millions of refugees into neighbouring countries. This generated an immediate need to assist the newly established Government of Rwanda in creating the necessary conditions of law and order within a climate of confidence to encourage an early return of refugees and internally displaced persons. It was generally felt by members of the international community that a human rights field operation, one much larger than that conceived for the purposes of the Special Rapporteur and the Commission of Experts, should be put in place to facilitate repatriation and resettlement. In the absence of funding from the regular budget for an operation of this scale, the High Commissioner found it necessary to launch an appeal at the beginning of August 1994 for voluntary contributions to support this broad-based field operation. In August he visited Rwanda again and obtained the agreement of the Government for the operation. Thus, the foundation was laid for the Human Rights Field Operation in Rwanda.

9. In the Agreement between the United Nations High Commissioner for Human Rights and the Government of Rwanda, the objectives and functions of the operation are defined as follows: (a) carrying out investigations into violations of human rights and humanitarian law, including possible acts of genocide; (b) monitoring the ongoing human rights situation and helping to prevent violations through the presence of human rights field officers;

/..

A/50/743
English
Page 4

9/18

(c) cooperating with other international agencies to re-establish confidence and to facilitate the return of refugees and internally displaced persons and the rebuilding of civil society; and (d) implementing programmes of technical cooperation in the field of human rights in particular in the area of the administration of justice, to help Rwanda rebuild its shattered judiciary and to provide human rights education to all levels of Rwandan society.

III. OVERVIEW OF THE FUNCTIONS OF THE HUMAN RIGHTS FIELD OPERATION IN RWANDA: THREE PRINCIPAL ELEMENTS

10. The mandate of the Human Rights Field Operation in Rwanda takes a three-pronged approach to confidence-building with a view to eventual national reconciliation. Firstly, the Operation has carried out extensive investigations of genocide and other serious violations of human rights and humanitarian law that took place during the April to July 1994 armed conflict in Rwanda. Secondly, it has established a comprehensive presence of human rights field officers through the country to monitor the ongoing human rights situation. Thirdly, it has further initiated a broad based programme of promotional activities in the field of human rights, ranging from projects for the rebuilding of the Rwandan administration of justice, to human rights education at different levels. Thus far, some 120 human rights field officers have been deployed. These have included experts on investigations, such as prosecutors, criminal investigators and forensic experts as well as specialists for human rights advisory services and education. These elements of the Human Rights Field Operation in Rwanda's activities are described in more detail below.

A. Investigating the genocide

11. From the start of the Operation, it had been recognized that the genocide investigation would have to be carried out in a professional manner and with the requisite level of expertise. Moreover, the utmost care was taken to ensure that the integrity and confidentiality of evidence were continuously maintained. In this regard, the High Commissioner took full account of the experience gained from the work of the International Tribunal for the Former Yugoslavia, which had also been preceded by the creation of a commission of experts.

12. While the desirability and feasibility of creating an international criminal court for Rwanda was in the process of being considered, special care was taken to ensure that valuable evidence would not be lost in the interim. To that end, a special investigation unit was established to gather evidence that might otherwise have been lost or destroyed to be turned over to the Prosecutor if and when an international criminal court was brought into existence. This approach proved propitious when the Security Council took the decision on 8 November 1994 to create the International Tribunal for Rwanda (resolution 955 (1994)). It took several more months before the Tribunal could become operational and the Human Rights Field Operation in Rwanda continued its genocide-related investigations until the Deputy Prosecutor's Office, with its own investigations unit, was established in Kigali. Thereafter, the emphasis of the Operation's investigative work shifted to coordinating the activities of the field teams with the work of the International Tribunal.

A/50/743
English
Page 5

10/18

13. While this work did not involve investigations for the direct purpose of prosecutions, it nevertheless required the highest standards of confidentiality and integrity of evidence-gathering, because of its potential probative value before a court of law. A number of Governments responded positively to the High Commissioner's request to provide specialized personnel, such as prosecutors, criminal investigators, police and forensic experts, thereby enabling the Human Rights Field Operation in Rwanda to collect pertinent evidence. Teams of experts provided by the Netherlands, Norway, Spain, Switzerland and the United States of America undertook special investigations into acts of genocide, including a comprehensive survey by forensic experts of massacre and mass grave sites, interviews of surviving victims and witnesses, and the collection and preservation of documentary and other tangible evidence. A number of human rights field officers were assigned to provide assistance in this work at many stages of the investigative process, working under the guidance of the expert investigators. The Operation has also benefited from outside support that has been contributed to the investigation on an ongoing basis, in particular by the United Nations Assistance Mission for Rwanda (UNAMIR).

14. All information gathered was regularly forwarded to the High Commissioner for Human Rights, who then channelled it to the Commission of Experts, the Special Rapporteur and the International Tribunal for Rwanda. The information placed before the Special Rapporteur and the Commission of Experts during 1994 was forwarded to the International Tribunal for Rwanda in January 1995. Information and evidentiary materials that were collected subsequently were again made available to the Special Rapporteur and personally handed over by the High Commissioner to the Deputy Prosecutor of the International Tribunal on 2 April 1995 in Kigali.

B. The monitoring and confidence-building process

15. Monitoring and reporting on the current human rights situation constitute essential elements of the Operation's mandate. It is important for the post-genocide rehabilitation of Rwanda that the ongoing human rights situation is closely observed, that patterns of violations are identified and immediate action taken. The Government of Rwanda fully recognizes that respect for human rights is a prerequisite for genuine confidence-building and national reconciliation and has supported the Operation's efforts in this regard.

16. Monitoring and confidence-building involve the establishment of a visible presence of human rights field officers throughout Rwanda. In accordance with the mandate of the Human Rights Field Operation in Rwanda, such activities have been conducted on a continuing basis throughout the country at the prefectural, communal and sectoral levels.

17. The monitoring and confidence-building process involves bringing to the attention of various levels of Rwandan authorities any human rights violations observed. The findings of the monitors serve as a basis for the reports of the Special Rapporteur. They are also made available by the High Commissioner for Human Rights, as appropriate, to the Secretary-General, Governments, United Nations agencies and intergovernmental and non-governmental organizations.

/...

A/50/743
English
Page 6

~~10/18~~
11/18

Refugees and displaced persons

18. The Human Rights Field Operation in Rwanda is playing an important role in the process of repatriation and resettlement of refugees and internally displaced persons. In this context, the Operation closely coordinates its activities with the Office of the United Nations High Commissioner for Refugees (UNHCR). A memorandum of understanding between UNHCR and the Human Rights Field Operation in Rwanda has been concluded, building on already existing cooperation, which is designed to reduce duplication of efforts as each agency seeks to implement its mandate. In deploying human rights field officers throughout the country, the Operation has taken the areas receiving the largest numbers of refugees and internally displaced persons into account. The Operation attempts to ensure that basic human rights are not violated at any stage of return, resettlement and reintegration, through monitoring of conditions at principal frontier crossing points; processing in transit centres; treatment of refugees while they await transfer to communes; treatment of those placed in interim detention; and all aspects of reintegration into home communes. In this connection, the Operation evaluates the state of readiness of home communes to determine whether they are in a position to receive returnees and assists those communes in the resettlement process. Once this process has been completed, the Operation monitors the subsequent treatment and security of resettled returnees.

Conditions of Detention

19. Another priority for the Human Rights Field Operation in Rwanda is the serious situation in prisons and local detention centres. At the end of October 1995, the total number of detainees exceeded 58,000. In many prisons, prisoners have been forced to stand for lack of room. There have been many deaths and serious illnesses because of the severe overcrowding.

20. The Operation makes regular visits to prisons and detention centres in order to monitor conditions and make proposals for their improvement. This work is carried out in cooperation with the International Committee of the Red Cross (ICRC).

21. The overcrowding of prisons is linked to the circumstances of arrest and the subsequent review of the evidence against detainees. Most of those currently detained have been arrested outside the procedures laid down in Rwandan law and there is no dossier recording the evidence against them. The Human Rights Field Operation in Rwanda actively seeks to promote respect for legal procedures governing arrest and detention, and urges the appropriate authorities to review promptly cases where arrests appear not to be based on strong indications of criminal responsibility. While the judicial system is not yet functioning, such that criminal trials cannot commence, progress has been made regarding compliance with arrest procedure and the Government of Rwanda has established commissions de triage to review cases where detainees might be released for lack of evidence against them. The Operation has sought to promote the processing of cases by these bodies at the same time as assisting in the rehabilitation of the judicial system.

/...

A/50/743
English
Page 7

~~12/18~~
12/18

C. Promotion of human rights and efforts to rehabilitate
the Rwandan justice system

22. Rwanda was left after the genocide with few judicial officials still in place and the infrastructure of the judicial system substantially destroyed. The re-establishment of the administration of justice is a requirement central to dealing with the genocide and creating confidence in communities where survivors and returning refugees must live together under the rule of law. Closely related to this is the fostering of a strong human rights culture at different levels of society.

23. The Human Rights Field Operation in Rwanda has therefore worked to assist in the rehabilitation of the justice system at the national and local levels. The close relationship of its field teams with local judicial officials has enabled it to understand the current functioning and limitations of the system. It has thus been able to assist in channeling material assistance made available by UNDP and other donors to local needs and to encourage the gradual resumption of the functioning of the Rwandan justice system. Three legal experts have worked with the Ministry of Justice and, in cooperation with the Ministry and UNDP, the Human Rights Field Operation in Rwanda developed a plan to deploy 50 foreign legal experts to assist the Government in restarting all the essential functions of the judicial system, which presently suffers from an acute shortage of qualified local personnel. In September, the Government asked for the temporary suspension and re-examination of the project.

24. The Human Rights Field Operation in Rwanda has actively promoted respect for Rwandan law and human rights standards through efforts focused on re-establishing or establishing the governmental and non-governmental institutions necessary for the protection of human rights. Seminars on arrest and detention procedures have been organized by field teams in the prefectures in conjunction with UNHCR. The Operation participates in training at the National Gendarmerie School in Ruhengeri and has prepared training seminars for the gendarmerie and the Rwandese Patriotic Army on the role of the armed forces and law enforcement officials in the protection and promotion of human rights.

25. The Operation has organized and delivered a large number of human rights seminars throughout the country. Several of these have focused specifically on the rights of women and children; others have concerned the roles of government officials and of journalists. A project for the creation of centres to provide legal and other advice to women at the commune level has been developed with local legal associations and competent ministries. The Operation has worked closely with a number of Rwandan non-governmental organizations and has promoted human rights standards and awareness through radio broadcasts, newsletters and a weekly human rights club.

/...

A/50/743
English
Page 8

13/18

IV. SERVICING OF THE HUMAN RIGHTS FIELD OPERATION IN RWANDA AND
COORDINATION WITH BODIES ESTABLISHED BY THE SECURITY
COUNCIL AND THE COMMISSION ON HUMAN RIGHTS

A. Servicing the Special Rapporteur

26. From the initial phase of the Operation, special efforts were made to provide the Special Rapporteur with the assistance required in the fulfilment of the mandate entrusted to him by the Commission on Human Rights in its resolution S-3/1 of 25 May 1994. Indeed, the High Commissioner had originally proposed that the Special Rapporteur should be assisted by a team of human rights field officers, a proposal approved by the Commission on Human Rights. A first group of five human rights officers was fielded during the period from June to August 1994. As the Human Rights Field Operation in Rwanda became fully operational and as the amount of information gathered by field teams increased, a coordinator for the Special Rapporteur was appointed and selected in conformity with the Special Rapporteur's wishes, and his functions form an integral part of the Office of the Chief of the Mission in Kigali. He ensures that in all activities of the Operation due regard is accorded to the mandate and reporting responsibilities of the Special Rapporteur. In Geneva, the Special Rapporteur is assisted by two Professional officers on a full-time basis.

27. All information collected by the Human Rights Field Operation in Rwanda is fully communicated to the Special Rapporteur and copies of those materials, including those transmitted to the International Tribunal for Rwanda, are retained in Geneva for the Special Rapporteur's exclusive use. This includes all substantive reports emanating from the field teams and all important abstracts of information produced in Kigali or Geneva.

28. In accordance with the mandate entrusted to him by the Commission on Human Rights, the Special Rapporteur has undertaken several visits to Rwanda and neighbouring States and has presented five reports on the situation of human rights in Rwanda. 4/ As is the general practice with other rapporteurs, the Special Rapporteur has received at all times the full assistance of the Centre for Human Rights staff in Geneva as well as that of the Human Rights Field Operation in Rwanda in the preparation and conduct of and follow-up to these visits.

B. Servicing the Commission of Experts 5/

29. In the light of the continuing reports of violations of international law, including genocide in Rwanda, and recalling that all persons who commit or authorize the commission of serious violations of international humanitarian law are individually responsible for those violations and should be brought to justice, the Security Council in its resolution 935 (1994) requested, as a matter of urgency, the establishment of an impartial commission of experts to conduct an investigation into such violations committed in the territory of Rwanda and responsibility for them.

A/50/743
English
Page 9

14/18

30. In accordance with the terms of reference as specified by the Security Council, the mandate of the Commission of Experts comprised reviewing and updating information available from all sources, carrying out its own investigations in Rwanda, determining individual responsibility and the applicable norms of international law and examining the feasibility of bringing perpetrators to trial, whether before a domestic or international tribunal.

31. The Commission of Experts was based in Geneva, in order to benefit from the resources of the High Commissioner and those made available to the Special Rapporteur on Rwanda. Accordingly, support and assistance to the Commission was provided by the Office of the High Commissioner for Human Rights entrusted with coordinating the activities of the Commission of Experts with those of the Special Rapporteur on Rwanda. As certain of the Special Rapporteur's responsibilities, as outlined above, overlapped with the mandate of the Commission of Experts, the latter relied on the secretariat of the Centre for Human Rights for administrative support and legal expertise.

32. As is the practice with the Special Rapporteur, the information needs and field activities of the Commission of Experts were serviced extensively by the Human Rights Field Operation in Rwanda. Indeed, the conclusions of the Commission of Experts and the Special Rapporteur on the character and extent of the killings, and their qualification as "genocide", according to international legal norms, were based largely on the factual information provided by the Operation.

C. Coordination with the International Tribunal for Rwanda

33. In accordance with the recommendation of the Commission of Experts, the Security Council took a decision on 8 November 1994 (resolution 955 (1994)), to create the International Tribunal for Rwanda, which would have the power "to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994", in accordance with the provisions of its Statute. 6/

34. Established under Chapter VII of the Charter of the United Nations as a subsidiary organ of the Security Council, the International Tribunal for Rwanda has the authority to dispense justice, with Member States being bound to comply with requests for judicial assistance.

35. Subsequently, Justice Richard Goldstone was appointed Prosecutor of the Tribunal and an Office of the Deputy Prosecutor was established in Kigali.

36. Following an agreement between the High Commissioner for Human Rights and the Prosecutor, a large body of evidence gathered since September 1994 by the Human Rights Field Operation in Rwanda and its personnel was placed at the disposal of the Tribunal. The High Commissioner for Human Rights transmitted all information that had been received by the Special Rapporteur and the Commission of Experts to the Tribunal in January 1995. The High Commissioner personally handed over evidentiary materials and information collected

/...

A/50/743
English
Page 10

1-
15/18

subsequently to the Deputy Prosecutor of the International Tribunal on 2 April 1995 in Kigali.

37. The High Commissioner had several meetings with the Prosecutor of the Tribunal during which he placed the services of the Human Rights Field Operation in Rwanda at its disposal. The Operation continues to maintain ongoing contact and coordination with the Office of the Deputy Prosecutor with regard to all pertinent activities.

V. THE FUTURE OF THE HUMAN RIGHTS FIELD OPERATION IN RWANDA

38. The Human Rights Field Operation in Rwanda is the first human rights field operation to be run under the authority of the High Commissioner for Human Rights. Undoubtedly, the Operation faces an enormous task, comprising not only investigation of the genocide and monitoring of the current human rights situation, but also assistance in fostering a climate of confidence so that refugees and internally displaced persons can resume their normal daily lives in Rwanda. Given the fact that Rwanda has been ravaged by the genocide and armed conflict in which systematic and gross violations of international human rights and humanitarian law were perpetrated, the challenges of the rehabilitation effort remain daunting.

39. The Human Rights Field Operation in Rwanda has made a significant contribution to human rights protection and promotion in Rwanda through its investigation of the 1994 genocide, monitoring of the current human rights situation, including the process of repatriation, resettlement and reintegration of refugees and internally displaced persons to their home communes, as well as efforts to rehabilitate the Rwandan justice system.

40. From the very beginning, the Operation has been financed mostly from voluntary contributions. As at 3 November 1995, \$17,787,341 had been pledged and \$7,276,859 received. A statement of pledges and contributions is contained in the appendix to the present report. It is anticipated that expenditures for 1994-1995 will amount to \$11 million. For 1996, it is estimated that the Operation would need some \$9 million.

41. The timing and receipt of voluntary contributions have placed constraints that have hampered and continue to hamper the implementation of the Operation.

42. Laying the groundwork for national reconciliation requires sustained efforts on the part of the Operation through steady cooperation with the Government of Rwanda. Working with the local authorities and officials of the Government of Rwanda therefore implies maintenance of ongoing relationships between human rights field officers specifically assigned to carry out those tasks.

43. The absence of more stable and long-term funding has made this kind of liaison and cooperation more difficult to implement. It has also complicated efforts at more effective and systematic human rights monitoring and reporting. Coordination between the Operation and other international organizations has also been made more difficult.

/...

A/50/743
English
Page 11

15/18
16/18

44. The difficulties lie in the inability to attract and retain qualified personnel for positions whose funding is on such a precarious and unpredictable basis.

45. There are two particularly crucial phases that will occupy the resources and concentration of the Operation in the coming months: the more immediate phase determined by the major refugee return to Rwanda, in particular from Zaire, and a medium-term phase during which the Rwandan administration of justice (in itself critical to alleviation of the acutely overcrowded conditions of detention) must be rehabilitated and human rights protection developed.

46. As regards the first phase, the Operation should maintain the maximum presence possible on the ground for the time covering the main period of refugee return. This will be a precarious period for the human rights situation and, by extension, for peace and security in the region. The safe and orderly return movement up to the present point has been assisted by the efforts of the Operation acting in close cooperation with UNHCR.

47. As regards the second phase, it may be possible to scale down the presence of human rights field officers once the potentially volatile situation surrounding the major return movement has subsided. At that stage, the emphasis could shift from monitoring human rights conditions surrounding the return movement (which it is hoped will have diminished in scale as the majority of refugees are successfully resettled and reintegrated into their home communes) towards continuous efforts to improve the administration of justice. Those efforts, supported by ongoing human rights monitoring, will need to be continued at least through 1996.

Notes

1/ This body was established by the Security Council on 1 July 1994 to determine individual responsibility for serious breaches of human rights and humanitarian law. Following completion of its work and submission of its reports to the Secretary-General, it was dissolved on 30 November 1994.

2/ E/CN.4/S-3/3.

3/ S/1994/879.

4/ E/CN.4/1995/7 and Corr.1, E/CN.4/1995/12, E/CN.4/1995/70, E/CN.4/1995/71 and E/CN.4/1996/7.

5/ The full name of the Commission is Commission of Experts Established Pursuant to Security Council Resolution 935 (1994) to Examine and Analyse the Grave Violations of International Humanitarian Law in Rwanda, including Possible Acts of Genocide.

6/ The full name of the Tribunal is International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwanda Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States Between 1 January and 31 December 1994.

/...

A/50/743
English
Page 12

16/ --
17/18

APPENDIX

Statement of pledges and contributions as at 3 November 1995

Donor	Currency and amount	Equivalent in United States dollars	Payment effected	Other services provided and remarks
<u>General pledges and contributions</u>				
Australia	SA 100 000	63 500.00	73 690.00	
	SA 200 000	146 000.00	145 800.00	
Austria	S 500 000	45 000.00	46 643.97	
Belgium	BF 15 000 000	465 800.00	523 098.52	
Canada	CANS 100 000	68 374.00	66 500.00	
Denmark	US\$ 100 000	100 000.00	100 000.00	
Finland	Fmk 400 000	79 600.00	83 267.41	Plus one investigator for one and one half months
France	FF 1 200 000	233 100.00	190 476.19	
			40 899.80	
Germany	DM 314 704	201 700.00	119 949.36	Plus office building in Kigali
			93 126.28	
	DM 500 000	352 112.00		Contribution pending
Ireland	£Ir 50 000	79 500.00	79 547.71	
	£Ir 50 000	76 923.00	80 930.00	
Israel	US\$ 10 000	10 000.00	10 000.00	
Japan	US\$ 500 000	500 000.00	500 000.00	
Liechtenstein	Sw F 10 000	8 771.93	8 771.93	
Luxembourg	Lux F 550 000	17 000.00	16 791.67	
Netherlands	f 75 000	42 600.00	44 640.00	Plus one prosecutor, one forensic expert and three criminal investigators for three months
	f 1 350 000	798 800.00	764 439.41	
New Zealand	SNZ 50 000	29 600.00	29 597.74	
Norway	NKr 700 000	101 700.00	105 616.55	Plus two procurement experts and two criminal investigators for three months

/...

A/50/743
English
Page 13

Donor	Currency and amount	Equivalent in United States dollars	Payment effected	Other services provided and remarks
Spain	US\$ 9 880	9 880 00	9 880.00	Plus two forensic experts for two months and one prosecutor for one month
	US\$ 208 000	208 000.00		For eight UNVs for six months
	US\$ 150 000	150 000.00		For additional UNVs
Sweden	SKr 1 000 000	129 500.00	129 631.25	
Netherlands	Sw F 100 000	75 758 00	75 757 58	Plus one criminal investigator for nine months
	Sw F 150 000	113 636 00	113 636 36	
United Kingdom of Great Britain and Northern Ireland	£ 250 000	383 200 00	383 155 00	Plus four vehicles in Kigali
	£ 2 000 000	3 200 000 00	3 200 000 00	
United States of America	US\$ 750 000	750 000 00	750 000 00	For 25 UNVs for six months
	US\$ 50 000	50 000 00	50 000 00	Plus five criminal investigators for three weeks and airlift of vehicles from Kuwait to Kigali
	US\$ 1 000 000	1 000 000 00		Contribution pending
European Union	ECU 6 060 000	7 790 884 33		Contribution consists in provision of fully equipped officers
DP	US\$ 250 000	250 000.00		For recruitment of UNVs
ACCT	US\$ 180 000	180 000.00	180 017 65	Balance contribution pending
OXFAM	£ 50 000	80 000 00		Three vehicles provided in Kigali
Individuals	FF 1 000 + US\$ 200	400 00	395.31	
Total		<u>17 787 341 26</u>	<u>17 276 859 69</u>	
<u>Pledges and contributions for the technical assistance programme in Rwanda</u>				
Italy	£ 2 000 000 000	123 333 00	123 333 00	

AP Online

9:40 AM (ET) 11/28

copy Drallo
28.11.95

Hutu Slaughter Claims Denied

KIGALI, Rwanda (AP) -- U.N. and Rwandan officials Tuesday denied claims by a former prime minister that the Tutsi-dominated government had slaughtered more than 250,000 rival Hutus in revenge killings.

Ian Martin, chief of the U.N. Human Rights Field Operations in Rwanda, said Rwandan soldiers had killed in revenge but there was no indication of bloodshed on such a large scale.

"Since we arrived here last year we have investigated every report of human rights abuses, and we would be happy to investigate these claims as well," Martin said. "We have seen no evidence of mass killings."

Government spokesman Emmanuel Ndahiro called the allegations by former Prime Minister Faustin Twagiramungu "crazy" and not worthy of a response by the government.

"He has lost his position here and now he is campaigning to lead the (Hutu) extremists in exile. He wants to join them now," said Ndahiro.

Twagiramungu, a member of the majority Hutus, became prime minister when the Tutsi-dominated Rwandan Patriotic Front drove the former government into exile in 1994. He was ousted last August.

Twagiramungu came to power following last year's slaughter of 500,000 people, most of them minority Tutsis. During his 13 months as prime minister, he denied any revenge killings in Rwanda were the result of government or army policy.

On Monday, however, Twagiramungu issued a statement from his self-imposed exile in Brussels claiming more than 250,000 Hutus have been killed in a government ordered genocide since July 1994. He claimed to have proof, but offered no evidence.

He urged the nearly 2 million Rwandan refugees -- most of them Hutus -- in neighboring countries to remain in exile and called on other governments to cut off support to Rwanda.

Twagiramungu's statement came on the eve of talks in Cairo between leaders in the region to find a solution to the Rwandan refugee crisis.

Copyright 1995 Prodigy Services Co.

Reçu le 29 NOV. 1995

AP Online

*com DALL
28.11.95*

Tanzania's former defense minister will also attend the summit, which will be mediated by Carter, Archbishop Desmond Tutu of South Africa and Julius Nyerere, a former president of Tanzania.

Carter, who has been touring central Africa, said that the agenda would be "fairly limited," and Rwandan officials have expressed pessimism about what can actually be done

Money will be one problem, since any repatriation plan will be costly. Also, representatives of Hutu refugees were not invited -- an explicit demand of the Tutsi-led Rwandan government.

But Shaharyar Khan, the U.N. special representative to Rwanda, said the summit may have more success than earlier failed efforts since it brings the African leaders together in a meeting that is "small and focused."

He called it "a chance for the leaders to get together and speak frankly and discuss a narrow range of interests."

The main concern is setting up a timetable for the refugees' return, Creekmore said. The meeting also will look at ways to stabilize neighboring Burundi, where a grinding civil war kills dozens of people every week.

Most of the Hutu refugees are in sprawling camps in Zaire, 1 million of them in three camps near the border. About 700,000 others are in two camps in Tanzania, and fewer than 200,000 have fled to Uganda and Burundi.

Staffers from the U.N. human rights agency have tried to persuade those in the camps to return home, even taking Hutus on two-day visits to their villages in Rwanda and then bringing them back to show they've not been harmed.

But since October, fewer than 35,000 refugees have returned.

News or information from AP may not be published, broadcast or redistributed without the prior written authorization of AP. Copyright 1995 The Associated Press. All Rights Reserved.

AP Online

*Copy to Hall
29.11.95*

4:40 PM (ET) 11/27

Summit Faces Rwandan Crisis

CAIRO, Egypt (AP) -- Amid warnings of more bloodshed if nearly 2 million refugees do not return to Rwanda, four African leaders and former U.S. President Jimmy Carter are joining forces to figure out how to get them home.

The five-day summit in Cairo, which begins Tuesday, is the first regional gathering on the Rwandan crisis, which began last year with the genocidal ethnic war that killed more than 500,000 people.

Most of those killed were Tutsis or moderate Hutus. Many of the extremist Hutus who organized the slaughter have fled to Zaire or Tanzania, and are fearful of retaliatory attacks if they return home.

In a development sure to heighten their fears, former Prime Minister Faustin Twagiramungu said Monday that Rwanda's Tutsi-led army had systematically slaughtered more than 250,000 people, mostly Hutus, in revenge killings over the last 16 months.

Twagiramungu, who is Hutu, presented no evidence, but said he had "irrefutable proof" of the killings, despite having denied that such killings were occurring until he was ousted three months ago. The Rwandan government has denied organizing killings.

Some of the refugees want to go back but are harassed and beaten in the camps by Hutu extremists who fear their return would give recognition to the Tutsi-led government.

U.N. and African officials are warning that unless the refugees are returned, the tensions in east Africa could once more lead to strife and bloodshed.

Tanzania closed its border to more refugees in April, and Zaire has threatened to expel more than 1 million by year's end.

"There's a great deal of tension in the area," said Marion Creekmore, director of programs at the Atlanta-based Carter Center, which is helping to organize the meeting. "There's no guarantee that we're going to succeed, but we think we have the chance of moving the process forward."

The meeting will bring together presidents Pasteur Bizimungu of Rwanda, Sylvestre Ntibantunganya of Burundi, Yoweri Museveni of Uganda and Mobutu Sese Seko of Zaire.

WILLIAM CLARANCE
Route d'Avouzon
01170 CROZET
FRANCE

Tel (33) 50 41 06 67
FAX (33) 50 42 41 83

STATEMENT

The present statement is being made to put the record straight regarding the circumstances in which I left the Human Rights Field Operation in Rwanda (HRFOR) on 30 September 1995 after over a year as Chief of this first field operation of the first High Commissioner for Human Rights.

During the past year, I have been privileged to develop and lead this historic mission from the most inauspicious early days to the present time, when it is contributing importantly to improving the dauntingly complex and problematic human rights situation of post genocide Rwanda.

Following consultation with the High Commissioner in August, I had intended withdrawing at the end of this year in order to give sufficient time to consolidate the gains of recent months and to provide for a smooth operational transfer to my successor. In the event, however, I was summarily removed on two weeks notice and have relinquished my post as Chief of HRFOR to enable my distinguished and recently designated successor, Ian Martin (formerly Secretary-General of Amnesty International and latterly Director of Human Rights in the International Civilian Mission in Haiti), to take up his new duties as of today, 1 October 1995.

Such an abrupt departure of the Chief of HRFOR is widely and authoritatively considered in Kigali not to have been in the best interests of the Field Operation for a variety of reasons. In such circumstances, the question of why the High Commissioner acted with such precipitation has to be answered.

I do not wish to hide the fact that over the last four months there have been increasingly serious differences of opinion between the High Commissioner and I as the Chief of HRFOR over the extent to which operational authority should be delegated by the Centre of Human Rights in Geneva to the Field Operation in Kigali. Specifically, these differences have focused on the scope of activities of HRFOR's Technical Cooperation Unit. But, more fundamentally, they go to the core of the working relationship between the Centre and any human rights field operation anywhere. In so doing, they illustrate the essential nature, purpose and activities of a human rights field operation as contrasted with the traditional technical assistance activities of the Advisory Services Branch of the Centre (i.e. principally the provision of experts, expertise and advice, often over a number of years).

Reçu le - 2 Oct. 1995

Of course, I am in no way whatsoever, underestimating the importance of such traditional medium-to-long-term advisory services/technical assistance functions in facilitating improvements in human rights situations in those countries where they are provided. Rather, I wish to insist that the bureaucratically centralized procedures by which the Centre micromanages such services from Geneva are inappropriate - indeed dysfunctional - for a major human rights field operation in a situation as complex and often fast moving as the post genocide Rwanda of today

The questions of what is the primary objective of a Human Rights Field Operation, what are the activities most appropriate to operational delivery and, not least, what is the measure of operational autonomy required on the ground, are fundamental and most certainly have not been satisfactorily disposed of with my summary removal from Kigali. On the contrary, they have merely been deferred for eventual resolution by my successor, who in this and all other major problems ahead, will have my full support.

An additional point that requires clarification is the offer which the High Commissioner made me upon announcing my summary removal as Chief of HRFOR, i.e. to work in his office in Geneva as a temporary consultant for some weeks to contribute to the preparation of a human rights field manual. After very careful consideration, I decided not to accept this offer. The reason for my refusal was that I believed a more effective way of contributing to future field operations elsewhere, would be for me to write and publish independently constructive analysis of my experience as the first Chief of HRFOR.. The High Commissioner was informed accordingly. It is in this latter respect that I wish to record my regret that he saw fit to declare to the world, in his press release of 14 September 1995, that he was making me this offer, when he was already fully aware that I had categorically rejected it.

Finally, I would like to express thanks and appreciation to the Government of Rwanda for the transparent cooperation and understanding which they have accorded me in getting this historic operation on its feet. On the collegial level, in particular, I have been privileged in having the close cooperation, support and understanding of the Deputy Chief of HRFOR, Abderrazak Essaied and the two Coordinators, for the Special Rapporteur for Rwanda (Judge Edoukou Aka Kablan) and for the integrated European Union contingent (Brian McKeown)- both of whom have in their respective fields contributed strongly to the balance and effectiveness of the HRFOR team. Last, but not least, I wish to pay tribute to those Human Rights Field Officers outposted on the ground, the most dedicated of whom will provide the reserve of trained and experienced staff with whom to launch other field operations elsewhere in the future - a primary advantage which was unfortunately not available to HRFOR when it started up in September 1994.



William Clarence
1 October 1995

UNITED



NATIONS

HIGH COMMISSIONER FOR HUMAN RIGHTS

Human Rights Field Operation
in Rwanda
(HRFOR)

INFORMATION NOTE

Catalytic Initiatives

On September 18, 1995 HRFOR loaned 11 pickup trucks to the National Gendarmerie for a period of six months.

Over the last three months the HRFOR has developed a number of "catalytic initiatives" to make an immediate impact and facilitate improvement in the human rights situation in Rwanda. Amongst the initiatives we have sought funding for a number of projects undertaken by local NGOs, we have initiated the holding of an international meeting to address the question of reconciliation in post-genocide Rwanda, and we have studied practical ways to make the commissions of triage more effective.

Arbitrary Arrests and Detentions

Arbitrary arrests and detentions are the most widespread human rights violation occurring in Rwanda today. Many of the arrests are being done by the Rwandan Patriotic Army and the National Gendarmerie. Many of the individuals undertaking these arrests have no legal background, are not sufficiently familiar with the penal code, the Accords of Arusha or the constitution of Rwanda.

Human Resources Available

HRFOR has identified, following a number of months of work with the National Gendarmerie, a group of highly qualified Legal Officers who work in this law enforcement agency. The majority have studied law in Rwanda, or neighbouring countries, and have a very good understanding of arrest procedures. The vehicles loaned to the Gendarmerie will be used by these Officers, enabling them to travel to all of the communes in Rwanda, to do on the job training and to review the dossiers of those arrested with the individuals who made the arrest.

Kanama Massacre Follow-up

HRFOR had planned the lending ceremony months in advance. The week before it was to take place, however, the killings in Kanama

Reçu le - 2 OCT. 1995

Mr. C. J. ...

Mr. J. A. C.

4.10.95

WS

16/10/95

were committed. HRFOR undertook a joint mission of inquiry with the Gendarmerie. In light of this atrocity, HRFOR made arrangements for one of the 11 vehicles to be used by the Military Prosecutor in the investigation to bring indictments against those elements in the RPA responsible.

HRFOR, following a year in the field, believes very strongly that such small innovative initiatives can greatly impact the human rights situation in Rwanda. Human Rights Field Officers around the country will follow closely the changes made in arrest procedures and, in close cooperation with the Gendarmerie locally and nationally, will continue to try to eradicate arbitrary arrests and detentions.

Enclosed are:

- * a signed copy of the "Memorandum of Understanding between the National Gendarmerie, Ministry of Defence and HRFOR", which clearly describes the conditions in which the vehicles were lent, and;
- * a copy of the HRFOR press release on the day of this ceremony.



W. Clarence
Chief, HRFOR
Kigali
September 22, 1995



**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE NATIONAL GENDARMERIE,
MINISTRY OF DEFENCE
AND
HUMAN RIGHTS FIELD OPERATION IN RWANDA**

UNHRCFOR

Project Title: Improvement of arrest and detention procedures
linked to the supply of 11 vehicles on loan basis

Sector: Infrastructural assistance/training

Duration of the Project: 6 months

Estimate starting date: 15 September 1995

**Government implementing
agency:** National Gendarmerie, Ministry of Defence

I. Introduction

The Gendarmerie plays a major role in both the maintenance of public order and in the judicial system. This involves the prevention of crime, arrest and detention and the investigation of crimes¹. During the war the buildings of the Gendarmerie including communal cachots were destroyed and office equipment and material were systematically looted. The National Gendarmerie, which has recently been restructured, lacks both material resources, buildings and appropriate training. The lack of sufficient training and experience of the gendarmes and the present weakness of the judicial system have led *inter alia* to an untenable situation of overcrowding in the prisons and communal cachots².

¹ Due to the Article 82 (Chapter II, Section I) of the Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the two Parties (Arusha Agreement) the National Gendarmerie is a part of the armed forces established to ensure the implementation of laws with a view to maintaining public order and security.

² The situation in Rwanda's detention centres has reached crisis proportions. More than 52000 detainees are being held in 216 places of detention (per mid August 1995) designed for 12.500 prisoners

II. Preamble

- Recognising as stated in the Charter of the United Nations that social justice and human rights are the foundation for the maintenance of peace and security, at both the national and international level;
- Emphasising that with Articles 55 and 56 of the UN Charter all member States of the United Nations have pledged to promote “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion”;
- Stressing the promotion of a human rights culture in Rwanda as a priority in the reconstruction and reconciliation of the country;
- Bearing in mind that all those who exercise police powers shall respect and protect human dignity and uphold the human rights of all persons and in particular ensure the rights to life, liberty and security of person, and the right of all persons to equality before the law and to equal protection of the law;
- Urging the importance of human rights training programme as a confidence building measure;
- Recognising that the armed forces and law enforcement agencies such as the Gendarmerie are responsible for the protection of human rights in accordance with international norms;
- Stressing the urgency of the need for additional Gendarme forces as expressed by the Arusha Agreement (Article 85, Section 2 of Chapter II);
- Recognising the missions and principles of the National Gendarmerie in accordance with the Article 83 of the Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the two Parties (Arusha Agreement);
- Stressing the urgency and importance of immediate improvement in the conditions of detention;
- Stressing the need for the stabilisation and ultimate reduction of the detention population once normal judicial mechanisms are in place and legal procedures followed.

III. Objectives

The lack of qualified personnel, funds, means, facilities, particularly mobility and communication within the administration, are obstacles presently faced by the Gendarmerie. This contributes significantly to the atmosphere of instability and insecurity and poses obstacles to the return of refugees. This impedes improvement of co-ordination between local authorities and the Ministry of Justice and the Human Rights Field Operation in Rwanda. The security situation however, remains critical, and will remain so until the immediate needs and rehabilitation and reintegration problems are addressed. The judicial system and the security situation thus need to be further strengthened by appropriate training of the arresting agents such as Gendarmes, bourgmestres and IPJ/OPJs (inspecteur de police judiciaire/officier de police judiciaire) and by providing facilities.

With regard to the above-mentioned facts the aims and objectives of this agreement are as follows:

- To strengthen the National Gendarmerie as a law enforcement agency and to promote administrative capacity at local and central levels;
- To contribute to the rehabilitation of Prefectures/communes throughout Rwanda by improving security and supporting the local administration and justice system to encourage the building of confidence among the population;
- To sensitise the law enforcement officers such as Gendarmes and IPJ/OPJs with regard to the respect for human dignity and fundamental rights;
- To create full understanding and appreciation of arrest and detention procedures in accordance with international human rights standards and domestic law among all relevant actors;
- To encourage and reinforce within the law enforcement agencies, respect for law and order including human rights and fundamental freedoms;
- To ensure the timely respect of arrest and detention procedures, particularly with regard to detainees in communal cachots and prisons;
- To improve the conditions in communal cachots/brigades and prisons;
- To facilitate the mobility of the legal officers of the National Gendarmerie and arresting agents such as Gendarmes and OPJ/IPJs within prefectures and different brigades;
- To improve the security of the international community staff and population in general;
- To strengthen co-operation of UN human rights field officers with regard to arrest, detention and investigation procedures.

IV. Outputs and Activities

In order to achieve the above-mentioned objectives the following activities will be completed:

Output 1

Strengthen and promote administrative capacity at local and central levels. Provide administrative support at prefecture level to improve Gendarmerie services to the population and thereby create appropriate conditions for public order and the justice system.

- Activities:
- 1.1. To supply a total number of 11 vehicles on loan basis for the 11 legal officers of the National Gendarmerie, one for each prefecture³;
 - 1.2. For the next three months one of the eleven vehicles will be provided to the military prosecutor to facilitate the investigation and to ensure the prompt indictment of those responsible for the massacre in KANAMA commune;
 - 1.3. To ensure regular inspections of the Gendarmerie legal officers in each prefecture by vehicle in order to visit communal cachots/brigades;
 - 1.4. To examine dossiers of detainees with those gendarmes and RPA who have made the arrest in order to ensure future compliance with the law;
 - 1.5. To supervise the gendarmes in investigation, arrest and detention procedures;
 - 1.6. To facilitate adherence to Rwandan legal procedure by creating and understanding among the gendarmes and the RPA of their role in the legal system.

³ The legal officer assigned to the regions where the National Gendarmerie does not yet function, will work with the RPA and local authorities to facilitate eventual compliance with Rwandan legal procedure

Output 2

Improve arrest and detention procedures through appropriate training of the OPJs by the legal officers of the National Gendarmerie and through human rights training programmes in cooperation with human rights field officers.

- Activities:
- 2.1. To develop training programmes and organize courses and seminars on arrest and detention procedures and other relevant issues such as training in investigation in cooperation with the Gendarmerie, the Ministry of Defence at national, prefectural and communal level;
 - 2.2. To create coordination committees composed of legal officers of the National Gendarmerie, OPJ/IPJs, prosecutor, bourgmestres and human rights field officers;
 - 2.3. To provide human rights documentation by the HRFOR, TCU;
 - 2.4. To provide technical assistance related to seminars on arrest and detention procedures by the HRFOR.

Output 3

To stabilise and then reduce the number of detainees in communal cachots/brigades and prisons by ensuring compliance with the law.

- Activities:
- 3.1. Advisory services for the OPJs;
 - 3.2. Bimonthly reports of the each eleven legal officers on progress of the ongoing training programmes, particularly with regard to arrest and detention procedures and the condition in communal cachots/brigades and prisons;
 - 3.3. Joint monthly evaluation and report on human rights training programmes for the OPJs, especially with regard to arrest and detention procedures carried out by the legal officers of the Gendarmerie in cooperation with human rights field officers;
 - 3.4. Human rights training programmes to be held regularly by the legal officers of the National Gendarmerie in collaboration with human rights field officers.

PROJGEN/HA/TCU

Output 4

To improve the security of international community staff and population in general.

- Activities:
- 4.1. Regular patrol at nights by the gendarmes;
 - 4.2. Close cooperation with the UNAMIR military police in case of incidents.

Output 5

To obtain transparency of all activities related to the use of vehicles being provided to the National Gendarmerie on loan basis.

- Activities:
- 5.1. Monthly report on activities related to the above mentioned provisions for the six month loan period
 - 5.2. Regular update the vehicles' log book and full co-operation with HRFOR transport officer to ensure proper maintenance.
 - 5.3. The National Gendarmerie assumes full responsibility for liability, including third party liability, in operation of the vehicles.

V. Strategies

- To set-up a committee at national, prefectural and communal level composed of legal officers of the Gendarmerie, human rights field officers, OMPs (officier du Ministère Public) of that prefecture, bourgmestres and IPJ/OPJs in order to formulate the real needs and plans of actions for the judicial officials and, as a result, to come out with a common programme on arrest and detention procedures and other relevant human rights issues and create a basis for the long-term promotion of human rights within the Gendarmerie;
- Involvement of the prosecutor of the relevant prefecture in the preparation of the required seminars;
- Participation of NGOs such as CITIZENS' NETWORK and CLADHO in the conducting of seminars on arrest and detention procedures;
- Creating an internal monitoring system covering all the national territory for serious human rights violations committed by law enforcement officials such as the gendarmes and OPJs;
- Teaching of international Human Rights Instruments with case studies;
- Languages of seminars in Kinyarwanda, French and English

VI. Target Beneficiaries

Direct

- Ministry of Defence, the National Gendarmerie and IPJ/OPJ;
- Ministry of Internal Affairs and Communal Development, préfets, sous-préfets, burgomestres;
- Ministry of Justice, personnel in the administration of justice.

Indirect

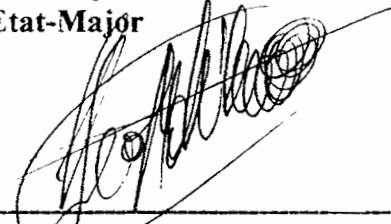
- Detainees
- Prosecution Office
- Courts
- Society in general

VII. Resources

See the attached supplementary documents.

Done at Kigali on 18 September 1995

Chief of Staff, Gendarmerie
Ministry of Defence
Etat-Major



Col. Deo-Gratias NDIBWAMI

Chief, Human Rights Field
Operation in Rwanda



William Clarence

PROJGEN/HA/TCU

UNITED



NATIONS

HIGH COMMISSIONER FOR HUMAN RIGHTS

Human Rights Field Operation
in Rwanda
(HRFOR)

MEDIA RELEASE

SEPTEMBER 18, 1995

HRFOR ASSISTS NATIONAL GENDARMERIE TO ENSURE PROPER ARREST AND DETENTION PROCEDURES

At a ceremony this afternoon at the human rights headquarters in Kigali, 11 vehicles were loaned to the national gendarmerie to assist them to ensure correct arrest and detention procedures throughout the country. The vehicles, which are to be used by officers in the gendarmerie who have a legal background, will be loaned for a period of six months.

HRFOR is also giving a dozen typewriters and a large supply of paper to facilitate the work of the legal officers. These legal officers will travel in all prefectures to examine how arrests are being undertaken and to do on the job training of arresting authorities. This lending ceremony is the culmination of a number of months of work in the prefectures with local authorities.

One of the crucial problems concerning the system of justice, identified by Human Rights Field Officers over the last year, is the lack of trained personnel. By giving these legal officers the means of transport they can train arresting agents throughout the country.

"When you work in the prefectures of Rwanda, as human rights field officers do, you see first hand the totally inadequate resources which are available. For example, IPJs do not have desks and chairs and those people who know the proper arresting procedure are unable to go from commune to commune to explain this procedure," said W. Clarence Chief, HRFOR at the ceremony. "HRFOR, in its on-going attempt to implement the mandate of the first High Commissioner for Human Rights, concentrates on short-, mid- and long-term projects which will have direct impact on the human rights situation in Rwanda. This is such an initiative," Clarence concluded.

In reaction to the massacre perpetrated last week in the Kanama commune, HRFOR has agreed with the national gendarmerie that one of the loaned vehicles will be used by the military prosecutor. "This vehicle will facilitate the investigation and ensure the timely indictment of those responsible for this atrocity," said Clarence.

Ends

HRFOR/Pressrel/18.9.95



Vee
12/9

22 September 1995

Dear Mr de Souza

Briefing Report - United Nations Field Operation in Rwanda

I have the honour to submit, for your information, the latest briefing report by the Human Rights Field Operation on the current human rights situation in Rwanda and the activities of the operation itself, covering the period from the 26th August to the 15th September 1995.

As in the past, we would welcome any comments with regard to further elements which you may consider useful.

Yours sincerely,

William Clarence

William Clarence
Chief, HRFOR

Mr. Wilfrid De Souza
Executive Director
UNAMIR, Kigali

ROUTING SLIP

FICHE DE TRANSMISSION

TO: Ms. Rafii
A:

FROM: Wilfrid de Souza *WS*
DE:

Room No. - No de bureau Extension - Poste Date 30/9/95

FOR ACTION	POUR SUITE A DONNER
FOR APPROVAL	POUR APPROBATION
FOR SIGNATURE	POUR SIGNATURE
FOR COMMENTS	POUR OBSERVATIONS
MAY WE DISCUSS?	POURRIONS-NOUS EN PARLER ?
YOUR ATTENTION	VOTRE ATTENTION
AS DISCUSSED	COMME CONVENU
AS REQUESTED	SUITE A VOTRE DEMANDE
NOTE AND RETURN	NOTER ET RETOURNER
FOR INFORMATION	POUR INFORMATION

The SRSB wants this document to be forwarded to New York. I note, however, that the document is not signed. Please find out if it is final. Then you prepare the transmission cable.

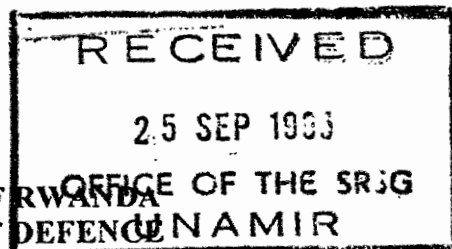
4/10/95

Transmission cable was prepared and sent to NY following instructions from Mr. Buo

COM.6 (2-78)

(yes, it is final) *LML*

REPUBLIC OF RWANDA
MINISTRY OF DEFENCE
NATIONAL GENDARMERIE



HUMAN RIGHTS FIELD
OPERATION IN RWANDA
(UNHFOR)

we scanned 1-
NY. Sub.
25-9
ED
Samy Bano

Copy 1559
Conf.

**JOINT REPORT
ON THE INCIDENT AT KANAMA COMMUNE**

I. Introduction

As a result of the incident at KANAMA commune, Gisenyi prefecture, on 11 and 12 September 1995, negotiations between the Human Rights Field Operation in Rwanda (HRFOR) and the Etat Major of the National Gendarmerie were carried out on 13 September 1995¹. During those negotiations it was decided to send a fact-finding mission to KANAMA commune. The mission was composed of the Head of the Information Unit of the National Gendarmerie, Captain Emanuel BAYINGANA, and the programme officer of the Technical Co-operation Unit (TCU, HRFOR), Homayoun Alizadeh. The primary task of this fact-finding mission was to discuss the recent events in KANAMA commune with local authorities, and to determine the cause of the incident.

On 13 and 14 September, the mission concluded consultations with high-ranking officials of the Gendarmerie and the RPA in Gisenyi and Ruhengeri. Hospitals were visited and the local population in Kanama was interviewed. After negotiations with military officials, the team was permitted to go into the local military camp, a military restricted zone, to meet with the battalion commander who was responsible for the military search operation at KANAMA commune, and to meet those detainees alleged to have been perpetrators in the incident. While there, the delegation was also able to photograph a car and many weapons reportedly involved in the incident.

II. Meetings with the local authorities

On the way to Gisenyi the delegation was able to attend the funeral for Lieutenant Claude RURAZA, on 13 September. The ceremony took place in Ruhengeri where the Vice-President and the Minister of Defence, Major General Paul KAGAME, the Chief of Staff, Ministry of Defence, Colonel Sam KAKA, the Brigade Commander Ruhengeri/Gisenyi/Kibuye, Colonel William BAGIRE, and other high-ranking military officials were present. Between 1,500 and 2,000 civilians also attended the funeral. The delegation gave its condolences to members of Lieutenant RURAZA's family.

The delegation had the possibility to talk to a number of military officers including the Director of the National Gendarmerie School in Ruhengeri, Major Eugene RUHETAMACUMU.

¹ The Etat Major of the Gendarmerie, Ministry of Defence, was contacted by the TCU on 13 September 1995 as follows: Bureau of the Etat Major of the Gendarmerie, Col. Deogratias NDIBWAMI; Bureau of the Deputy Chief of Staff, Gendarmerie, Col. Kavumba NYAMWASA; Head of the Information, Documentation and Public Affairs Unit, Gendarmerie, Major John ZIGIRA; Chief of Logistics, Gendarmerie, Major Lambert SANO and the Bureau of the Chief of Staff, Ministry of Defence, Col. Sam KAKA.

II.1. Meeting with the Groupement Commander of the Gisenyi prefecture, Lieutenant Karara MISINGO

The delegation met with the Groupement Commander of the Gisenyi prefecture on the same day. Lieutenant Karara MISINGO gave his report on the incident as follows:

At 7. p.m. Second Lieutenant Claude RURAZA was ambushed at NYAKIRIBA at KANAMA commune. The car was stopped by about eight "thugs" who made an unofficial roadblock, immediately after which the "thugs" opened fire. Lieutenant RURAZA was shot dead. The driver and two escorts were seriously injured. The "thugs" then ran away.

After this incident "intervention forces" came to the site to search and locate the "thugs," who were hiding in KAYOVE and BISIZI sectors. Ultimately, an exchange of fire took place, the result of which was 24 dead civilians in KAYOVE sector and 61 in BISIZI sector. Eight persons were injured and were transported to hospitals in Ruhengeri and Gisenyi.

The military arrested four soldiers of the former Rwandan government. It is known that this area has many security problems caused by the activities of infiltrators and saboteurs from Zaire. In this military search operation many uniforms, four guns, six grenades and one sub-machine gun were found. The military operation was carried out by the Battalion Commander of BIGOGWE, Major George RWIGAMBA. The National Gendarmerie was not involved in this military operation. Lieutenant MISINGO also said he visited KAYOVE and BISIZI sectors on 12 September.

He also stated that neither the press nor human rights field officers had contacted his office. Although Lieutenant MISINGO stated he had visited KAYOVE and BISIZI sectors, the delegation asked him to visit those sectors again. He then ordered a gendarme to accompany the delegation to the sites.

II.1.1. Visits to KAYOVE and BISIZI sectors

The delegation spoke with civilians who seemed to be very angry about the search operation which had been carried out by the army on the night of the events. Many civilians reported the incident as follows:

- They did not believe that a RPA Lieutenant was killed;
- The attack began towards morning between 2 and 5 a.m.;
- Over 100 soldiers were involved in the operation;
- The soldiers went into the houses, brought the inhabitants out of their houses, and proceeded to conduct executions;
- The executions took place in two ways: some were executed immediately, while others were interrogated, accused of collaborating with infiltrators and saboteurs from Zaire, and then were executed;
- Many bodies were strewn about the sector;

Despite the fact that the delegation was accompanied by soldiers, the civilians discussed the actions of the soldiers involved in the operation very openly.

II.2. Visit to Gisenyi hospital

In order to reinforce confidence between the local authorities, including the Director of the hospital, and also to obtain more information about the incidents at KANAMA commune, the delegation decided to visit the injured persons in a hospital in Gisenyi on 14 September 1995. After discussions with the Director of the hospital, Dr. SARAMBUYE, the delegation was able to meet two injured persons.

1. A civilian named SEBUSORE (33) had been accompanying Second Lieutenant RURAZA in the car and was injured by bullets in his right arm and in chest. As an eyewitness he stated the following:

On 11 September 1995 at 7 p.m. the car in which Second Lieutenant RURAZA, two escorts, a driver and a civilian were driving, was stopped by about 12 uniformed gunmen. A wood barrage was put on the road in order to hinder the car from driving further. Eight of the gunmen surrounded the car. The eyewitness was able to hear that one of the gunmen told his colleague, "Do it quickly." Four of the perpetrators opened fire. The Lieutenant was shot dead. His two escorts, the driver and the civilian were injured. Soon after this, a taxi on route from Ruhengeri to Gisenyi arrived and took the injured persons to Gisenyi hospital.

The following points should be mentioned:

- The perpetrators spoke Kinyarwanda language;
 - It seemed that two commanders conducted the assassination;
 - Lieutenant RURAZA and his team had no means of communication, such as a radio; and
 - The type of weapons used is not known.
2. A ten-year old girl named NYTRAMBONERA who is from BISIZI sector was injured during the subsequent military search operation. She was scared and, for that reason, the delegation was not able to make any inquiry into the incident.

II.2. 1. Meetings with the personnel at Gisenyi hospital

The delegation spoke with the Director of the hospital, as mentioned above, and the Head of the surgery section, Dr. Emanuel MUNYARUGERERO. Based on these conversations six injured persons had been brought to the hospital. Their health condition was described as satisfactory. The hospital has a capacity of 325 beds and is faced with problems such as lack of qualified personnel and inadequate facilities to treat the injured and ailing. The relationship between hospital authorities, local authorities and human rights field officers was positive.

II.3. Meeting with the Battalion Commander, Major George RWIGAMBA

The delegation met the Battalion Commander of BIGOGWE on 14 September 1995. Major RWIGAMBA conducted the military search operation at KANAMA commune. Despite the fact that the BIGOBWE military camp is a restricted military zone and no civilian is allowed to enter this camp, the delegation was able to meet Major RWIGAMBA inside the camp.

Major RWIGAMBA gave his statement as follows:

On Monday, 11 September 1995 at 7.30 p.m., Second Lieutenant Claude RURAZA left with his driver, two escorts and two civilians from the military camp to Gisenyi. At about 15 km from BIGOBWE at NYAKIRIBA, the car was stopped by between eight and ten men in military uniform at an unofficial roadblock. The gunmen opened fire, killing the Lieutenant at once. Three people were seriously injured. Meanwhile, a military car coming from Gisenyi approached the site. An exchange of fire between the perpetrators and the RPA soldiers was reported. The uniformed gunmen ran away.

After the incident, the deceased was taken back to the military camp in BIGOBWE by the RPA car which came from Gisenyi. The injured persons were taken to Gisenyi hospital by a taxi. The taxi had come from Ruhengeri and reached the site after the uniformed gunmen ran away.

According to the Battalion Commander at the military camp, Major George RWIGAMBA, 30 soldiers were sent to the site of the incident at midnight. From there they were commanded to cordon off the nearby villages in BISIZI and KAYOVE sectors in order to search for the alleged perpetrators. Supplementary military forces were also sent to that area.

According to Major RWIGAMBA's report, the alleged perpetrators hid in the villages and opened fire on the RPA soldiers, to which the soldiers responded. Civilians ran away and were thus caught in the crossfire. One soldier was killed and one was injured.

The allegation that RPA soldiers broke into the houses and inhabitants including women and children were brought out of their houses and shot in front of them at close range was denied by Major RWIGAMBA.

In this military search operation two rifles, 13 grenades and two mines were found. According to Major RWIGAMBA about 60 soldiers took part in this military operation.

After the military search operation, inhabitants of the KAYOVE and BISIZI sectors were brought to a place in which they were "screened." Nine alleged "thugs" were arrested, two of whom were carrying machine guns (Kalashnikovs). The detainees have been living for long time in BISIZI sector.

After the interview with Major RWIGAMBA the delegation was able to meet the detainees. Seven of the detainees were retired soldiers of the former Rwandan Government armed forces. The team was told these detainees were innocent and would be released shortly as there was no evidence connecting them to the incident. Only two of the detainees had been accused of carrying machine guns during the incident. Unlike the other detainees these two were to be transported to the prison.

The team photographed the car in which the lieutenant was killed and also photographed weapons, mines and grenades allegedly used during the incidents.

Due to the fact that the delegation had spent almost two hours in the military camp, a meeting with the Brigade Commander Ruhengeri/Gisenyi/Kibuye, Colonel William BAGIRE, did not take place.

The delegation ended its mission on 14 September at 2 p.m.

On 15 September a report on the fact-finding mission was given to the Chief of Staff, Gendarmerie, Colonel Deogratias NDIBWAMI by the HRFOR representative of the delegation.

III. Remarks

The joint fact finding mission conducted into the KANAMA incident is the first mission of its kind that the UN Human Rights Field Operation in Rwanda has carried out in such close collaboration with the Rwandan authorities at the national level. This sort of confidence building measure will strengthen the co-operation between the Rwandan authorities and the United Nations High Commissioner for Human Rights and will reinforce efforts being made to improve the human rights situation in Rwanda.

The joint fact finding mission however, has raised a number of questions as follows:

- According to a number of statements, a driver and two escorts were injured in the ambush of Lieutenant RURAZA's car. The investigating delegation was not given the opportunity to meet or to speak with these people whose testimony is of obvious importance. Whereas the Gendarmerie stated that the ambushed vehicle contained one civilian, who was injured in the attack, the RPA authorities claimed that there were two civilians in the vehicle, both of whom were injured. The delegation was only able to meet and interview one civilian at Gisenyi hospital
- No blood was found in the vehicle in spite of the fact that one man was killed and between three and four others were injured within it.
- Following the information gathered about the incident, the delegation was unable to have a completely clear picture of what happened in the ambush of lieutenant RURAZA. The question of the identity of the uniformed gunmen allegedly responsible for the attack remains uncertain.
- According to the information given to the delegation the ambush on the vehicle was carried out by between 8 and 12 gunmen some of whom were near enough to the vehicle for their conversation to be heard by the one civilian interviewed by the delegation. On the basis of the information given to the delegation one must ask how it is that only one person was killed in the ambush while the remaining three (or four according to different statements) survived in spite of being injured.

Despite long discussions the delegation did not obtain the exact names of the cellules in which the members of the civilian population were killed ².

- Whereas the local authorities spoke about 85 victims, the official report of the Government dated 14 September stated that there were over 100 victims.
- During the events in Kanama a very large number of civilians were killed. According RPA information these civilians were killed in a crossfire between the gunmen who attacked Lieutenant RURAZA and about 60 RPA soldiers who were tracking them down. Given that one RPA soldier was reportedly killed in this clash and a second injured and apparently none of the gunmen were killed or injured, the delegation requires an explanation of how 110 civilians who, in the early hours of the morning would normally all be in their homes, were caught in a 'cross fire' which claimed only two of its intended victims.

² According to the report of the Legal Analysis and Coordination Unit (LACU) of the HRFOR, in cellules the of NYAKALIBA, KINGOMA and KARAGO civilians were killed by soldiers.

IV. Recommendations

In the framework of confidence building measures the co-operation between the HRFOR and the authorities, particularly the military authorities, should be strengthened in order to respond effectively to such violations of human rights.

- On 14 September, a press communiqué was released by the Minister of Defence, stating that a commission to investigate the incidents will be established. The delegation recommends that a member of the Gendarmerie and of the HRFOR should be members of this commission.
- A permanent commission should be formed, composed of representatives of the RPA, the Gendarmerie and of the HRFOR. This commission would investigate immediately any similar incidents which may occur in the future. This commission should work out strategies in order to prevent any violation of human rights such as KANAMA incident.

Kigali, 18 September 1995

**Republic of Rwanda
Etat Major of the National Gendarmerie**

**Human Rights Field Operation
in Rwanda (HRFOR)**

Captain Emanuel BAYINGANA

Homayoun Alizadeh

HAUT COMMISSAIRE AUX DROITS DE L'HOMME



HIGH COMMISSIONER FOR HUMAN RIGHTS

**HUMAN RIGHTS FIELD OPERATION IN RWANDA
(HRFOR)****UPDATE ON THE ACTIVITIES OF THE HRFOR
26 AUGUST 1995 - 15 SEPTEMBER 1995****I. STATUS OF DEPLOYMENT AND FINANCIAL SITUATION**

As of 15 September 1995, there were 112 members of the HRFOR comprising the following: 41 fixed-term staff, 51 UN Volunteers and 20 human rights field officers contributed to the HRFOR by the European Union. In the framework of technical cooperation projects, there are now 3 legal experts working with the Ministry of Justice, financed by the Voluntary Fund for Technical Cooperation in the Field of Human Rights. 16 additional UN Volunteers will be deployed next week.

The HRFOR has its headquarters in Kigali, and currently has 10 field offices: 9 prefectural headquarters (Butare, Cyangugu, Gikongoro, Gisenyi, Gitarama, Kibungo, Kibuye, Kigali and Ruhengeri), one additional office in the Southeast in Kanazi Sub-Prefecture (Rilima) and one sub-office at Nyamasheke in Cyangugu Prefecture.

A statement of pledges and contributions is attached which indicates the situation as of 15 September 1995. The statement shows that the HRFOR has to that date received voluntary contributions in the amount of US\$ 7,226,659.69. This, together with the US\$ 3 million, advanced from CERF, has enabled the entry into spending commitments for the months September 1994 to the end of August 1995 of US\$ 7.0 million. A revised cost plan for the period September through December 1995, is also attached. The revised cost plan takes into account that due to the refugee crisis that arose in August, the originally planned staff attrition exercise that would have resulted in the reduction of fixed-term staff from 41 to 28 had to be suspended to meet the additional tasks to be performed in this connection. The revised cost plan is based on the assumption that the present fixed-term staff component would have to be maintained until the end of 1995. It indicates a total estimated requirement of US\$ 11,305,200 (at current strength). Thus, there is a shortage of US\$ 1,078,500. This estimate does not include the repayment of the CERF advance of US\$ 3 million.

II. HRFOR ACTIVITIES**A. General Situation****1. General appraisal**

The overall situation has been influenced by a number of factors. One factor of importance is the insistence of the Government of Zaire that all refugee camps be closed by the end of 1995, which will continue to have as direct impact on the number of returnees to Rwanda. The general security situation throughout the country and its impact on confidence and the enjoyment of human rights, continues to be uncertain, in particular as regards the border areas with Zaire and Tanzania, and continuing incursions. Many of these incursions and incidents related thereto, appear to be connected with members of the Interahamwe militia and former Government of Rwanda armed forces, for instance as regards violence in the Gishwati Forest and Akagera National Park.

It should be noted that to this point, the large influx of returnees has not caused any significant alteration in the human rights situation. With few exceptions, returnees have been well received in the home communes. There is a general anxiety however, that the increased flow of returnees may yet give rise to an increased frequency of property disputes, arrest and detention and revenge killings. The absence of proper implementation of arrest and detention procedures that conform to international human rights norms, remains of concern to HRFOR. The further development of a comprehensive training of responsible authorities in the gendarmerie, prisons and other pertinent offices, offers an opportunity for amelioration of this problem.

A particularly serious incident occurred in Kanama Commune, Gisenyi Prefecture on the night of 11 September, which continued on until the earlier hours of 12 September. The incident took place in a predominantly Hutu area which was regarded as a hot bed of activity by infiltrators from Zaire over the past 6 months and as a result was heavily patrolled by soldiers of the Rwandan Patriotic Army (RPA). On 11 September 1995, at 7:30 p.m., an RPA Lieutenant was killed in an ambush consisting of an unofficial roadblock mounted in the area by 8 to 10 men in military uniforms. The Commander of the RPA military camp in the area then ordered an intensive cordon and search operation in the villages of Bisizi and Kayove. According to the RPA Commander, the alleged perpetrators hid in these villages and opened fire on the RPA soldiers, to which the soldiers responded. According to local residents, RPA soldiers broke into their houses and allegedly shot at close range a large number of persons in or outside of their houses, including women and children. According to the RPA and Gendarmerie, there were 24 victims in Kayove and 61 in Bisizi. The official statement of the Government, dated 14 September, mentions over 100 victims. UNAMIR reported that 108 bodies had been found and 2 additional victims had subsequently died in hospital.

A few hours after the incident, the HRFOR teams of Gisenyi and Ruhengeri went to the sites to monitor the situation and secure evidence. A large number of interviews and photographs were taken. The Coordinators for the Special Rapporteur and the EU-contributed Officers also visited the sites. An Officer from the Legal Analysis and Coordination Unit (LACU), in cooperation with UNAMIR Military Observers and CIVPOL, is currently conducting a thorough investigation. Another HRFOR Officer is participating in a joint fact-finding mission set up by the RPA Chief of Staff and the Gendarmerie. On 14 September, a press communiqué by the Minister of Defense was released, stating that a commission to investigate the incident will be established.

On 28 August 1995, significant changes in the Rwandese Government were put in place; the change in the composition of the Government may have an effect on the ongoing human rights situation, but this is not yet clear. See annex for the list of ministers of the recently formed Government of Rwanda.

2. Situation of returnees since Zaire's decision to forcibly close refugee camps (19 August 1995)

Recently, a Memorandum of Understanding has been finalized between UNHCR and HRFOR. This memorandum clarifies the respective roles and mandates of UNHCR and HRFOR with regard to the repatriation, resettlement and reintegration of returnees to their home communes. It also enhances the coordination and cooperation of these bodies.

The situation of refugees returning to Rwanda was calm and well-organised during the reporting period. From 19 August 1995 to 8 September 1995, 21,008 people entered Rwanda. Of this number, 13,536 came from Zaire, 6,967 from Burundi (including 900 by airlift to Kigali) and 475 from Tanzania. Approximately 75 returnees have arrived from Uganda since the beginning of August. Over half of the 21,008 returnees (12,047) reached Rwanda during the period 22-24 August, following the decision of the Government of Zaire to forcibly close the refugee camps. After 24 August, the influx of returnees decreased to some 559 per day following a relaxation by the Zairian Government in its expulsion policy. Gisenyi and Cyangugu received the bulk of the returnees, 64.5% (35% and 29.5% respectively). Kanazi Sub-Prefecture received 19% and Kibungo, Butare and Kigali had 7%, 5.5% and 4%, respectively.

Although many refugees seem to be willing to return, dissemination of disinformation in and around the refugee camps in Zaire continues to be a problem. For example, UNHCR reported that on 31 August, 22 refugees from Nyakazivogo camp in Zaire agreed to return home as part of this voluntary repatriation programme but at the last minute they refused to leave for fear of arrest or retaliation. The Government of Rwanda, NGOs and UN agencies made a concerted effort to counteract this disinformation campaign through radio broadcasts by Radio Agatasha and by local radio stations.

There has been close cooperation with NGOs, UN agencies and the Government throughout this period. Provisions were made to facilitate the swift return of refugees. HRFOR has made visits to the transit centres to observe the human rights situation, including monitoring arrests as well as the registration and transport process. Human rights field officers have maintained close contact with HRFOR teams in various prefectures, advising them of the imminent arrival of new returnees. On the western border, there are five border points, two in Gisenyi and three in Cyangugu. Two transit camps close to the border were used; Nkamira with a capacity of 1,500 in Gisenyi, and Nyagatare with a capacity of 3,000 in Cyangugu. In addition, new transit camps, one former camp and an extension of Nkamira camp have been prepared and are now ready for use.

On the southern border, there is one point of entry in each of the Prefectures, Kanazi Sub-Prefecture, Butare and Kibungo. There are four transit camps in these prefectures; two in Kibungo, one in Kanazi sub-prefecture and one in Butare. In addition, there is one transit centre in Kigali. Unlike Gisenyi and Cyangugu, the transit centres in Butare and Kigali serve both as a first point of entry for some refugees and as a stopover point for other refugees before they return to their home prefectures.

Returnees have been well received in their communes and there have been few reports of human rights violations on their return. There have been two incidents reported of returnees being killed; one new returnee in Murama Commune in Gitarama on 6 September as well as a family of five in Kanzenze commune of Kanazi Sub-Prefecture. There have been 344 arrests of returnees during the period 19 August to 8 September, which represents 1.6% of the total number returned to Rwanda. These figures do not include arrests made in Byumba and Kibungo, due to the lack of information. Of those arrested, 13% have been charged with genocide, 14% detained on civil charges and 21% accused of being former Government of Rwanda soldiers. The majority of arrests, however occurred in Gisenyi (64%) followed by Cyangugu (24%) and Butare (7.5%). In other prefectures, there were fewer arrests. These figures do not include Byumba or Kibungo due to the lack of information.

Access to some detention centres has been denied to HRFOR. Among those detention centres have been the Kamembe military camp in Cyangugu, where 12 ex-Government of Rwanda prisoners from Bukavu jail, Zaire are detained; Kamembe military

post on Ruzizi I entry point where 35 former Government of Rwanda soldiers returnees are detained; the Bugarama communal cachot, where HRFOR has not been able to determine whether any returnees are being held; as well as the military cachot in Kanombe commune in Kigali, where one returnee is being held.

The shortage of accommodation for returnees and property being occupied or used by those other than the owners continues to present problems. Returnees are either being housed in communal buildings or with family or friends in many cases. In the majority of prefectures, people have been given two months notice to vacate a house belonging to a returnee. Although there were few property disputes in the reporting period, this may well become an issue during the coming weeks if the problem is not addressed adequately.

There is also a need to provide the returnees with basic necessities, including agricultural tools and seeds. At present, this has not caused instability within the prefectures but some Prefects have expressed their anxiety about the lack of adequate infrastructure to accommodate the influx of returnees.

In response to the recent influx of returnees, the Humanitarian Assistance Coordination Unit at the Ministry of Rehabilitation and Social Reintegration (MINIREISO) set up an emergency coordination unit to organize the repatriation process at a national level. Members of the unit include: representatives of the Government (MINIREISO), international organizations and NGOs. In each prefecture, crisis cells have been set up by local authorities. These cells comprise representatives of different ministries, UNHCR and HRFOR. In some prefectures, committees have been set up at the communal level to coordinate the reception and reintegration of returnees.

HRFOR Response

HRFOR field teams have visited communes daily to monitor the reception of returnees. Human rights field officers met with local authorities on a regular basis to collect information on registration, property disputes and living conditions of the returnees. Where there have been arrests, human rights field officers have in most cases, gained access to detention centres. HRFOR field teams have cooperated regularly with UNHCR and UNAMIR, particularly in the areas of information sharing and monitoring activities.

As HRFOR has the most significant international presence at the commune level their contribution to the return and reintegration of refugees is becoming increasingly important. The Field Coordination Unit has developed a set of operation plans which cover the responsibilities of HRFOR field officers, and lays the groundwork for cooperation with governmental, non-governmental and UN organisations through fora such as the Human Rights/Justice Cell of the Humanitarian Assistance Coordination Unit (HACU). Through this group HRFOR will assist in the coordination of efforts to:

- 1) assure that an adequate presence is provided at the prefecture and commune level to reinforce confidence building measures which address needs in institutional capacity to receive and reintegrate returnees;
- 2) contribute to coordination of efforts, at both the national and local levels, to address institutional or resource

problems, which either contribute to, or inhibit the resolution of, internal tension or conflict arising from the repatriation of refugees.

HRFOR is developing a database to provide:

- 1) a breakdown of camp populations by commune of origin;
- 2) the number of refugees arriving at first point of registration in Rwanda, i.e. border or transit centre, by commune of origin, with further breakdown by gender and age, where possible;
- 3) number of returnees leaving border or transit centres for second stage transit centres or communes, by commune of origin.

These figures will allow HRFOR to work with local authorities in alerting communes and to ensure that adequate tracking procedures are in place at the earliest possible stage in the transfer process.

3. Prison situation

The overcrowding of prisons and detention centres throughout the country remains of serious concern. The total number of detainees in Rwanda has risen to over 52,000. The severe overcrowding has become the main cause of death in places of detention. The 13 main prisons were originally designed to quarter 12,750 persons. However, the prisons currently quarter some 40,888 detainees which means that the actual number of detainees is more than three times the intended maximum capacity. The total number of detainees in the 13 main prisons continued to increase from 39,850 on 22 August to 40,876 on 12 September (see annex). In addition, over 10,000 persons have been held in communal cachots.

Many detainees are held in deplorable circumstances; sanitary and health conditions have continued to deteriorate. Many detainees have not been provided space for months and an increasing number suffer from oedema and gangrene of their feet and legs. Human rights field officers have visited many cachots where detainees have suffered from malnutrition.

In certain prisons and communal detention centres human rights field officers were not granted full access. In Kibungo, HRFOR has not gained access to the prison. In Rilima, human rights field officers were not permitted to interview detainees in private. In the last weeks, many cases were reported to HRFOR where relatives have been denied their right to visit detainees. In addition, HRFOR has continued to receive reports of detainees having been mistreated in communal cachots. Reportedly, detainees have been frequently beaten during interrogations.

During HRFOR visits to prisons and detention centres, field officers have engaged in close cooperation with ICRC, *inter alia*, in the following tasks: monitoring detention conditions; requesting the designated authorities to improve conditions of detention such as separating minors from adult detainees, evaluating the material needs for

rehabilitation; establishing better contacts between local authorities and international organizations that can assist in the rehabilitation of detention facilities; checking the registry and case files; assisted local authorities thereupon; requesting that detainees arrested without a warrant be released; working with the Prosecutor's Office and prison authorities to accelerate the completion of case files; following up individual cases that have come to the attention of human rights field officers; privately interviewing detainees; organizing and monitoring the transport of detainees from communal detention centres to central prisons; sensitizing military guards to the rights of detainees and to the minimum international standard of detention; and organizing seminars on arrest and detention procedures.

Regular visits to prisons and detention centres by HRFOR have frequently led to greater respect for the fundamental human rights of detainees and to improved conditions of detention. The lack of material resources and of specialized personnel however, have frequently impeded efforts to implement urgently needed changes.

The construction of a new prison in Nsinda, Kibungo Prefecture in cooperation with UNDP and ICRC, with a maximum capacity of more than 5,000 detainees, has been finished. Transfers of detainees to this new temporary detention site is intended to alleviate the severe overcrowding in Rwandese prisons. Transfers of 2,000 detainees from Kigali, and of 1,000 from Gitarama, to Nsinda Prison, are scheduled to take place, but have been delayed. According to ICRC (Kigali), these transfers are now planned for the end of September, when all security installations at Nsinda Prison will have been put in place.

4. Commissions de Triage

The Rwandese Government instituted the Commissions de Triage in November 1994, ostensibly to address the crisis in detention centres through expediting the provisional release of certain detainees while the judicial system was being rehabilitated.

Some prefectural commissions reportedly emphasize the priority of reviewing cases involving minors and women. Also, it had been envisaged that the Commissions de Triage would sit twice each week. Instead, they sat on average once every six or eight weeks. This is largely due to the frequent absence of the military and gendarmerie Commission members. Where possible, HRFOR has assisted those members who found it difficult to attend because of the lack of transportation. In many cases, HRFOR has monitored disputes between Commission members and suggested solutions to facilitate more regular sessions.

There have been instances of rearrest, harassment, or killing of detainees, who have been released pursuant to Commission recommendations. However, it must be noted that during the reporting period there were no reports of a releasee having been killed, but five persons in the prefecture of Kigali, one person in Gitarama, and one in Ruhengeri, who had previously been released by formal decision of the Commission de Triage, were reportedly rearrested. Two known rearrested persons, former magistrates, were still in detention, despite requests in July 1995 to the Ministry of Justice to reexamine their cases. The Commission de Triage in Kigali has apparently stopped sitting during the reporting period, allegedly because of the incidence of rearrest of persons previously released.

The Commissions review between 20 and 30 dossiers per sitting; and recommend release in approximately 20% of the cases. The prison population within the country, however, exceeds 52,000. HRFOR is therefore in the process of analysing the structure and practice of the Commission de Triage and will make recommendations to the

appropriate Rwandese authorities to improve the functioning of this body as it deals with legal issues until such time as the judicial system itself is capable of doing so.

B. Prefectures

1. Butare

The situation in Butare has been mostly calm in the reporting period. However, the killing of the Butare Judge of the Tribunal de Première Instance as well as a number of other incidents that took place in Kigembe Commune, have also been reported. The emphasis of HRFOR (Butare) has largely continued to focus on reception and monitoring of returnees from Zaire and Burundi and their resettlement and reintegration into home communes.

On 29 August, the Butare Judge of the Tribunal de Première Instance was killed in front of his residence, in the Save Sector of the Shyamba Commune in Butare Prefecture. Previously, he had been the President of the Tribunal de Canton of Save, later a judge in Butare, followed by appointment as judge in the second Chambre de Première Instance de Nyanza at Nyabisindu. He had actively participated in the preparation of the HRFOR (Butare) seminar on arrests and detention procedures and he had provided an extensive presentation on the functioning of the Rwandese judicial system.

On 30 August, when HRFOR (Butare) arrived at the victim's house, the Butare Prosecutor, five Police Inspectors of the Judicial Police of Butare and representatives of the gendarmerie, including a commander, were present. According to the Prosecutor, he had been shot twice, 10 meters from his residence. The incident occurred at some point between 7:00 and 7:30 p.m., when the victim was returning from a neighbour's house. According to various sources, one of his colleague's relatives had accused him of having participated in the genocide. Following an investigation, no charges were laid against him. It was alternatively suggested that a possible motive for the incident had been a property dispute. On 30 August, three persons were arrested in relation to this killing. One of the accused, a civilian, was detained at the Butare Gendarmerie and two others, RPA soldiers, had apparently disappeared following their arrest. Local authorities were investigating the incident, and HRFOR (Butare) continues to monitor the situation closely.

During the first days of the most recent wave of returnees, HRFOR (Butare) and COOPI (an Italian NGO) assisted in the functioning of a transit centre between Cyangugu and the final destination of the returnees. The centre is located near the Huye stadium and was already being used by UNHCR-IOM to receive returnees from Burundi. It has a capacity of 2000 people. It has large tents, water facilities, latrines, and sufficient space to install cooking facilities. Refugees have been registered by IOM at the border, and then driven to Butare. Upon arrival to the transit centre, they were again registered by COOPI and their Prefecture and commune of origin. Each family received food. Water and jerry-cans were also supplied.

No major problems in the communes for returnees were encountered. To be able to monitor the movement from the meeting centre to the communes, an *ad hoc* crisis committee was set up. The committee included a representative from the Ministry of Rehabilitation and the Sub-Prefect in charge of Social Affairs. At the last committee meeting, potential conflicts concerning disputes over title to property and land were discussed.

HRFOR (Butare) closely monitored the situation in the transit centre of Butare. From 28 August, all the refugees from Butare who had passed through COOPI transit camp had gone back to their respective communes. As reported in the last update, there have been several cases of returnees having been arrested following their arrival to their home commune. From 29 August to 3 September, 39 returnees were arrested, 15 in the Ntyazo commune and 10 in Maraba commune.

HRFOR (Butare) visited the communal cachots of Huye, Maraba, Mbazi and the Butare Central Prison. On 7 September, there were 6,650 detainees, with 6,280 men, 216 women, 100 minors and 58 infants with their mothers - a number which has remained static in the last few weeks. The most frequent illnesses in Butare Prison continue to be pneumonia and malaria. Since the beginning of September, two detainees have died, one of dysentery (1 September) and the second of malaria (6 September). HRFOR (Butare) monitored a transfer of 72 detainees from Ntyazo to the Nyanza communal cachot.

On 9 September, a reburial ceremony of 8000 victims of the genocide was held in Rubona sector, Rusatira commune, attended by, among others, the Ministers of Interior, of Labour, and of Information and the Bourgmestres of Muyira, Ntyazo, Nyabisindu and Rusatira.

HRFOR (Butare) organised, in cooperation with the UNHCR and the Butare prefectural local authorities, a seminar on arrest procedures and detention. The aim of the seminar, held 24-26 August in Butare, was to promote human rights standards regarding arrest procedures and detention. Ninety participants attended the seminar, including all the Prefecture's Bourgmestres, RPA local commanders, the Butare Inspectors of the Judicial Police, representatives of the Ministry of Rehabilitation and various academics. The workshops covered rights of detainees, due process guarantees, the impact of the genocide, the legal system and the role of the Gendarmerie. The seminar provided an opportunity for participants to discuss current problems and pertinent legal procedures. It also enhanced good relations with local civil, judicial and military authorities.

A seminar will take place for teachers on Human Rights at the National University from 2 to 8 October. HRFOR (Butare), in collaboration with the deans of various faculties, have been developing this project for 2 months. About 200 professors from prefectures throughout the country as well as from Bujumbura, are expected to attend.

2. Cyangugu (and Nvamesheke)

The situation in Cyangugu has been generally calm during the second half of August; no incidents of banditry or incursions were reported. However, since the end of August, the security situation has deteriorated. On 28 August, there was an exchange of gunfire between former Government of Rwanda soldiers and the RPA in Gatara Commune. On the night of 5 September, an electric power pylon was blown up in Matara Sector. The former Government of Rwanda soldiers/Interahamwe were suspected of having caused the explosion. During the first week of September, three people were killed by "bandits" wearing unidentified military clothing in Karengara Commune.

From 19 August to 8 September a total of 6,216 returnees entered Cyangugu Prefecture. On 8 September, only 185 people remained in Nyagatare transit camp.

Between 28 August and 3 September, there were 40 unaccompanied minors who had lost contact with their families, and who sought to return to their homes in the

Prefecture. Local orphanages continued to provide a point of contact for families tracing their children. During this period, 45 other orphans were transported to other prefectures.

Following their repatriation, a total of 83 returnees were arrested in the last reporting period. 47 were identified as former Government of Rwanda soldiers or Interahamwe, 27 were arrested on civil charges and nine others charged with having participated in the genocide.

At border posts, only two incidents of arrests have been reported. 30 of the 42 refugees from Bukavu jail detained on 19 August have been located; 27 are being held at the central prison, two in hospital and one in the Brigade of Kamembe. Access has been denied to HRFOR (Cyangugu). Also according to UNHCR, 35 men were detained at Rusizi 1 border post.

The reception of returnees by civil and military authorities has been well organised. Good cooperation between all parties involved has been for the most part, the norm rather than the exception. However, HRFOR received one eyewitness report of RPA soldiers having beaten up some returnees, but this report is as yet unconfirmed.

HRFOR (Cyangugu) received no reports of land or housing disputes in the last reporting period. However, the lack of housing continues to be a problem and local authorities have expressed their anxiety about the present inadequate infrastructure in the communes to cope with the expected influx of returnees.

At present, one transit camp, Nyagatare, is being used (which has a capacity of 3,000). NGOs have refurbished Nyarushishi transit camp (with a capacity of 10,000) and it is ready for use. At present however, this camp has not been opened. The stated policy of the authorities is to avoid the opening of more camps within Rwanda in order to encourage the transfer of returnees to their communes as quickly as possible.

Between 14 August and 3 September, HRFOR officers visited the central prison, seven of the eleven communal cachots and all four brigades. There were 2,053 individuals being held in the prison, 226 in the communal cachots and 327 in the brigades. There were 39 minors in the prison and 10 minors in communal cachots and Brigades of Gendarmeries (four out of ten were aged between 15 and 16 years old).

The situation of overcrowding in the prison and detention centre remains unchanged. The extension to the prison had not yet begun. The prison roof needs to be repaired before the rainy season, since many prisoners remain exposed to the elements.

In the Brigades of Gendarmeries and cachots, there are many cases of malnutrition. Most of those detained for several months are in a very weak condition. The inadequate food supply is due to the detainees' reliance on their families for food, many of the families live far from the detention centres or are too poor to provide sufficient supplies. HRFOR (Cyangugu) is endeavouring to find alternative means within the community to alleviate this problem.

In each detention centre visited, there was an insufficient supply of blankets. Blankets are mainly supplied by families of detainees, except in the central prison where the ICRC has provided some blankets. At Nyahabuye communal cachot, there are no blankets at all and families were prevented from supplying blankets.

Detainees have access to medical care, although it varies in type and amount according to each detention centre.

On 31 August, the Commission de Triage met and dealt with 11 cases. To date, the Commission has reviewed 16 cases and provisionally released nine detainees as a result.

On 1 September, the first women's meeting was held in the Prefecture with the participation of the Technical Cooperation Unit. Representatives from ten out of the eleven communes participated. The main issues covered were the creation of a centre for women and the possibility of setting up a national organisation for widows.

The issue over the protection of the Magistrate of Kamembe who sought refuge with HRFOR (Cyangugu) remains unresolved. His family has repeatedly received threats day and night. HRFOR (Cyangugu) continued to be concerned about his case.

HRFOR (Cyangugu) has received eyewitness reports that around 1 September a detainee in Gisuma Brigade had died of massive head injuries caused by blows to the head. The case is currently being investigated by the Inspector of the Judicial Police of Karengara and HRFOR(Cyangugu) is also following up on this matter.

3. Gikongoro

The security situation has been satisfactory in much of the Prefecture, except for certain areas in the southern and northern regions, particularly in Musange Commune, where the situation has been tense in most sectors. A committee was formed between HRFOR (Gikongoro) and local authorities in Musange Commune on 25 August to discuss the rise of banditry in every sector of the commune and human rights violations. A curfew at 8:00 p.m. until morning has been imposed in Musange.

On 22 August, in Cyabasana Sector of Musange, bandits attacked an orphanage and severely beat a local public official as well as children in the orphanage with sticks. During the night of 2 September, four armed civilians broke into a house and attacked a person with machetes. His wife was also hit with a stick. Their children witnessed the scene but were not harmed. The victim suffered machete wounds to his arms, stomach, right eye and mouth.

On September 4, around 11:30 p.m., in Nyamagabe commune, a group of six armed civilians broke into another person's house and attacked him with machetes. The wife of the victim was sexually assaulted and one of the children, 7 years of age, was also beaten with a stick and hit on the face with a bottle.

On 4 September, a total of 2,150 returnees had arrived in the prefecture. A large number of genocide survivors have arrived in the Mubuga commune but have still not been registered at the communal level. A shortage of housing may pose a severe problem in the coming months. Among the new returnees who arrived in this commune on the 5 September, two detainees were arrested on charges of having participated in the genocide.

In Rukondo Commune, returnees living in distant sectors were temporarily accommodated in housing at the communal office by the Bourgmestre, and those living in nearby sectors settled in their homes the day they arrived. In Rwamiko, there has also been a large influx of genocide survivors coming from Burundi through Butare.

According to UNHCR, one returnee bound for Karama was on a truck back home when local people identified him as having been a participant in the genocide. He then stayed on the truck and went to Rukondo Commune where he was arrested upon his arrival there. He was released the next day. One refugee was also arrested in Rwamiko and two detained in Mubuga.

On 11 September, around 4 p.m., on the road from Butare to Gikongoro, a truck with 64 refugees lost control and ran into a wall. 20 persons were hurt and taken to the Kigeme Hospital in Gikongoro. Two are in serious condition and one according to doctor, is not likely to survive. The other refugees were taken to the transit centre in Butare.

The very poor prison conditions continue to be of major concern to HRFOR. Most of the detainees had not received medical care. With the rainy season beginning in September, health conditions are expected to further deteriorate. In communal cachots, an organisation formerly providing medical assistance (TROCAIRE) has ceased operations due to the severely unhygienic conditions in the cells. Furthermore, risk of suffocation continues to be a problem due to the absence of windows in the cells.

Regarding the right to due process, detainees have not been interviewed by judicial authorities. A number have been accused of genocide. In some cachots, detainees were separated according to the gravity of the offence of which they have been accused. Those accused of lesser offences have enjoyed better conditions of detention and generally have been spared mistreatment.

On 30 August, the central prison of Gikongoro quartered 995 persons. The prison's capacity was 500. On 12 September, the prison held 1,040, 1,011 men, 11 women with 3 infants and 18 minors. There were 42 sick detainees suffering from breathing illnesses. One case of tuberculosis was identified at the prison and the detainee affected by the disease was isolated to prevent contaminating others. HRFOR (Gikongoro) has also visited the communal cachots of Karambo, Mubuga, Mudasomwa, Musange, Muko, Rukondo, Karama, as well as two military prisons, one in Rwamiko and Kiduha. In the Rwamiko cachot there were 134 detainees in 3 cells. Access to that cachot of Rwamiko was not always permitted.

Human rights field officers observed that in five of the nine cachots visited, a number of detainees had been beaten with sticks and had been kicked until severely bruised. One woman had had a gun forced in her mouth. In some cachots, the conditions of prisoners had improved somewhat, with transfers decreasing the overall number of detainees.

The teacher training programme in Human Rights at a Primary school in Gikongoro was launched successfully. The first course focused on a discussion of the principles enshrined in the Universal Declaration of Human Rights. A date has also been fixed for an awareness course to be given to foster parents and social workers, who tend unaccompanied children to enhance promotion of the rights of the child. On 4-5 September, the education inspector of Rukondo Commune registered 202 unaccompanied children.

4. Gisenyi

A major incident occurred in Kanama commune on the night of 11 September, which continued on until the early hours of 12 September. It is described in Chapter II (A) of the present report.

On 18 August 1995 at 4:00 a.m., three people in Gisenyi town were murdered in their home following a robbery. The owner of the house had been a former Government

of Rwanda soldier but maintained an administrative position within the army. The perpetrators are alleged to have been soldiers, numbering between 15 and 20. They are suspected of having thrown two hand grenades into the house and stealing 3,400,000 FRW. The case was under investigation by the Brigade in Gisenyi town. HRFOR (Gisenyi) attempted to obtain the official version of the above case. HRFOR has made every effort to ascertain the events surrounding the 6 August case of dead bodies having washed up on Lake Kivu beach, but so far without success.

The number of returnees entering Gisenyi from 19 August to 11 September stood at 7,249. Many stayed within the prefecture; for instance, during the week ending 8 September, of 637 entering Gisenyi, 280 remained within the prefecture, the rest transported to eight other prefectures. On 8 September, there were 72 returnees within the transit camp.

From 26 August to 6 September, Gisenyi received 852 returnees giving an average of 71 per day. The numbers continued to decline during the reporting period. Also, as an indication of the percentages with respect to the types of repatriation, of the 6619 returnees transported to the prefecture from 22 to 31 August, 5,778 were forcibly repatriated and 848 were voluntary repatriates.

The main worry expressed by returnees during this period was the threat of arbitrary detention upon return. Also, returnees complained of a shortage of food and a lack of housing for the 1959 "old case-load" returnees. Committees at the communal level were set up to receive returnees, and most were functioning. In Kanana, a 'cellule d'urgence' was formed and planned to meet in the coming weeks to receive the 53 returnees expected, in addition to the 80 known to be present within the commune. Mutura Commune did not receive any new arrivals in the period under review, but the Bourgmestre revived the Commune's pre-existing committee dealing with "old caseload" returnees in order to efficiently receive the new arrivals. There were no reports, within the reporting period, of property disputes.

At the first meeting of the 'Comite Communal pour les Rapatries' in the Rubavu Commune on 28 August, attended by HRFOR (Gisenyi), two problems were raised: the transport of returnees, particularly as to whether those with heavy luggage and children could be taken directly to home sectors rather than to the communal centre; and, with respect to registration, whether the Bourgmestre could transmit to the communes a copy of lists compiled by UNHCR to facilitate registration at the communal level. On 11 September, UNHCR sent the registration forms to HRFOR (Gisenyi) for distribution of these lists to local authorities.

Reports of difficulties encountered by returnees at the border appear to have diminished. However, HRFOR (Gisenyi), through contact with international agencies working in Goma, confirmed that rumours and disinformation is still being propagated to discourage persons from returning to Rwanda.

Conditions in the detention centres in Gisenyi prefecture were in general found to be adequate, with the Central Prison of Gisenyi described by local authorities as a 'model' penitentiary. On 4 September, there were 1,350 detainees, including 30 minors and 26 women with 10 infants. The prison has a maximum capacity of 1,000 persons.

HRFOR (Gisenyi) has been able to gain more frequent access to prisons and detention centres in most communes within the Prefecture. For the first time, the team visited the main detention centre on 31 August 1995. Permission was granted to the

HRFOR team to visit on Tuesdays and Fridays. As of 31 August, there were 213 persons at the main detention centre: 101 soldiers (an increase from 99 at 26 August) and 112 civilians. As of 2 September, the number of detainees rose to 217, of whom 105 were military personnel. The detainees include former Government of Rwanda soldiers, prisoners from the Goma prison and civilians accused of genocide. Three of the detainees were returnees. 12 people were found ill and were being treated by an NGO medical outfit. On the last team visit, two people were discovered in handcuffs. However, the last visit revealed no evidence of maltreatment by the Rwandese authorities.

Also for the first time, on 30 August, HRFOR (Gisenyi) interviewed all prisoners at the Brigade of Ngororero. There were 30 men and one woman, none of whom was a returnee. One previous detainee, a returnee from the commune of Satinsyi, had been transferred to the Gendarmerie of Gisenyi where HRFOR (Gisenyi) could later verify his presence.

HRFOR (Gisenyi) interviewed the prisoners in the Brigade of Ngororero again on 7 September, and discovered one returnee, that had been arrested the day before. The detainee, charged with genocide, claimed that his brother was the guilty one and that he had been merely present during the killings.

At the Brigade of Kabaya, 3 of 41 detainees were returnees. One of them, a self-professed former Government of Rwanda soldier, was awaiting transfer to the main detention centre, where all former Government of Rwanda soldiers are reportedly 'kept'.

On 5 September, HRFOR (Gisenyi) discovered an illegal detention centre in the Giciye Commune. There were 8 persons quartered in a room without windows. Conditions were otherwise adequate. The conseiller (sector Shyira) and the Bourgmestre agreed to release two of the detainees and transfer the others to the communal bureau for further investigation.

In the commune of Nyamyumba, a meeting was held on 31 August with the Bourgmestre to discuss security, arrest and detention. The team was given assurances that the detention of persons charged with minor offenses would not exceed 48 hours. However, there were reports that 3 persons in the cachot in Nyamyumba had been detained longer than 48 hours. Subsequent to the HRFOR team's inquiries, the persons were released.

One person in detention, however, was arrested during the week of 29 August on the charge of genocide. He was interviewed by a human rights officer on 31 August and raised the defence of duress. His case provided an opportunity for HRFOR (Gisenyi) and the sector conseillers to review a practice followed in some sectors and communes of detaining every returnee who had stayed in Zaire for a year. HRFOR (Gisenyi) explained the procedure to be followed with returnees suspected of genocide, and worked closely with the Inspector of the Judicial Police on the case in question.

An incident was reported in the commune of Nyamyumba of the arrest and detention, on 30 August, of a person charged with assault and battery. The case was referred to the human rights officers by the Inspector of the Judicial Police. On 31 August, the Bourgmestre agreed that threat of fine, proportional to the degree of harm caused, would suffice to deter arbitrary arrest and detention.

The Commission de Triage has met three times since its inception this year: 24 May, 12 July, and 1 September. During the last session, the Commission reviewed 20

dossiers and recommended the release of 5 detainees. Sessions have been irregular due to the sporadic attendance of the military and / or gendarmerie members of the Commission.

One formal session was held during the week of 28 August to 2 September 1995 at the Rambura mixed secondary school, commune of Karago. Eighty-five students and two teachers participated in the discussions about the fundamental principles of human rights. Part of the session was devoted to explaining the mandate of UNAMIR.

Two seminars are scheduled for the first weeks in September: one will focus on general human rights, to be held at Gisenyi, and the other on arrest and detention, to be held in the Kabaya sub-prefecture.

5. Gitarama

The security situation in Gitarama prefecture remained serious between 24 August and 12 September. Five killings took place in the prefecture, 2 in Musambira, 2 in Nyabikenke and 1 in Murama. On the other hand, Mugina Commune has been relatively calm and quiet compared with the conditions in the previous reporting period.

According to the Nyakabanda and Masango Bourgmestres, armed groups associated with *Interahamwe* militias had been terrorising people in these communes. In Nyakabanda, a curfew was set for 9:00 p.m. but military personnel arrested people after 7 p.m. There were also reports of numerous incidents in Taba Commune such as bandits from Musasa and Shyorondi committing arson, stealing, and killing in this Commune.

On 27 August, in Musambira Commune, following a dispute with his wife, a person set fire to his house and threatened to kill his wife and children. A local public official intervened and asked for the person to be brought to the communal cachot in order to ensure the safety of his family. Meanwhile, a black pick-up vehicle with 5 RPA soldiers in uniform passed by and asked if they could provide assistance. The public official requested that the person be taken to the communal cachot and the military personnel complied. The next morning, the person's body was found in Rugobagoma cellule near his house. His head had been smashed, and according to neighbours, he had been bayoneted. The case is currently under investigation.

On 29 August, around 8 p.m., 2 RPA members in uniform came to the home of a resident of Taba Commune pretending they needed him to testify in a case and that he had to accompany them to Taba's communal office. The victim, however, became suspicious since the request to report to the communal office at night did not seem credible. The victim and his wife then tried to escape through the back door but armed soldiers were standing at the back of the house. Finally, the victim agreed to go with the soldiers. They were followed by the victim's father, who saw 5 soldiers take his son down to the river. After the father heard what sounded like a severe blow, he became frightened and returned to his residence. The next morning, the victim's body was found by another family member, about 1 km away from the victim's house, near the river. The victim had three large head wounds, inflicted with a hoe, found near the body. The man had been a former commissioner during the first republic and a lieutenant during the former regime. The Inspector of the Judicial Police was seized of this case and HRFOR (Gitarama) has been monitoring the investigation also.

With respect to the situation of returnees, all Gitarama communes have been closely monitored by HRFOR. In general, the returnees seemed to be in good physical condition and the reception of the returnees by the local authorities has been satisfactory. The remaining persons have returned to their homes or are staying with relatives. No disputes about houses have been reported. The most pressing problem that returnees are facing now is a shortage of food, clothing and kitchenware. Local authorities have been unable to provide any of the humanitarian assistance needed.

On the other hand, some arrests have occurred and one returnee was killed. Since 19 August, a total number of 846 returnees have returned to Gitarama prefecture and 5 have been arrested. Three have been arrested in Murama, one in Mushubati and another in Mugina Commune. One returnee was killed in Murama by the RPA after he supposedly resisted arrest and tried to escape.

On 22 August, Gitarama central prison, with a capacity of 800, quartered 6,422 persons. From 8-22 August, five detainees died and four were transferred to the Kabgayi hospital. About 150 to 200 prisoners were being seen at the infirmary each day. Five babies were born in prison from 29 July to 20 August. 7000 pairs of shoes were given to the prisoners at the request of the Kabgayi Diocese to prevent foot-rot and amputation. On September 12, the health conditions of the prisoners had improved. Gitarama central prison had 6,420 detainees and 2 had died.

On 21 August, a detainee died in Ntongwe communal cachot. It was claimed he had died of pneumonia, but after an investigation, it appears that he had been beaten on the way to the cachot by Conseillers de Secteur and soldiers. He later died from injuries. One member of the HRFOR (Gitarama) had seen the body of the victim at the cachot.

The team also reported an incident at Nyabikenke communal cachot, which occurred during the night of 28 August. Soldiers allegedly broke into the cachot and beat the detainees. One detainee died inside the cachot; another died after being admitted to the dispensary. 4 others were injured, one seriously. The alleged perpetrators are reported to be detained at the Gitarama military prison. The HRFOR (Gitarama) was refused access to the Nyabikenke communal cachot, and to this point has not been provided with a satisfactory explanation of this incident.

6. Kibungo

The general situation in Kibungo Prefecture is calm. HRFOR continued, however, to receive reports of incursions of Rwandese refugees from Tanzanian camps and of *Interahamwe* activities in Akagera National Park. In some communes, the local people have organised themselves in order to improve their own security. Large numbers of returnees have arrived in Kibungo Prefecture. Until now, their re-integration has not created any major problems.

During the night of 4 August 1995, a woman and a boy, were robbed and killed and two others seriously wounded by a group of four to six armed men in Rukira commune. Allegedly, the perpetrators belong to an *Interahamwe* group hiding out in Akagera National Park or have crossed the border from Tanzania.

In Kayonza commune, the security situation continued to be fragile due to influx of Rwandese refugees from Tanzanian camps. Local civilians carry out day and night patrols to provide themselves a minimum of security in the area. The population, however,

continues to feel insecure and threatened by infiltrators who spread rumours of an impending attack from Tanzanian refugee camps. HRFOR (Kibungo) has undertaken frequent visits to the different sectors of Kayanza and has requested UNAMIR to periodically and frequently patrol the area in order to stop infiltrations.

Since 19 August, more than 1,000 returnees have crossed the border from Tanzania. A total of more than 4,000 returnees has arrived at various communes in Kibungo Prefecture from Zaire, Burundi and Tanzania. HRFOR (Kibungo) was informed by UNHCR that more than 21,000 refugees in Burundi originated from Birenga commune and more than 300,000 in Tanzania are originally from Kibungo prefecture. There are two transit centres in Kibungo prefecture, one in Nyacarambi, Rusumo commune with a maximum capacity of 2,000 returnees for those who enter Rwandese territory at the border check point of "Chutes de Rusumo", and a second transit centre in Birenga with a maximum capacity of 1,200 returnees. No arrests of recently returned refugees were reported to HRFOR (Kibungo). In general, the returnees have been well received.

As of 4 September 1995, Kibungo prison held 3,414 detainees, including 61 women and 58 minors. There were also 10 infants in the prison with their mothers. 45 detained RPA soldiers were held in a separate cell. For the 3,414 detainees, only 444 arrest warrants have been issued. The director of the prison stated that detainees without arrest warrant could no longer be admitted to the prison. The prison population continued to increase slowly over the last month by about 30 new arrivals per week. Overcrowding constituted the single most serious problem. Sanitary conditions continued to deteriorate. Human rights field officers have still not been provided access to detainees. National authorities have been contacted in order to solve this problem.

On the same day, there were 943 detainees in Nsinda prison, including 24 women and 25 minors. There were also two infants with their mothers in the prison. The construction of a new prison in Nsinda in cooperation with UNDP and CRC, with a maximum capacity of more than 5,000 detainees has been completed. The prison will be inaugurated on 29 September. 1,000 detainees from Gitarama prison will be transferred to Nsinda.

HRFOR (Kibungo) continued to visit communal detention centres in Kibungo prefecture. The sanitary conditions in several cachots were deplorable. The cachots of Muhazi and Birenga do not have windows. Many detainees reported that they were beaten during interrogations and following visits by ICRC delegates or NGO representatives. In the cachots of Rusumo and Rukara, several detainees displayed marks on their backs.

During the last three weeks, the Commission de Triage held meetings on 29 August and 5 September 1995. The members of the Commission decided to deal on a priority basis with cases involving minors and to undertake joint investigations. HRFOR (Kibungo) was not permitted to participate as an observer at the sittings. The Commission has examined five cases and will decide on the case files at its next meeting. Ten additional cases files have been selected by the Prosecutor and will be examined in the near future. HRFOR (Kibungo) has offered to provide transport to the meetings in order to help the Commission de Triage meet more regularly.

On 6 September 1995, HRFOR (Kibungo) met with the Prosecutor in Kibungo in order to discuss the case of an Italian priest who has been detained for the last three months on account of having participated in the genocide. The Prosecutor declared that he had completed the investigation. He said that he would not take a decision before having consulted the Minister of Justice.

HRFOR (Kibungo) continued to hold regular working meetings with judicial authorities in the prefecture to discuss matters concerning the rehabilitation of the judicial system. HRFOR (Kibungo) also provided transport to the judge of the Tribunal de Première Instance and to the Inspectors of the Judicial Police, which enabled them to continue making visits to communal cachots, to interrogate detainees and to interview witnesses in order to complete processing of the case files.

HRFOR (Kibungo) has contacted an NGO that plans to distribute 3,000 blankets in Rukara commune in order to assist the needs of orphans.

7. Kibuye

The state of security in the prefecture appeared to continue to decline in the reporting period, with incidents occurring that involved human rights violations, particularly in communes along the border.

On 27 August, a woman in the Gitesi commune was allegedly beaten to death, by a rescapé and a communal policeman. It was alleged that the two suspects had gone in search of the deceased to arrest her on complicity in the genocide. Her body was found on the road to the communal cachot of Rubazo. In a meeting with the Bourgmestre of Gitesi, however, HRFOR (Kibuye) was told that the cause of death had been the deceased's poor state of health at the time of her arrest. The two accused were quartered at the communal cachot as of 2 September. HRFOR (Kibuye) is monitoring the situation.

Mine explosions continued to occur in Rutsiro commune, making it difficult for HRFOR (Kibuye) to visit. On 31 August, the team was informed of the disappearance of three men on the night of 21 August near the forests in the Bwiza sector. Military patrols in the area continued during the day, but no longer at night. Local authorities maintain that the *Interahamwe* live and operate in the forest.

On 5 September, an electric power pylon was exploded by suspected former Government of Rwanda forces and *Interahamwe* in Matara sector. On the same day in the Karengara commune, 3 people were killed by 'bandits' in military garb. In addition, on 28 August, shots were exchanged between former Government of Rwanda forces and RPA in Gatare commune.

On 8 September, a local NGO reported the allegedly illegal arrest on 1 September of a person residing in the commune of Rutsiro. HRFOR (Kibuye) is following up on this case.

HRFOR (Kibuye) received a report from MILOBS that on 4 September, the body of a detainee with a slashed throat and marks from a severe beating was discovered at the Bwakira communal cachot. According to the military authorities, the deceased was arrested on 31 August, charged with genocide. He was attempting to escape but was apprehended by a guard. Further enquiry by HRFOR (Kibuye) suggested, however, that there may have been some connection between this incident and another killing currently under investigation by HRFOR.

In general, the reception of returnees in the prefecture was calm during the period, with few arrests and no noticeable enmity displayed on the part of those already resident in the communes. The local authorities have promised HRFOR that any arrests of returnees would strictly accord with applicable legal procedures and international human rights standards.

As of 2 September, there were 1,447 returnees in the Prefecture, with 38 arriving that week. Some 500 of the total number originated in Gisenyi but were transported via Kigali, since the Gisenyi-Kibuye road was considered unsafe due to the recent mine

explosions. In reporting period, it was estimated that roughly 600 returnees departed from Cyangugu for Kibuye, however this figure has yet to be confirmed.

HRFOR (Kibuye) visited all the communes during the period to monitor the reception of returnees. No land or housing disputes were reported, but international agencies assisting the returnees feared that up to 3,500 old caseload refugees may be evicted to accommodate an estimated 5,000 new caseload refugees from Zaire. The authorities are considering transferring refugees, both old and new caseload, to the commune of Rutsiro where local authorities have already provided land for 1,000 families.

In the commune of Gishyita, for instance, although many returnees stayed with relatives upon arrival, most found their former homes occupied by old caseload returnees and were put up in commercial buildings and schools. In Rwamatamu Commune, the Assistant Bourgmestre assured HRFOR (Kibuye) that the returnees housed in schools should be returning to their original homes in the coming few days once the Conseillers de Secteur had been notified.

On 31 August, 18 returnees arrived in the commune of Rwamatamu. Four persons were arrested, two having arrived the same day. In a meeting with the communal bourgmestre on 5 September, HRFOR (Kibuye) learned that all four returnees were former refugees on island Ijwi who had gone to Bukavu to shop and were subsequently 'expelled', leaving family members behind in Zaire. Unable to find housing in the reception sector, they were leaving the sector in search of another person when apprehended. The Bourgmestre claimed that three of the four persons were accused of genocide, whilst the fourth was charged with murder, theft, and the destruction of property. HRFOR (Kibuye) has planned a visit to the cachot and is monitoring the situation.

On 5 September, it was reported that 7 returnees were arrested upon arrival in Gisovu commune. HRFOR (Kibuye) is investigating the situation.

On 30 August, a compromise was reached between the Bourgmestres in conjunction with NGOs, IGOs, and UNHCR, with respect to the transportation and registration of returnees from Cyangugu and Gisenyi to the prefecture transit centres, such as at Nyamishaba, rather than directly to the communes, where the Bourgmestres register them. It was decided that registration at the centres should be as expeditious as possible in order to minimise hardship to the returnees and to enable UNHCR to redeploy the limited number of trucks available.

As of 2 September, there were 1,965 persons quartered in the Kibuye prison, including approximately 51 women and 11 minors under 14 years old. On 7 September, the total number had increased to 2008. On 24 August, HRFOR (Kibuye) met with all eight Batwa detainees, each accused of genocide. The Batwas had not yet been interrogated by the local Inspector of the Judicial Police.

Since 19 July, Kibuye hospital has created a section solely for the treatment of detainees, run by Medecins Sans Frontieres. There were ten beds. Two armed guards were present. At HRFOR (Kibuye)'s last visit, there were four detainees, one with malaria, the other three suffering from trauma due to ill-treatment suffered in the Gitesi detention centre.

HRFOR (Kibuye) visited most of the communal cachots during the reporting period. Conditions were in general reported to be adequate, the principal problems being a lack of space, as in the Kivumu cachot, where 35 detainees (including one minor) were quartered in 25 square meter cells. Toilet facilities were poor. In the Mabanza cachot, latrines were under construction. In the Gitesi cachot, some maltreatment was reported, with at least 11 of the 43 (5 women) detainees suffering from untreated injuries, allegedly inflicted by the communal police.

On 3 September, a detainee in the Brigade of Gisuma, transferred from Karengara on 31 August, was found dead. An autopsy revealed that he had been dead for two or three days and that the cause of death was massive head injuries, as confirmed by a medical expert. The body of the deceased was covered with lesions, one eye had been punctured, and the body had begun to decompose. HRFOR (Kibuye) is monitoring the investigation of the Brigade and the Inspector of the Judicial Police.

On 29 August HRFOR (Kibuye) visited the cachot of Gishyita, and found one detainee aged 10 years old who had been arrested the day before for starting a fire in the hills. However, the acting Bourgmestre stated that the boy would be released the following day upon payment of a fine.

The Commission de Triage in the Kibuye prefecture did not meet during the reporting period.

The women's education programme, frequently initiated with local women, has organised various seminars: on arrest and detention procedures, on tolerance, and on human rights and the military. The meetings have in general been well attended.

8. Kigali

The general human rights situation in Kigali Ville and Rural Prefectures has been stable and calm over the last three weeks. The re-integration of returnees has not created any major problems to this point. The situation at Kigali Prison, however, continued to represent a matter of serious concern.

On 25 August, three newly trained Inspectors of the Judicial Police from the Prosecutor's office disappeared. The Prosecutor is following the case. HRFOR (Kigali) visited several detention centres and could not locate the 3 missing persons. HRFOR (Kigali) will continue to investigate the incident.

From 21 August until 11 September, HRFOR (Kigali) received 7 depositions on alleged arbitrary and/or illegal arrests and detentions. During the same period, human rights field officers conducted follow-up investigations in one case of an alleged extra-judicial execution, and 6 cases of alleged arbitrary and/or illegal arrests and detentions. Because of the confidential nature of these cases, the security of witnesses and the necessity to continue investigations in cooperation with Government authorities, it is not possible to reveal more information about these ongoing investigations.

On 30 August 1995, the dead body of a man was found near the victim's house in Nyarugene commune, Kigali Ville Prefecture. The body had two bullet wounds, one through the temple and the other through the heart. On 28 August at night, the victim had been led away by two soldiers who had been waiting for him near his home. The man was not seen alive again. The house of the victim has been occupied since last year by an RPA captain who refused to vacate or to pay any rent. The assassination took place two days after an official complaint was filed by the victim at the Kigali Ville Prefecture office. Such complaint consisted of a report elaborated by the conseiller du secteur containing information pertaining to the illegal occupation of the house. HRFOR (Kigali) continued to investigate the incident.

Particular attention was paid to the return, reception and re-integration of former refugees in their home communes. Since 19 August, approximately 2,100 refugees returned to communes in Kigali Ville and Rural Prefectures. Only two arrests of returnees, allegedly having been members of the former Government of Rwanda armed forces, were reported to HRFOR (Kigali). Generally, the returnees were well received by the local population. No major incidents were reported. Until now, the number of returnees did not

exceed the capacities of the receiving communes. Most have found shelter, often with family or friends. According to local authorities, land and property will be given back to their legal owners. However, the food situation remains critical and housing is scarce. Old caseload returnees have occupied many houses and much land belonging to new caseload refugees and returnees. Many houses have been destroyed. The anticipated influx of large numbers of returnees may lead to serious nutrition and housing problems and give rise to disputes between new returnees and those who have returned shortly after the April to mid-July 1994 armed conflict.

During the last three weeks, HRFOR (Kigali) has made daily visits to Ndera transit camp in order to monitor the influx of returning refugees. Returnees arrived at the transit centre from other transit centres in border prefectures or from the airport in Kigali. Since 26 August, 900 refugees have returned by airlift from Bujumbura. Since 19 August, more than 2,500 returnees who had arrived at the transit camp departed from the transit camp for various prefectures and communes of origin in Kigali Prefectures. On 11 September, the total population of Ndera transit camp was 291.

From 21 August until 11 September, HRFOR (Kigali) visited 9 communes in both Kigali Ville and Kigali Rural Prefectures. During their visits, human rights field officers met with local authorities on a communal as well as a sectoral level, interviewed members of the local community and representatives of local associations, established commune profiles, followed up on individual cases and visited communal cachots.

As of 12 September, the population of Kigali Prison was 9,982, including 342 women and 278 minors. There were also 75 infants in the prison with their mothers. The number of detainees continued to rise slowly over the last three weeks by an average of approximately 65 new arrivals per week. Overcrowding was still a severe problem. Sanitary conditions continued to deteriorate. The general situation at the prison remained a matter of serious concern for HRFOR. Moreover, the visiting process at Kigali Prison constituted a severe problem. Despite certain directives of the Ministry of Justice, the soldiers in charge of security at the prison proceeded to control visits according to their own whims. The result was a net decrease of the number of detainees being visited, as well as a diminution of the time allotted for such visits. The number of detainees however, has increased.

The Commission de Triage stopped sitting in mid-August due, according to the acting Prosecutor, to several cases of re-arrests of persons released by the Commission. A letter has been addressed to the Minister of Justice in order to clarify the mandate of the Commission de Triage and its limits.

HRFOR (Kigali) together with the TCU has held three meetings with Rwandese human rights NGOs in order to exchange information, coordinate activities and improve the cooperation between the different organisations. The representatives of 5 Rwandese NGOs participated at the meetings.

9. Rulima

The general situation in the Kanazi Sub-Prefecture, Prefecture Kigali Rural has been calm over the last three weeks.

One incident was reported to HRFOR (Rulima) where a family of five, a mother and four children who have recently returned from Zaire were killed in Kanzenze commune by 4 local residents. The bourgmestre arrested the alleged perpetrators. Case files have already been prepared by the Inspector of the Judicial Police. Reportedly, the killings were acts of revenge.

Since 20 August 1995, more than 4,000 returnees have arrived from Burundi at the transit centre in Dihiro, Gashora commune and have returned to various prefectures and home communes in Kanazi. The majority returned to communes in Kibungo Prefecture. Approximately 700 refugees from Zaire, Burundi and Tanzania, passing from the transit centre in Dihiro and from transit centres in Kigali and Butare, have returned to communes in Kanazi Sub-Prefecture. Generally, the returnees were well received. The re-integration has created no major problems, but the anticipated influx of large numbers of returnees in the near future may create problems due to a shortage of food and lack of housing. Old caseload returnees who arrived shortly after the 1994 armed conflict have occupied most empty houses and land. Three persons who recently returned from Zaire, two women and a 14 year old boy, have been arrested. Each has been charged of participation in the genocide.

On 28 August 1995, human rights field officers participated in a refugee visitation programme organised by UNHCR in Gashora commune. This was the third visitation programme in Kanazi Sub-Prefecture. The delegation of refugees from Burundi visited their communes of origin, and met with relatives, friends and local authorities. Generally, the security situation was considered to be satisfactory.

On 8 September 1995, Rilima Prison held 3,750 detainees, including 300 prisoners of war (former members of the former Government of Rwanda armed forces) and 200 RPA soldiers. The maximum capacity of Rilima Prison is 1,200. The 3,250 civilian detainees included 12 women and 87 minors. In addition, there were three infants with their mother. The prison population continued to increase slowly. Overcrowding presented the single largest problem. Sanitary conditions were distressing. No case files have been prepared at this point. The registry of the detainees is not up to date. HRFOR (Rilima) has met with prison authorities and requested that the minors be transferred to Gitagata juvenile correction centre.

Arrest and detention procedures do not meet human rights standards. HRFOR (Rilima) has received reports that three detainees accused of genocide charges were beaten by an Inspector of the Judicial Police during their interrogations in a communal cachot. HRFOR (Rilima) reported the incident to the local bourgmestre.

Despite meetings with military authorities, human rights field officers continued to have difficulties during their visits at the prison. Interviews with detainees requested by human rights field officers were postponed. The prison authorities continued to insist upon being present for interviews by human rights field officers. Therefore, no significant information on treatment of detainees could be obtained.

In the last weeks, many cases were reported to HRFOR (Rilima) where relatives have been denied their right to visit detainees. Relatives were not allowed to see the detainees when they arrive at the prison on visiting day.

During the last two weeks, HRFOR (Rilima) has visited all three cachots in Kanazi Sub-Prefecture. The total population of all three communal detention centres was 484 detainees. The maximum capacity, however, is 220. Sanitary conditions were poor. Water, food, blankets and medicaments were in short supply. HRFOR (Rilima) has organised transport, provided by UNAMIR, for 200 detainees with completed case files to Rilima Prison.

On 1 September 1995, Gitagata juvenile correction centre held 149 minors, including 6 between 7 and 10 years old, 42 between 11 and 13 years, 93 between 14 and 15 years and 8 who were older than 15 years. The maximum capacity of the correction centre is approximately 200. All 149 minors have been charged with participation in the genocide. The sanitary conditions at this correction centre are satisfactory. In cooperation

with HRFOR (TCU) a project for re-education has been developed by the NGO Terre des Hommes that includes various training courses and socio-cultural activities for the minors.

HRFOR (Rilima) has good relations with civil and military authorities in Kanazi Sub-Prefecture. At several occasions, however, military authorities were reluctant to assist when concrete problems had to be resolved, despite assurances to fully cooperate with human rights field officers.

10. Ruhengeri

The situation in the prefecture has been quiet and there were no serious violations of human rights reported. Some incidents allegedly arose from land and house reclamations by returnees, but these were infrequent. On 27 August, for instance, one wounding incident arose from a land dispute between two brothers. Following consultations with a spokesperson for the local Bourgmestre, HRFOR (Ruhengeri) has concluded that this case was not directly linked to problems associated with resettlement of returnees.

On 5 September, a person in the Kanyamiheto sector was attacked and his cattle stolen. Local authorities claim the thieves were infiltrators from Zaire harboured in certain houses within the sector.

The total number of returnees as of 8 September stood at 1,222 (79 not recorded by the commune). As an indication of the distribution, the number entering in the week of 26 August to 1 September was 434, an average of 30 persons per day. The communes which received the highest number of returnees during the period were Nyarutovu, Ndusu, Kigomve, Nkuli and Nkumba, with 58, 53, 53, 49 and 46 respectively. With regard to the overall totals since 22 August, Kigombe, Nkuli, Mukingo and Cyabingo received the highest, with 132, 130, 122 and 102 respectively. During the week of 2 to 7 September, there were 109 returnees, an average of 17 per day. Kinigi had the highest number for the period.

With respect to the unregistered entry of returnees into the Prefecture through the forest areas to the north, HRFOR (Ruhengeri) met with the Battalion Commander during the week ending 8 September, who confirmed that border posts had been installed to monitor the situation.

Reintegration into the communes was reported by local authorities to be controlled. Occupants of the returnee houses are given 15 day's notice to vacate. Interviews with returnees themselves supported this. The communes have set up committees to welcome the returnees, and there was no evidence of harassment during the reporting period. The Bourgmestres did not anticipate that land and house reclamation by returnees would constitute a major problem because returnees' families were often the people occupying the land and consequently would likely to surrender the land more readily.

The team noted that only one returnee had been arrested, in Ndusu Commune. He was accused of killing 3 people during the genocide. The evidence against him appeared strong; moreover, without pressure, he openly confessed to the killings.

The team continued with the inspection of communal cachots, the Gendarmerie Brigade, and an attendance during the period at the Ruhengeri Prison. Inspections were carried out at the communal detention centres of Nyamugali, Nyamutera, Ndusu, Nyakimana and Nkuli. Conditions were found, overall, to be adequate.

HRFOR (Ruhengeri) visited the Gendarmerie Brigade on 31 August and 7 September. On the latter, the number detained stood at 40, with 38 men and 2 women.

76 detainees had been released between 1 August and 31 August. HRFOR (Ruhengeri) confirmed the release of the Bourgmestre of Cyabingo by the Brigade. He had been held in connection with a murder.

On 30 August and 7 September, the team visited the Ruhengeri Prison. There were 1,441 persons quartered at the prison, with 1,416 males, 25 females, 28 minors under 18 years and 7 minors under 14 years. The prison capacity is between 600 and 800 persons. Conditions, however, were reported to be adequate; there were about 2 deaths per month. The team confirmed that no one had been treated for severe wounds at Ruhengeri Hospital during the reporting period. Although food was not provided by the prison, ICRC provides supplemental rations. The number of detainees without dossiers, about 500, was being reduced as the Prosecutor and his Inspectors of the Judicial Police gradually interviewed and registered them.

There was one detainee in the Nyamugali communal cachot on 29 August, with three previous detainees reportedly having been transferred to the Ruhengeri prison. Conditions in the cachots visited, including that of the Nyamutera Commune with three detainees, were adequate.

There were 3 persons quartered in the Nyarutovu cachot. Two of them had been arrested without charge by the Sub-Prefect, and the matter is being followed up.

The Commission de Triage sat five times since its inception in April. The Commission was originally scheduled to meet once a week. HRFOR (Ruhengeri) met with the Prosecutor and developed a system whereby the Prosecutor, after preparing a list for the Commission's consideration, gives it to the Brigade a week in advance of the session. This has reduced the tensions between the Prosecutor and the Brigade, facilitating the work of the Commission. Since 5 April, 52 persons have been recommended for provisional release, with only one detainee to date rearrested.

HRFOR (Ruhengeri) commenced the National Gendarmerie Training School Human Rights Lecture Programme during the week of 2 September. A total of 7 lectures have been given, with 10 scheduled for the coming weeks. Under the women's education programme, a meeting held on 1 September in Nyamugali Commune was attended by over 300 women.

The team also continued with its human rights meetings in the communes, as well as the distribution of TCU office supplies to the Parquet for Inspectors of the Judicial Police throughout the prefecture.

**ANNEX RE: MEMBERS OF THE NEW CABINET OF THE
GOVERNMENT OF RWANDA AS OF 31 AUGUST 1995**

The Prime-Minister, Mr. Faustin Twagiramungu and four other Ministers were suspended from their duties. The four Ministers relieved of their portfolio were:

- Mr. Seth Sendashonga, the Interior Minister;
- Mr. Jean-Baptiste Nkuliyingoma, the Information Minister;
- Mr. Alphonse Marie Nkubito, the Justice Minister; and
- Ms. Immaculee Kayumba.

On 31 August 1995, the Government of Rwanda announced the composition of its new 21-member cabinet, all of whom were sworn in on that day. The newly formed government is presently composed of the following persons:

- Mr. Pierre Celestin Rwigema, Prime-Minister. Formerly Minister of Primary and Secondary Education.
- General Major Paul Kagame. Remains Vice-President and Minister of Defence.
- Colonel Alexis Kanyarengwe, Vice-Prime-Minister and Minister of the Interior and Communal Development. Formerly Vice-Prime-Minister and Minister of the Civil Service.
- Dr. Anastase Gasana, Minister of External Affairs.
- Ms. Marthe Mukamurenzi, Justice Minister.
- Dr. Augustin Iyamuremye, Minister of Agriculture, Livestock and Forestry.
- Mr. Laurent Ndirabanzi, Minister for Primary and Secondary Education.
- Dr. Joseph Nsengimana, Minister of Higher Education and Scientific Research.
- Mr. Marc Rugennera, Finance Minister.
- Mr. Jean-Pierre Bizimana, Minister for Information.
- Mr. Prosper Higiro, Minister of Trade.
- Mr. Jean Berchmans Birara, Minister of Planning.
- Colonel Dr. Joseph Karemera, Health Minister.
- Mr. Charles Murigande, Transport and Communications Minister.

- Mr. Charles Ntakirutinka, Minister of Public Works.
- Mr. Jean Nepo Nayinzira, Minister of Tourism and of the Environment.
- Mr. Pie Mugabo, Minister for Employment and Social Affairs.
- Ms. Aloysie Inyumba, Minister of Family Affairs and of the Promotion of Women.
- Mr. Patric Mazimpaka, Minister for Rehabilitation and Social Integration.
Previously Minister for Youth and Association Movements.
- Mr. Shehe Abdulkarim, Civil Service Minister.
- Mr. Jacques Bihozagara, Minister for Youth and Association Movements.
Formerly Minister of Rehabilitation.

PRISONS IN RWANDA

Date: 12 September 1995

	Prison	Men	Women	Minors	Total	Infants	Capacity	Date
1	Butare	6337	216	100	6653	55	2000	12-Sep-95
2	Byumba	?	?	?	312	?	500	12-Sep-95
3	Cyangugu	1989	24	40	2053	4	700	03-Sep-95
4	Gikongoro	1011	11	18	1040	3	700	12-Sep-95
5	Gisenyi	1285	26	39	1350	10	1000	04-Sep-95
6	Gitarama	6129	217	62	6408	25	800	12-Sep-95
7	Kibungo	3295	61	58	3414	10	600	04-Sep-95
8	Kibuye	1903	51	11	1965	4	800	02-Sep-95
9	Kigali	9362	342	278	9982	75	2000	12-Sep-95
10	Nianza	1434	94	37	1565	11	800	10-Sep-95
11	Nsinda	894	24	25	943	2	150	04-Sep-95
12	Rulima	3651	12	57	3750	3	1200	08-Sep-95
13	Ruhengeri	1388	25	28	1441	7	1500	07-Sep-95
	Total	38678	1103	783	40876	209	12750	

HUMAN RIGHTS FIELD OPERATION IN RWANDA
STATEMENT OF PLEDGES AND CONTRIBUTIONS AS OF 15 SEPTEMBER 1995

COUNTRIES	Currency and Amount	Equiv. US\$	Payment effected	Other services provided and remarks
-----------	---------------------	-------------	------------------	-------------------------------------

1- GENERAL PLEDGES AND CONTRIBUTIONS

AUSTRALIA	AS 100 000	63 500.00	73 690.00	
	AS 200 000	146 000.00	145 800.00	
AUSTRIA	Sh 500 000	45 000.00	46 643.97	
BELGIUM	FB 15 000 000	463 800.00	523 098.52	
CANADA	CANS 100 000	68 376.00	66 500.00	
DENMARK	US\$ 100 000	100 000.00	100 000.00	
FINLAND	FIM 400 00	75 600.00	83 267.41	1 investigator (1 1/2 month)
FRANCE	FF 1 200 000	233 100.00	190 476.19	
			40 899.80	
GERMANY	DM 314 704	201 700.00	119 949.36	Office building in Kigali
			93 126.28	
IRELAND	Irish L 50 000	79 500.00	79 547.71	
	Irish L 50 000	76 923.00	80 930.00	
ISRAEL	US\$ 10 000	10 000.00	10 000.00	
JAPAN	US\$ 500 000	500 000.00	200 000.00	Payment made in N.Y
			300 000.00	Payment made in Geneva
LIECHTENSTEIN	CHF 10 000	8 771.93	8 771.93	
LUXEMBOURG	Fr. L. 550 000	17 000.00	16 791.67	
NETHERLANDS	Dfl. 75 000	42 600.00	44 640.00	1 Prosecutor - 1 Forensic Doctor
	Dfl. 1 350 000	798 800.00	764 439.41	+ 3 Criminal Investigators for 3 months
NEW ZEALAND	NZ\$ 50 000	29 600.00	29 597.74	
NORWAY	NOK 700 000	101 700.00	105 616.55	+ 2 Procurement Experts (3 months)
				+ 2 criminal investigators (3 months)
SPAIN	US\$ 9 880	9 880.00	9 880.00	2 Forensic Doctors (2 months) + 1
				Prosecutor (1 month) + US\$ 208 000
	US\$ 208 000	208 000.00		for 3 UNV for 6 months
SWEDEN	SEK 1 000 000	129 500.00	137 631.25	
SWITZERLAND	CHF 100 000	75 758.00	75 757.58	+ 1 Criminal Investigator (9 months)
	CHF 150 000	113 636.00	113 636.36	
UNITED KINGDOM	L 250 000	383 200.00	383 155.00	- 4 vehicles in Kigali
	L 2 000 000	3 200 000.00	3 223 000.00	
UNITED STATES	US\$ 750 000	750 000.00	Payment made to UNDP	5 Criminal Investigators (3 weeks) - Airlift of vehicles from Kuwait to Kigali - 25 UNVs for 6 months
	US\$ 50 000	50 000.00		Contribution pending
	US\$ 1 000 000	1 000 000.00		Contribution pending

OTHERS

EUROPEAN UNION	ECU 5 000 000	6 377 551.00		33 fully equipped HRFOs
UNDP	US\$ 250 000	250 000.00		Contribution envisaged for recruitment of UNVs
ACCT. Paris	US\$ 180 000	180 000.00	159 617.65	Balance of 20 383 pending
ONFAM	L 50 000	80 000.00		In Kind 3 vehicles provided in Kigali
INDIVIDUALS	FF 1 000	200.00	195.31	
TOTAL		15 871 695.93	7 226 659.69	

2 - PLEDGES AND CONTRIBUTIONS FOR TECHNICAL ASSISTANCE PROGRAMME IN RWANDA

ITALY	L 2 000 000 000	123 333.00	123 333.00	
-------	-----------------	------------	------------	--

HUMAN RIGHTS FIELD OPERATION IN RWANDA
COST PLAN
FROM 1 SEPTEMBER 1994 UNTIL 31 AUGUST 1995
AND FORECAST 1 SEPTEMBER TO 31 DECEMBER 1995.

(in thousands of US Dollars)

Resources	Amount	Expenditure	Sept. 94 31 Aug. 95 (actual)	Forecast Sep/Dec 1995	Gd-Total
Pledges 1/ as at 15 September 1995	9,494.1				
Contributions: as at 15 September 1995	7,226.7	A- Staff costs Salaries: 2,028.2 MSA & Travel: 2,781.6	4,809.8	1,983.5	6,793.3
Advance CERF 2/	3,000.0	B-Operational costs General operating expenses: 544.8 Supplies & materials: 166.8 Furniture & equipment: 698.2 Yet to be paid: Vehicles, Communication equipment and other material supplied from DPKO & UNHCR Total Operational costs	1,409.8 0.0 1,409.8	560.0 1,241.5 1,801.5	1,969.8 1,241.5 3,211.3
		Sub-Total expenditure	6,219.6	3,785.0	10,004.6
		13% Administrative Support Cost	808.5	492.1	1,300.6
		Total costs	7,028.1	4,277.1	11,305.2
		Balance 2/	3,198.6	(1,078.5) 3/	(1,078.5) 3/
TOTAL	10,226.7	TOTAL	10,226.7	3,198.6	10,226.7

1/ Excluding the European Union contribution consisting of 33 fully equipped field officers corresponding to ECU 5 million = US\$ 6,377,551

2/ Does not include refund of the 3 million US\$ advance from CERF

3/ Over-expenditure or shortage in brackets

Administrative Office, HRFOR, Geneva
15 September 1995

UNITED NATIONS



NATIONS UNIES

High Commissioner for Human Rights
Field Operation in Rwanda

HRFOR

Haut Commissaire aux Droits de L'Homme
Operation sur le Terrain au Rwanda

26 August 1995

Don de Souza

DONOR BRIEFING REPORT - HRFOR

I have the honor to submit for your information another briefing report covering the period 1 - 25 August 1995 by the Human Rights Field Operation on the current human rights situation in Rwanda and the activities of the Field Operation itself.

Once again we would welcome any comments including further elements which you might consider useful.

Best regards

Yours sincerely,

William Clarence
Chief, HRFOR

Mr. Wilfrid De Souza
Executive Director
UNAMIR, Kigali

Reçu le 28 AOUT 1995

A - Copy to Mr. Buo

A - Copy to Mr. Buo

20.10.95

fait 31/8/95

OFFICE DES NATIONS UNIES A GENÈVE

UNITED NATIONS OFFICE AT GENEVA

HAUT COMMISSAIRE AUX DROITS DE L'HOMME



HIGH COMMISSIONER FOR HUMAN RIGHTS

HUMAN RIGHTS FIELD OPERATION IN RWANDA
(HRFOR)UPDATE ON THE ACTIVITIES OF THE HRFOR
1 AUGUST 1995 - 25 AUGUST 1995**I. STATUS OF DEPLOYMENT AND FINANCIAL SITUATION**

As of 25 August 1995, there were 116 members of the HRFOR, composed of the following: 44 fixed-term staff; 52 UN Volunteers; 20 human rights field officers contributed to the HRFOR by the European Union. In the framework of technical cooperation projects, there are now 3 legal experts working with the Ministry of Justice, financed by the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

The HRFOR has its headquarters in Kigali, and currently has 12 field offices: 9 prefectural headquarters (Butare, Cyangugu, Gikongoro, Gisenyi, Gitarama, Kibungo, Kibuye, Kigali and Ruhengeri), two additional offices in the southeast (Rwamagana and Rilima) and one sub-office at Nyamasheke in Cyangugu Prefecture.

A statement of pledges and contributions is attached which indicates the situation as of 25 August 1995. The statement shows that the HRFOR has to that date received voluntary contributions in the amount of US\$ 7,226,659.69. This, together with the US\$ 3 million, advanced from CERF, has enabled the entry into spending commitments for the months September 1994 to the end of June 1995 of US\$ 7.5 million. A cost plan for the period July through December 1995, is also attached, which indicates a total estimated requirement of US\$ 11,042,700 (at current strength). Thus, there is a shortage of US\$ 816,000. This estimate does not include the repayment of the CERF advance of US\$ 3 million.

II. HRFOR ACTIVITIES**A. General Situation****1. Refugee return**

In reaction to the lifting of the arms embargo on Rwanda by the Security Council on 18 August, the Zairian Government took measures the following day, to forcibly expel Rwandese refugees from its territory. The number of persons registered to have crossed at official border posts has been much less than those reported to have been expelled from Zaire. The influx into Rwanda has not been unmanageable to this point. However, if the rate of return rises significantly over a very short period of time, it is likely that difficulties in safe and orderly resettlement will also arise concomitantly.

The response of the Government of Rwanda (GOR) has been well coordinated with UN agencies, the ICRC and a number of non-governmental organizations. HRFOR has been working in close cooperation with local authorities and UNHCR to ensure that registration and monitoring of new arrivals is as thorough and complete as possible.

The principal responsibility of human rights field officers continues to be close cooperation with local authorities at the commune and sector levels to improve the process of reintegrating returnees to their home communes. The main efforts of the HRFOR in this regard has thus been to assist smooth resettlement of returnees. However, HRFOR has been monitoring the situation of returnees who faced forcible expulsion from refugee camps and who, upon return to Rwanda, have been detained by the Rwandese authorities. Thus far, as they arrive at transit centres, those returnees that have been identified by the Zairian authorities as having committed common crimes or of having been members of the former Government of Rwanda armed forces, have been separated out from other returnees, and detained by the RPA. To this point, they have not been formally charged or put in prison, but in interim detention. Some are likely to be released and others, to be charged and detained in prisons. HRFOR is aware of the location of these persons in interim detention, except for 42 persons that arrived in Rwanda on 19 August (see Western Border Situation below). To this point, the RPA has not accorded human rights field officers an opportunity to interview the detainees. HRFOR continues to monitor this situation closely as it develops.

To prepare communes for the additional stress on resources and local institutions due to the influx of returnees, HRFOR continues to work with Rwandese Government ministries through coordination committees at the prefectural and commune levels. The redeployment of field officers and the use of mobile field teams to the receiving communes has strengthened the HRFOR presence in the areas most affected. To this point, the emergency response effort has been well coordinated among HRFOR, other UN agencies and local authorities.

2. Prison situation

The overcrowding in prisons and detention centres throughout the country remains of serious concern. Sanitary and health conditions continue to deteriorate. The total number of detainees has risen to over 50,000. The 13 main prisons were originally designed to quarter 12,750 persons. However, there are currently some 39,850 detainees there which means that the actual number of detainees is about three times the intended maximum capacity. In addition, over 10,000 persons have been held in communal cachots. However, there has been a decrease in the number of arrests made per week by local authorities. This appears to be due largely to the fact that prison authorities often refuse to accept detainees because of the serious overcrowding. Consequently, an increase in the number of persons detained in communal cachots in certain regions and a concomitant deterioration in the level of sanitary conditions, have been observed. In certain prisons and communal cachots, human rights field officers were not granted full access.

3. Commissions de Triage

The institution of the Commission de Triage was created by the Rwandese Government to address the present crisis in detention centres through expediting the release of certain detainees while the judicial system is being rebuilt. However, in eight prefectures, the Commissions de Triage do not meet regularly and the volume of case files that have been examined remains minimal relative to the number of persons detained.

The military component of the Commission de Triage has insisted on conducting inquiries over and above those already carried out by the Prosecutor. Furthermore, some detainees are reluctant or afraid to have their case files examined because in some instances there have been re-arrests and at least one death among detainees released by the Commission has been reported. These problems undermine the viability of the Commissions de Triage to deal with the difficult problem of prison overcrowding.

HRFOR is currently in the process of analyzing the structure and practice of the Commissions de Triage. It will make recommendations to the appropriate Rwandese authorities to improve the functioning of this body in dealing with legal issues until such time as the judicial system itself is capable of doing so.

4. Incursions

Cross border incursions from Zaire have continued into the Gisenyi and Cyangugu regions. Continued incursions from Tanzania have been reported in the Kibungu prefecture also.

In Gisenyi, a major incursion occurred during the night of 6 August. For about one hour, there was an exchange of gunfire between the RPA and about 30 infiltrators, resulting in the death of three of the latter. Many incursions by the Interahamwe have been reported by farmers in Rubavu commune, involving physical assaults of members of the local community as well as thefts.

In the Cyangugu region, banditry attacks and incursions across the Zaire border have continued. For example, on the night of 29-30 July when the Commune Office and Kamembe was attacked with grenades. During the incident, mines were laid. The RPA responded with gunfire exchange but the infiltrators managed to escape.

Following the killing of two local authorities by intruders in July, the RPA have reportedly redeployed their troops in formations designed to offer better protection in the border areas and to local dignitaries who may be targeted.

In the prefecture of Kibungu, there have been reports of frequent nightly incursions by armed Rwandese refugees from the Tanzanian camps. The infiltrators have intimidated members of the local population and have attempted to persuade them to cross the border back to Tanzania.

B. Situation at the Western Border

On 16 August 1995, the Security Council lifted the arms embargo imposed on Rwanda. The Zairian Government had warned that if the arms embargo were to be lifted, it would take immediate measures to expel the Rwandese refugees on its territory back to Rwanda. This action was taken on 19 August. From 19-22 August, 4,033 persons have returned to Gisenyi and 6,038, to Cyangugu.

The first Prefecture to be affected was Gisenyi. Returnees are coming through two border posts known as: border post 1 - the Grand Barrier (BP1); and border post 2 the Small Barrier (BP2). On 19 August, 181 refugees were expelled. Of these, 17 were former Rwandese Government soldiers and 37 were identified by Zairian authorities as criminals from Goma Prison. On 20 August, only 14 returnees were registered.

On 21 August, it was reported that Zairian soldiers fired shots in the air at Mugunga Camp and ordered the refugees to leave the camp. There were no injuries or deaths as a result of this action. Zairian soldiers were also reported to be looting in the camp. Mugunga Camp has an estimated population of about 180-200,000 refugees.

The influx of refugees increased dramatically on 21 and 22 August. Returnees were accompanied to the border by Zairian soldiers. There were 1,981 returnees on 21 August and 1,957 on 22 August. Most returnees were found to be in good physical condition. Returnees are being transferred directly to Nkamera transit camp, which has a capacity of 3,000.

Those who were former military or accused of being criminals are being held at the Ecole Technique in Gisenyi (ETAG). A total of 99 people have thus far been detained under this category. Registration of persons accused of having committed crimes have remained under the jurisdiction of the Ministry of Defence. HRFOR and ICRC are closely monitoring the situation at the ETAG and have thus far reported no irregularities.

Rwandese authorities have decided that there will be no security checks at the border in Gisenyi. Returnees have been searched and checked by the RPA at the transit centre. This procedure is followed by a medical examination and registration by UNHCR. Following this process, returnees are being transported directly to their prefectures of origin.

The Ministry of Rehabilitation is also planning to reinforce its staff to assist in the repatriation process at the commune level. However they are facing logistical problems in the area of communications and transport. The RPA is also facing transport problems to escort the refugees from the border to the transit centres. HRFOR and UNHCR, together with other NGOs are considering ways in which they can assist in the matter. Additional transit centres have also been identified and will be opened as the need arises.

HRFOR and UNHCR believe that while the situation could quickly become explosive, the present rate of movement into Rwanda is under control.

Gisenyi was the first prefecture to be affected by the refugee problem. The situation in Cyangugu has undergone greater influx. From 19-22 August, a total of 6,038 people have crossed the border into Rwandese territory.

Refugees in Cyangugu are crossing the border at two points. These are known as Ruzizi 1 and Bugarama. Refugees are being transferred to Nyagatare Transit Camp which has a capacity of 5,000.

In Cyangugu the RPA are conducting security checks at the border itself. This process has proven very time consuming and intimidating for refugees. Registration has been carried out both at the border and Nyagatare transit camp. UNHCR conducted registration at both locations.

The influx to Rwanda began on 19 August with 42 persons who were forced back to Rwanda at gunpoint from Bukavu Camp. These people were met by the RPA and taken to an unknown location. The location of these returnees is unknown to HRFOR Cyangugu despite attempts to obtain information from RPA authorities. It is believed that nine of these returnees are former Government of Rwanda armed forces while others have been accused of having committed crimes in Zaire.

The rest of the returnees are believed to have originated from three camps known as Hongo 1, 2 and 3. These camps, which held 19,000 persons, do not exist any longer. IOM officials who visited these camps reported that they have been looted and burnt down by Zairian soldiers. About 5,000 refugees from this camp have already crossed over into Cyangugu. It is not expected that all the remaining 14,000 will cross over into Rwanda as an unknown number have already dispersed into Zaire.

Rwandese authorities have created a crisis committee in Cyangugu to facilitate the smooth resettlement of these returnees. The committee held a meeting on 22 August with the participation of UN agencies and NGOs to discuss medical and logistical details. The opening of a second transit centre at Nyarushishi, close to Bugarama, was discussed and will be initiated with local authorities on 23 August. The International Rescue Committee will rehabilitate this transit camp and it is expected to be ready to accommodate 15,000 within the next three days.

C. Prefectures

1. Butare

Since June the climate in the Butare prefecture has been generally calm and no major incidents regarding human rights violations have been reported there. HRFOR (Butare) was therefore able to focus on the problems of IDP and refugee resettlement and conditions in detention centres. In addition, measures to promote human rights through education programmes were continued.

A team of human rights monitors visited the Kisi IDP camps in the commune of Maraba on 1 August in order to assess the living conditions of the 800 survivors of the genocide. The majority of them are from Gikongoro, some from Butare. The human rights monitors met the person in charge of the camp. He reported that no incident occurred recently and that the living conditions were relatively satisfactory. He mentioned that representatives of the Prefecture visited Kisi in mid-July and listed the people according to their commune of origin. On that occasion, they informed the IDPs about the forthcoming closure of the camps decided by the authorities, which raised concern among IDPs. In fact, most of them are witnesses of the 1994 massacres and fear for their safety once back in their communes.

HRFOR held a meeting with the Director of the prison on 4 August in order to discuss the ban in place preventing detainees from making contact with their families. His justification was that investigations were ongoing. HRFOR reminded him that the right of visit from the family had been recognized in many international treaties and that only the Prosecutor had the authority to suspend it.

As of 21 August, 6,600 detainees, of whom 213 women and 100 minors, were incarcerated in Karubanda prison. In addition, there were 60 infants with their mothers. According to the prison authorities, 8 detainees have been hospitalized. The main problem was the overcrowding of the prison, as this building has an official capacity of 1,500 prisoners. Nevertheless, efforts had been carried out by the authorities of the prison in order to improve the internal organization: the detainees are split in 18 blocs, each bloc managed by a prisoner appointed "captain" responsible for the registration of persons arrested without warrant. ICRC provided the necessary equipment.

Two detainees, respectively 17 and 15 years old, attempted to escape from Karubanda prison on the night of 2 August. One of them succeeded in fleeing but the second was shot dead by the gendarmes. Investigations were carried out by the prison authorities to establish the circumstances of the incident. The corpse was buried before the prosecutor had been able to see it.

As of 21 August, Nianza prison quartered 1,458 detainees. Of these, 89 were women and 10 minors. In addition, there were 33 infants with their mother. Between 20 July and 21 August, 90 persons have been incarcerated.

During the reporting period, Human Rights Officers visited six communal cachots (Gishamu, Musuga, Muyaga Shynda, Nyaruhengeri and Residuary) and had access for the first time to Maraba cachot, where no detainees were currently quartered. Generally, the population in the cachots remained constant, due to the decrease in arrests and the absence of recent transfers from the central jail. Overcrowding, however, remains the main problem particularly in Mugusa and Muyaga where respectively 251 and 176 people are incarcerated. No case of mistreatment was reported to HRFOR during the visits.

A Commission de Triage has been created at the end of July at the communal level in Maraba. It is composed of the Bourgmestre, Conseillers, the RPA commandant and a judge. According to his information, 20 common law detainees had been released through decisions of the Commission.

The Commission de Triage at the Prefecture level stopped sitting at the end of August due, according to the Prosecutor, to the population's unwillingness to accept its decisions regarding the release of detainees accused of genocide.

HRFOR (Butare) organized, in cooperation with the Ministry of Family and Women's Promotion and the Prefecture of Butare, a seminar on women's rights in Rwanda. The aim of the seminar, held on 5 and 6 August at the University, was to identify the actions to be undertaken in order to eliminate all kinds of discrimination towards women. While 150 people were expected to come, 284 attended the workshop. The Minister and the Chief (HRFOR) were present, as well as many officers from local or national authorities, students and professors from various prefectures and members of women's associations.

At the end of the seminar, the necessity of organizing a program destined for parents on non-discriminatory education, as well as a general campaign on women's rights, has been recognized, and a committee was set up to ensure the follow-up of the recommendations. The committee met for the first time on 7 August in Butare and started to elaborate a sensitization campaign aimed at the promotion of women's rights in the Prefecture.

A seminar on arrest and detention procedures will be held from 24 to 26 August, organized jointly by HRFOR and UNHCR in Butare. Around 100 persons are expected to participate, of whom representatives of civilian, judiciary and military authorities.

2. Cyangugu (and Nyamasheke)

Between 11 and 15 August, HRFOR (Cyangugu) dealt with the case of a former magistrate who was released by the Commission de Triage. The release was signed by the Prosecutor. However, he was re-arrested four days later on the basis of the same evidence. He was held for a week at the brigade and subsequently re-released. Following his second release, he and members of his family have received death threats from both civilians and military. The HRFOR team took up the matter with the Prefect and HRFOR Kigali followed up the matter at the national level. The magistrate remains in Cyangugu but still fears for his life.

On the night of 29-30 July, two unknown persons presumably from Zaire, attacked the Commune office at Kamembe with rifles and propelled grenades. Anti-tank mines were laid. The RPA responded with about 15 minutes of gun fire.

On 4 August, HRFOR (Cyangugu), visited Kamembe Brigade where they found an Officer of the Judicial Police torturing a young man. On 6 August, the team was informed by a released prisoner that a woman had been tortured in the brigade by one of the officers of the judicial police who had put chili pepper in her vagina. The team is following up the matter.

Milobs reported that the Bourgmestre of Kirambo sent four messengers to the island of Ijwi in the first week of July to disseminate information to encourage the refugees to return home. They also reported that local authorities were allowing returnees in Rwanda to go back to the island to fetch their families.

According to the Secretary of Kagano Commune, approximately 70 refugees then crossed the border into Rwanda from Ijwi in the following week and on 29 July, twenty returnees crossed from Zaire into Rwanda on UNHCR transport. There are reports that the returnees are forced to pay 10,000 Rwandese Francs by the Zairian authorities before they cross the border into Rwanda.

Following the withdrawal of EthioBatt, the only UNAMIR presence in the area, which had been the only UNAMIR presence in the area, concern for the safety of returnees at the Nyagatare transit camp, has been growing. The RPA have now installed themselves in the camp and have been interrogating arriving refugees. According to local NGO staff at the camp this has resulted in at least two disappearances of the returnees. HRFOR is currently following up on this situation.

As of 7 August, there were 2020 detainees at Cyangugu Central Prison, including 40 minors and 25 women. The work to the extension of the prison will begin mid-August and provide space for 500 more prisoners.

The women in the prison stress that they have been intimidated by the military guards. Women are beaten on their way to the latrines and one pregnant woman was beaten in the ward. Visitors are also frequently harassed and the daughter of one detainee was beaten, stripped to her underwear and robbed. HRFOR (Cyangugu) now has a list of Gendarmes who reportedly ill-treat prisoners.

On 31 July, human rights field officers prepared a list of all 800 detainees not previously fully registered. It should be noted that on 10 July it was estimated that 1,800 prisoners were in prison without arrest warrant. As of 7 August, there were 149 complete dossiers. Approximately 400 prisoners had been heard by the Parquet. So far only two women have been seen by the Parquet and most do still not have a dossier.

As of 11 August, there were 182 detainees (1 woman and 3 minors) in the Kamembe Brigade. Very few dossiers have been completed due to a lack of trained Officers of the Judicial Police. In some of the detention centres, the

numbers of detainees surpasses 200 (Kaano detention centre, 222 detainees, Kirambo detention centre, 225 detainees). In Gatare detention centre, 18 detainees were released at the beginning of August.

As of 7 August, only five out of the 40 minors in the central prison had seen an Officer of the Judicial Police before being transferred from the Brigade. Since their arrival to the central prison, these minors have had no contact with any Inspector of the Judicial Police. HRFOR (Cyangugu) is following this up with the Prosecutor. The prison director has indicated his concern over the lack of education available to minors in detention.

The Commission de Triage has examined ten cases. The Commission will decide on the dossiers where evidence of culpability was lacking and priority will be given to women, minors and those who have spent a long time in prison.

At the local level "Security Commissions" are working to release prisoners from detention centres in the Communes. The Commission consists of the Bourgmestre, Inspector of the Judicial Police, an RPA representative, a Security Officer, a person in charge of the detention centre and President of the Canton Tribunal. Some Commissions had been taking money to release prisoners but this practice has since ceased after concern was shown by the Prefect. The number of Officers of the Judicial Police in Cyangugu has increased and by the end of August there should be some newly trained JPJs.

There are only two Tribunaux de Canton operating and the Tribunal de Première Instance, which has been working on civil cases will soon start to deal with criminal cases.

On August 12, HRFOR (Cyangugu) organised a human rights educational session at the secondary school in Nyamasheke in collaboration with Liprodor and UNHCR.

Relations with local authorities continue to be very satisfactory with close cooperation and regular contact. HRFOR (Cyangugu) continues to meet regularly with civil and judicial authorities.

3. Gikongoro

While few human rights violations had been reported during the month of June by HRFOR (Gikongoro), several major incidents occurred in the Prefecture during the period under review. Whereas the security situation seemed to have been under control in the centre of the Prefecture, the situation has reportedly been tense in the south.

During the night of 29 July, in the Rusaka Sector of Nyamagaba Commune, five soldiers and four armed civilians broke into a house and one of the soldiers threw a hand-grenade, killing a 27 year old woman. Two other acts of banditry have been reported in this commune on 4 August, during which a man was inflicted bullet wounds and another was badly beaten. Two days later, on 6 August,

bandits cut with a machete the right hand of a dweller in Rwamiko, who had tried to oppose the robbing of his property. In addition, numerous acts of robbery were reported in N'Shili Commune.

Following the initiative of the Ministry of Social Rehabilitation, the implementation of a plan aiming at the closing down of the Murambi camp for genocide survivors, in Nyamagabe Commune, was started. Several intergovernmental and non-governmental organizations participated in this operation. Transport of the IDPs was managed in a joint effort by IOM, UNHCR and UNAMIR. The NGO TROCAIRE took care of the transport of the IDPs' belongings, and SOLIDARITE monitored the situation of children. The operation started on 8 August, when 200 genocide survivors were driven back to their home communes. Similar transfers were carried out in the following days. According to TROCAIRE, on 17 August, 1450 survivors, representing 354 families, had been driven back to their home communes. More than 90% of those IDPs originated from Gikongoro Prefecture, in particular from Mubuga, Kibeho and Kivu Communes; The rest were former residents of Butare Prefecture.

Once they had returned to their home communes, IDPs were confronted with numerous problems, notably due to an insufficient reception infrastructure. Due to the lack of accommodation, the large majority of them was grouped in churches, market places and schools. MSF, CARITAS and TROCAIRE provided food and medical care to the newly arrived IDPs. The precariousness of reception infrastructures, together with the insecurity in some communes, lead the authorities to provisionally suspend this operation. 257 survivors in the Murambi camp are still awaiting transfer. Their repatriation is likely to be delayed further by local RPA, who have prohibited access to the camps and request to inspect the premises and the belongings of IDPs before any transfer can be carried out.

On 14 August, UNHCR organized the transfer of 270 IDPs to their home communes, in Kigali and Kibungo Prefectures. They were at that time settled in Musebeya Commune. All those returns have been conducted on a voluntary basis. On 3 August, HRFOR (Gikongoro) participated in the first meeting of the Joint Committee set up in N'shili Commune. Four such committees were operational in this Prefecture.

In Rwamiko, on 17 August, the military used force to compel the inhabitants of different sectors, including women and children, to go to the communal office. Once they had been gathered together close to this building, the Prefect of Gikongoro, together with the bourgmestre, informed the people that a security operation had been set up in the commune, following the very numerous complaints made by those who had escaped from the camp of Murambi. The Prefect asked the inhabitants to help the authorities to identify the thieves, the Interamhamwe as well as the IDPs not registered, who might be, according to him, responsible for this wave of insecurity. According to a Conseiller of the Sector, as a result of this meeting, 44 persons were arrested by the military and 23 might be imprisoned in the immediate future. The team visited the cachots of this commune and noted that 130 persons were detained therein. Since the register did not indicate the date of their incarceration, the Human Rights Field Officers had not

been able to verify if more arrests had been carried out in the context of this operation called "Sécurité Rwamiko".

The same day, a similar operation had been set up in the commune of Kivu. According to the bourgmestre, following two meetings organized by the military, two thieves and three IDPs accused of having participated in the genocide had been, upon denunciation of the people, arrested by the military. HRFOR (Gikongoro) is at the moment following most attentively the evolution of the situation in those two communes. The team is attempting to interview each one of the persons who have been arrested in the context of these operations, in order to determine the legality of their incarceration.

The major incident in the period under review has been the murder during the night from 1 to 2 August of the Sub-Prefect of Gikongoro. His body was found early in the morning by the road between Gikongoro and Butare. The Prosecutor requested the body be brought to Butare Hospital. The forensic examination revealed that the victim had died of a single shot, probably from a pistol, close to the ear. A team from LACU was dispatched to the location, in addition to the fact that judicial authorities had initiated an investigation. According to the Office of the Prosecutor, several suspects were being interrogated, and were to be charged within the coming weeks. The Sub-Prefect had held his office since 1992, and was one of the few who had remained active throughout and after the massacres. His name was nevertheless not mentioned among the list of six new Sub-Prefects, which had been made public on 29 July 1995. Like his colleague from Ruhango (Gitarama Prefecture), murdered four days earlier under circumstances not yet clarified, he was a member of MRD, the political party of the Prime Minister. A case involving two magistrates who had been re-arrested after having been released on 20 July has been referred is currently being investigated by HRFOR.

The president of the Tribunal de Canton of Museybeya was arrested on 30 July, at about 6 a.m., at his home, by a group of rescapés armed with sticks and clubs. This group, which was composed mainly of persons who had instigated the first arrest of the magistrate, brought him to the RPA camps of Kaduya where the authorities decided to arrest him. Following a decision of the commander of the battalion of Gikongoro, the president of the cantonal tribunal was transferred on 1 August to the brigade of Gikongoro. Since his incarceration, he has not been interrogated by a member of the judiciary. However, the Ministry of Justice has given instructions that his case be re-examined by the Commission de Triage préfectorale which has just been set up. The investigations should begin shortly. The magistrate had previously been incarcerated for 6 months in the prison of Kigali.

Also on 30 July, the Vice-Président du Tribunal de Première Instance of Kaduha, who had been released on 22 July by the Commission nationale de Triage, was arrested, at about 9 p.m., in his commune of origin, Ntyazo (Butare Prefecture), by six military. The magistrate had been incarcerated in Ntyazo. The charges against him seem to be the same as those which had been refuted for insufficient evidence by the Commission nationale de Triage.

On 23 August 1995, the central prison of Gikongoro held 980 detainees. Amongst them were 11 women and 17 minors. In addition, two children were with their mother. Between 13 July and 23 August 1995, 80 persons have been incarcerated in this detention centre. HRFOR (Gikongoro) has also visited, between 2 and 19 August 1995, the communal cachots of Kinyamakara, Mubuga, Muko, Musange, Musebeya, N'Shili, Rukondo and Rwamiko. Access to the communal cachot of Kivu was, however, for the first time, refused to the team and the authorities of the Muko centre did not allow the interpreter to enter the building. The Human Rights Field Officers observed that in 5 of the 8 cachots visited, a number of prisoner had been mistreated.

The Commission de Triage, whose setting-up had been postponed on several occasions, finally begun its work on 26 July 1995. The Prosecutor, the Commander of the Gendarmerie, a RPA representative, and a member of the Prefectorial Intelligence Services sit on this Commission. The first two meetings dealt with the modalities of functioning. It was suggested at the end of those working session that the Commission should meet once a week and that it should give priority attention to cases concerning old persons, women and minors accused of acts of genocide.

HRFOR (Gikongoro) also continued its activities in the field of human rights education. On August 23, the team initiated in a primary school a programme aimed at human rights awareness. Similar experiments have been scheduled in some ten primary schools in Musange Commune.

4. Gisenyi

Despite a relatively calm period in the Prefecture over the last few weeks, incidents at the Rwandese border continue to be the main problem in Gisenyi.

On 6 August during the night, there was an exchange of gunfire which lasted about one hour between an RPA patrol and a group of around 30 infiltrators. Three infiltrators were killed during these clashes. The infiltrators were in uniform and carrying arms.

On 6 August, seven dead bodies, which had clearly been tortured, were washed up on the beach of Lake Kivu. The evidence suggests that these people were killed and thrown into the Lake from Zaire. Given the way in which they were killed, it would appear that they may have been dissidents of the former Rwandese governmental forces. HRFOR (Gisenyi) and gendarmes are following up this inquiry.

During a recent informal visit to Rubavu, HRFOR (Gisenyi) was informed by farmers that there have been many infiltrations by Interahamwe militias, who have been beating up people and stealing from the rural population. Soldiers in Mutura also mentioned that shooting occurred between the local population and the infiltrators in this commune.

During the night of 8 August, there was another clash between alleged Interahamwe militias and RPA patrol in the centre of Gisenyi town. Two unidentified civilians were killed and two people, one of whom was injured, were arrested. Investigations are still being conducted to further clarify this incident.

On the night of 10 August, there was an act of sabotage committed in the commune of Kibilira. A small bomb was planted near a communal building. No one was hurt.

On 11 August in the commune of Rubavu, three children and one woman were killed and one child injured by six unidentified men carrying arms (including grenades) and wearing military uniforms.

During the month of August, 293 refugees were repatriated in organised convoys and 721 refugees returned spontaneously. There have been no cases of refugees arrested at the border and none of the recent incidents investigated involved a returnee.

With the exception of one detainee beaten up by a gendarme (who has since been removed from his position) in the central prison on 21 July in order to extract a confession, a noticeable reduction of cases of ill-treatment in the prison was observed.

It has been noted that regular visits to the detention centres have resulted in a considerable reduction of cases of ill-treatment and illegal arrests. However, on 1 August in the commune of Kanama, one detainee was reportedly illegally arrested by the RPA and ill-treated. Human rights field officers have interviewed the victim's wife but have so far been refused entry to the detention centre where the victim is being held.

On 10 August, 10 detainees were released from the brigade at Kabaya, leaving a total of 29 detainees. Current reports point out that there is a lack of food for these detainees. In the prison of Kabaya, there are 40 detainees, including 2 minors. Human rights field officers were informed that the detainees had not eaten anything there for four days because supplies had been exhausted.

HRFOR (Gisenyi) conducted a human rights educational session with students from the secondary school at Rambura. Both sides were very satisfied with the response to this session. On 2 August, human rights field officers also participated in the training of primary school teachers of the prefecture in the area of human rights. HRFOR (Gisenyi) has also increased its efforts to assist the growing number of unaccompanied children in Gisenyi. As of the end of July, there were 1094 registered unaccompanied children in the prefecture.

Investigations on the genocide that took place in the commune of Ramba have been completed by HRFOR (Gisenyi), detailing names of victims, their place of origin, and the circumstances surrounding their death.

Relationships with both the civil and military authorities in Gisenyi continue to be positive, and have been reinforced in particular by the joint investigations carried out by the gendarmerie and human rights field officers. HRFOR (Gisenyi) are constantly building upon their contacts at all levels and they are more regularly being sought for assistance.

5. Gitarama

The situation in Gitamara Prefecture has gravely deteriorated between 1 and 23 August. Ten killings have been registered since 23 July. The Subprefect and a priest are among the victims. Concerned by the deterioration of the situation, HRFOR has condemned in a press-release the current wave of violence and requested the authorities to make efforts to arrest and prosecute the perpetrators. Despite a minor improvement the last few days, the situation remained tense in Musambira, Masango and Tambwe Communes.

The major incident of the period under review occurred on 27 July as the Subprefect and four members of his family were killed in Tambwe. According to the preliminary investigation, four civilians entered the courtyard of his residence, near a UNAMIR detachment, and set fire to the house. One hour later two soldiers arrived and left a little later, one of them allegedly carrying an open 20 litres tin. No attempt was made to extinguish the flames. The following morning, the Prosecutor of Gitarama went to the spot to investigate the incident.

One week before the incident, the Subprefect had been released from prison pursuant to the decision of the Commission de Triage, due to lack of evidence. The victim, a member of the MRD, resumed his duties on 24 July.

On 28 July, several persons, identified as elements of the RPA, beat with shovels two women and an infant carried by one of them, causing the death of one woman and the infant. This incident took place on the market place of the Cyeru sector (commune of Mugina). The motives of the aggression have not been defined until now.

The corpse of a priest of the Kamony Parish was discovered in Taba commune on 2 August by passers-by in a banana plantation, at approximately one kilometre from the Seminar. In the morning, the Prosecutor ordered the body to be transferred to Kabgayi for an autopsy. According to the forensic analysis, the victim was killed by two bullets shot in the head. Several dwellers of the sector reported hearing the previous day around 19:30 two shots. The victim had worked as a priest in the Parish for more than five years, and had worked in the past with in cooperation with the Bishop of Kabgayi.

On 1 August, in Masango commune, a former IDP from Kibeho camp was killed by soldiers who accused him of genocide. According to the local authorities, the soldiers opened fire on the man because he was threatening them with a grenade and a machete, but according to other sources, he was shot dead without any warning. After the killing, his wife was taken to the bureau communal and

beaten. On 2 August, the corpse was buried upon an order of Inspector of the Judicial Police.

On 7 August, 6 RPA soldiers and one communal policeman accompanied by a group of civilians went to a bricklayer's house suspected of being a former Interhamwe. Informed by neighbours, the man and his wife attempted to escape but the group surrounded the house before they succeeded, and the bricklayer was shot dead as he was fleeing through the backdoor. The group then entered into the house, wounded the woman and stole some money.

HRFOR (Gitarama) was seized of the case of a former civil servant who was arrested in December 1994 and temporarily released in July 1995 by the Commission nationale de Triage. Apparently, some soldiers had attempted to arrest him again on 29 July, which forced him to flee and remain hidden.

HRFOR (Butare) was informed of an incident on 3 August involving a woman working in the Seminar of Kabgayi. She was arrested on her way to work by four soldiers on suspicion of having taken part in the genocide, and was brought to the military camp of Kabagayi for interrogation, but was released a few hours later after a personal intervention by the Gitarama Prefect. Besides this incident, other workers in the Seminar are concerned about their personal security. The publication in a French review of a list of religious figures who allegedly participated to the genocide worsened their fears, as one of them was mentioned in the list.

11 people accused of genocide were arrested by RPA soldiers on 11 August. A human rights officer had contacts with the detainees and observed that two of them had been violently beaten up.

From 1 to 3 August, the inhabitants of Mugina commune held a demonstration, blocking the road leading to the commune during several hours, to protest against the suspension of their Bourgmestre by the Ministry of Interior. According to the Prefecture, the Bourgmestre had been dismissed because he was arresting people without any legal ground. After a few visits of the Prefect, the situation calmed down again.

Because of various killings, arrests and other incidents which had occurred recently, the Prefect called a security meeting at his office on 11 August. Around 30 people attended the meeting, among them the RPA commandant of the sector and 17 Bourgmestres of the Prefecture. After having overviewed the situation in each commune, it was decided to create night patrols composed of civilians and soldiers.

On 22 August 1995, 6,422 detainees were incarcerated in the central prison of Gitarama. Among them were 217 women et 64 minors. In addition, there were 25 infants with their mothers. The penitentiary authorities indicated that 5 detainees charged with common law offenses had been liberated between 27 July and 2 August. The conditions of detention in this centre were still a major concern mainly because of the problem of overcrowding. 96 detainees were being treated

in the medical facilities of the prison. The majority of them were suffering from malaria and dysentery.

On the initiative of the NGO Save the Children, sewing and knitting workshops were established at the beginning of August in the prison of Gitarama. 16 women were taking part twice a week in these workshops.

Since the beginning of August, HRFOR (Gitarama) also visited the communal cachots of Kayenzi, Masango, Bulinga, Mushubati, Tambwe, Nyamabuye et Mussambira. The human rights field officers noted that in three out of these seven detention centres, detainees had been mistreated. According to the Bourgmestre of Musango, one detainee, accused of genocide, might have died on 12 August following pulmonary problems.

The Commission de Triage, went on examining the files although the Commission had not been able to sit. To guarantee a better follow-up of the cases, a member of the RPA was appointed on a permanent basis to the Commission. Prior to that measure, the Army representative would change at each session. The work of the local judiciary should also improve following the appointment of 13 Inspectors of the Judicial Police at the beginning of August, bringing their number in the Prefecture to 31.

In coordination with UNAMIR and UNHCR, HRFOR (Gitarama) is now working on a project on a database on IDPs and refugees of the Prefecture of Gitarama. The initiative has been taken in view of the possible massive expulsion of Rwandese refugees by the authorities of Zaire.

In coordination with UNHCR, HRFOR (Gitarama) organized on 17 and 18 August a seminar on arrest and detention procedures. Some 30 people, among whom members of the administration, the military and the judiciary, attended these two day events.

6. Kibungo

The general situation in the prefecture is calm. However, the security situation on the Tanzanian border has deteriorated. Several reports have been received of incursions of Rwandese refugees from Tanzanian camps and of interahamwe activities in Akagera National Park. Moreover, a number of Rwandese residents in the border regions have fled to Tanzania.

As of 21 August 1995, Kibungo prison held 3378 detainees, including 60 women and 58 minors. There were also 10 infants in the prison with their mothers. The prison population continued to increase slowly by about 40 new arrivals per week. From 1 March until 26 July 1995, 52 detainees have been freed on remand by the Prosecutor, out of whom 5 detainees, all accused of common law offences, were released in the month of July. Since March, 38 detainees died in the prison, 3 in the month of July. The principal causes of death were malaria and dysentery. Sanitary conditions have deteriorated during the last weeks. In June, 1995, 61 detainees escaped from the prison, the majority of whom has been rearrested. 360

dossiers have been completed by the office of the Prosecutor, including 351 dossiers containing genocide charges. The Director of the Prison stated that detainees without arrest warrant could no longer be transferred to the prison.

Overcrowding in the prison constituted the single most serious problem. The Prison Director declared that no new detainees could be received since the actual prison population was eight times higher than the regular capacity. The work of human rights field officers is seriously hampered since they have been denied access to the prison by military authorities for the last six weeks. National authorities have been contacted in order to solve this problem.

As of 18 August, Nsinda detention centre held 943 detainees, including 24 women and 25 minors. There were also two infants with their mothers. 39 dossiers have been completed. HRFOR (Kibungo) also visited communal cachots in Rutonde, Muhazi, Kayanza, Rusumo, Rukira, Zaza and Mugesera. A total of 1511 detainees was held in these cachots.

Two interpreters employed by UNAMIR troops in Kibungo Prefecture have been accused of participation in the genocide. On 18 July 1995, one of the interpreters was interrogated by two Inspectors of the Judicial Police sent by the Prosecutor of Kibungo. In conversations with a human rights field officer, the accused declared that he was innocent. However, the Inspectors of the Judicial Police concluded that there was enough evidence to indict the accused. In presence of a human rights field officer and a ICRC delegate, he was handed over by UNAMIR troops to the Inspectors of the Judicial Police and transferred to Kibungo Prison. On 11 August, the wife of the detained reported that her husband was severely beaten at Kibungo prison and that he had become seriously ill. These allegations could not be confirmed since human rights field officers were denied access to prison. The second interpreter left from his duty station on 18 July. His present whereabouts is unknown. Reportedly, he is hiding in Kigali.

Information has been received of regular nightly incursions of armed Rwandes refugees from Tanzania in Rukara commune near the border. These refugees intimidated the local population and attempted to convince them to escape to Tanzania, declaring that an attack from Tanzanian refugee camps was imminent. During the last week of July, 30 people of Nyawera sector left the country and joined the refugees in Tanzania.

During the night of 16 to 17 July, two persons from Gasarabwayi cellule, who has recently returned from Uganda, were killed. During the night of 24 July, two armed men from Chabarisa refugee camp in Tanzania met with 15 inhabitants of Nyawera sector and convinced them to leave immediately for Tanzania. Near the Tanzanian border they were attacked, severely beaten, searched and robbed by an armed group of Interahamwe militias. One person died following the incident. Three persons were able to escape and returned to their home communes. They were arrested by military authorities and detained at the communal cachot of Rukara. The whereabouts of the other 13 persons are presently unknown.

During the night of 30 July, three Rwandese refugees came from Tanzania. They escaped after they were apprehended by an RPA patrol. One of the women has been arrested and detained at the communal cachot in Rukara. Local authorities stated that the local population would become a stronger presence of RPA troops in Akagera National Park in order to guarantee their safety.

Around this time, approximately 200 to 300 refugees return weekly from Burundi to Kibungo Prefecture. The anticipated influx of large numbers of refugees from Burundi following the visit of a refugee delegation on 6 July has not yet commenced. Only 30 to 60 refugees return weekly from Tanzania. Reports have been received that refugees in Tanzanian camps are discouraged by their leaders to return to Rwanda. UNHCR continued its cross border information campaign to provide accurate information to refugees about the situation in their home communes. HRFOR (Kibungo) has intensified its monitoring activities concerning returned refugees. No major incidents have been reported.

HRFOR (Kibungo) continued to hold regular working meetings with judicial authorities in the prefecture to discuss matters concerning the rehabilitation of the judicial system. The Commission de Triage has not held any further meetings after its first sitting on 11 July, when it discussed procedural matters, and has not yet commenced its proceedings. Five meetings had to be cancelled due to the absence of representatives of the Gendarmerie or the RPA. HRFOR (Kibungo) provided transport to judicial authorities to visit communes which enabled them to continue their investigations and to proceed with their interrogations of detainees in communal cachots and of witnesses in the communes. On 1 August, HRFOR (Kibungo) were present at the burial ceremony of the former Prefect of Kibungo in Birenga commune, where he was killed during the genocide in April 1994. Several Ministers and other national and prefectural authorities were also present.

HRFOR (Kibungo) distributed 24 boxes of soap, 1000 plastic plates and 1000 plastic cups provided by the International Rescue Committee in Rukara commune to assist orphans and poor families looking after orphans. Considering the large number of women's associations and their impact on the building of civil society, HRFOR (Kibungo) has contacted several representatives and is establishing a registry of all women's associations in Kibungo Prefecture.

7. Kibuye

The human rights situation in Kibuye has seriously deteriorated during the last few weeks.

On August 4, in the casterite mine of Rwamasizi situated in the forest of Mukura, in Rutsiro commune, MILOBS discovered nine bodies and graves which contained another four bodies. HRFOR (Kibuye) visited the site the next day. The locals helped identify the dead as miners. All 13 were men. One of the nine visible bodies, eight had been shot dead and one body burnt beyond recognition. At least one of the victims has his hands tied behind his back. According to one witness, on 1 August at about 5 am, 31 soldiers accompanied by six identified civilians had shot the miners.

No information has yet been received from local authorities regarding the outcome of any investigations. HRFOR (Kibuye) is also following up this incident. On 8 August, the team leader of HRFOR (Kibuye) and the Chief of HRFOR met the Minister of Interior to discuss it. The Minister had visited the area where the incident took place. The Minister provided assurances to HRFOR of his full cooperation in regard to following up this matter and of his willingness to carry out any required action at the governmental level.

There have also been two incidents of mine explosions (10 and 13 August) and one incident of an electric pyion explosion caused by dynamite (10 August) in the commune of Rutsiro. Regarding the mine explosions, there were no injuries during the first explosion, but there were four injuries during the second. Two of the victims were seriously wounded, one of whom had to have both legs amputated. MILOBS sent a team of experts to the area on 17 August to investigate the incidents more closely. The authorities believe that militiamen hiding in the forest are responsible for these incidents.

The number of returnees to the prefecture, principally old caseload refugees, has been increasing since the month of June, particularly in the communes of Kivumu, Gisovu and Rutsiro. The returnees are currently occupying houses left empty by victims of the genocide or persons having fled during the war. Those who occupy former homes of recent refugees have been provided with a document informing them that the property does not belong to them and that it is on loan to them while alternative accommodation is being arranged.

According to UNHCR, it is impossible to determine the precise number due to the lack of systematic registration at the communal level. There is a feeling that numbers are being inflated in order to receive larger quantities of food. On 2 August, 38 old caseloads refugees from 1959 arrived in Kibuye. They were transported from Gisenyi to Kibuye by UNHCR. Their well being is closely monitored by HRFOR (Kibuye). In general, because the majority of returnees at present are of the old case load, there have not been any significant problems arising upon their return.

As of 23 August, there were 1920 detainees in the central prison of Kibuye, including 51 women and 11 minors under 14 years old. The prison was built for a capacity of 250. The necessity to build a fence around the prison is urgently required to allow the detainees a little more room to move. Since the month of July, 7 prisoners have died. Since the end of July, the main hospital in Kibuye has created a section specifically for detainees. There were 10 beds available for those detainees requiring medical attention. The detention centres in the communes, where conditions are relatively good, have few detainees at present and the Bourgmestres are making efforts to insure that a file is maintained on behalf of each detainee.

On 16 August at the detention center in Gisove commune, HRFOR Kibuye found two women along with five others detainees for having organised unofficial prayers. According to the Bourgmestre authorization from the Government is necessary in order to organize prayer meetings outside the framework of the

church. The five were released upon payment of a fine. The two women however were unable to pay the fine. The Bourgmestre says that they will be released "when they have been sufficiently punished". HRFOR (Kibuye) is conducting further investigations into this case.

In general, relations with local civil and military authorities are co-operative, although certain authorities responsible for the sectors and communes are reluctant to meet with human rights field officers following the visit of some RPA soldiers to one of these leaders to determine the nature of his meeting with HRFOR (Kibuye).

8. Kigali

The general human rights situation in Kigali Ville and Rural Prefectures has been stable and clam over the last four weeks. From 22 July until 19 August 1995, HRFOR (Kigali) received 13 depositions on alleged human rights violations including 8 cases of alleged arbitrary and/or illegal arrests and detentions and 5 cases of alleged threats to life and/or alleged violations of the right to integrity and security of the person. 2 of the alleged 5 violations of the right to integrity and security of the person were linked to property disputes. The effective number of depositions has decreased. Generally, Government authorities cooperative as investigation of those incidents.

From 22 July until 19 August, HRFOR (Kigali) has conducted 30 follow-up investigations, including 15 alleged cases of arbitrary and/or illegal detention and arrest, 9 alleged cases of violations of the right to integrity and security of the person, 5 alleged cases of enforced and involuntary disappearances and 1 alleged case of violation of the right to property. 9 of the alleged human rights violations were linked to property disputes. Because of the confidential nature of these cases the security of witnesses and the necessity to continue investigations in cooperation with Government authorities it is not possible to reveal more information about these ongoing investigations.

As of 21 August 1995, the population of Kigali Prison was 9,928, including 341 women and 277 minors. There were also 74 infants in the prison with their mothers. Overcrowding is still the severe problem. The number of detainees continued to rise slowly over the last four weeks by an average of approximately 50 new arrivals per week. The juvenile and female prison population remained stable. Since 26 January 1995, only 17 women were released, out of whom 2 have been re-arrested. In the last weeks, several cases were reported to HRFOR (Kigali) where relatives have been denied their right to visit detainees.

On 5 August, Gikondo Brigade in Kigali Ville held 69 detainees, including 15 accused of genocide charges. The brigade is not overcrowded and the detention conditions are satisfactory.

As of 9 August, the juvenile rehabilitation centre in Gitagata, south of Kigali, was home to 148 minors, aged between 7 and 14 years. HRFOR continued its assistance to the Gitagata juvenile rehabilitation centre. TCU (education

conseiller has been arrested by the Bourgmestre in connection with the killings together with one RPA soldier and two other men who were old caseload returnees from Uganda.

On 4 August, a six year old boy was beaten to death by two drunken RPA soldiers in Nkanga, Gashora commune. The Bourgmestre together with local military authorities immediately arrested the two alleged perpetrators. Investigations are under way.

Organised repatriation by UNHCR of new caseload refugees from Burundi continued at a decreasing rate. In July 1995, 845 returnees passed through Dihiro transit centre, of whom 143 returned to communes in Kanzenze Sub-Prefecture. In June, the total number was 1,639 returnees. On 2 August, a delegation of refugees from Burundi visited Gashora to assess the security and economic situation in the commune. Further visits will be organised for Ngenda and Kanzenze communes. The general impression, however, is that the absorptive capacity of Kanazi Sub-prefecture is nearly filled. In the last week of July, a convoy of returning refugees was relocated to Butare, where the returnees also had family connections.

All three communes continued to report problems between returned old caseload refugees and the local population. HRFOR (Rilima) received several reports of property disputes and lack of housing for returnees. Frequently, IDP returnees have found their houses occupied by old caseload returnees or soldiers. Often, IDP returnees live in provisional shelters in vicinity of their homes. Local authorities did not seem interested in addressing these issues.

On 14 August 1995, Rilima Prison held 3173 detainees, including 300 prisoners of war (ex FAR soldiers) and 200 RPA soldiers. The maximum capacity of Rilima Prison is 1200. The 2637 civilian detainees included 12 women and 87 minors. In addition, there were three infants with their mother. The prison population continued to increase slowly by an average of 25 detainees per week. Overcrowding presented the single largest problem. Moreover, sanitary conditions were deplorable. However, detainees generally were well treated. No case files have been prepared. The registry has not been kept accurately.

Human rights field officers did not gain access to RPA detainees and prisoners of war. Generally, human rights field officers continued to have difficulties with access to detainees. Prison authorities insisted that visits by human rights field officers need to be prearranged. On 10 August, no access was granted. On 14 August, access was granted only after long discussions with the RPA security officer and after he was shown the Agreement between the UN High Commissioner for Human Rights and the Government of Rwanda. However, human rights field officers were not allowed to freely choose detainees to interview. Three detainees were brought by the RPA Security officer. The prison authorities insisted upon being present for interviews by human rights field officers.

HRFOR (Rilima) also visited communal cachots in Ngenda, Gashora and Nyamata. Bad sanitary conditions constituted a serious problem. On 9 August,

3. Prisons and Detention Centres

Centre for Human Rights participated in the meeting on the Prison Conditions in Rwanda held on 14 August 95 in Geneva and its follow-up activities. The HRFOR contributed to the preparation of the UN Action Plan on prison rehabilitation and expansion and have provided technical input into these plans.

4. Impunity and Genocide Initiatives

The lack of a sustainable governmental policy response to the genocide negatively impacts the present human rights situation. Given the immensity of the genocide, the fragile justice system's capacity is easily overrun. This lack of capacity creates a number of problems: impunity for genocide and gross human rights violations, arbitrary arrests and detention, inhumane conditions of detention, and conditions that stimulate revenge killings for lack of an adequate government response.

Since November 1994, the HRFOR has been working on contributing to a governmental process to create a sustainable response to the genocide. The workshop/summit on the question of genocide, impunity and accountability, aiming at the development of such a governmental policy, will bring top Rwandese policy makers together with leading international experts in this area to help develop a clear and coherent government policy in this regard based on international human rights standards.

The workshop/summit is tentatively scheduled for mid-October 1995.

Regarding the project on customary law, the preliminary report will be finalized by the end of August 1995. This project which brings together Rwandese researchers from three institutions is looking at traditional forms of justice to see how these can inform present day policy makers of options they have available to them.

5. Advisory Services on Legislation and Policy Making

During the period of recession of the National Assembly this past month, efforts in this area have been concentrated on identifying support to the Human Rights Commission of the assembly and to assisting in the creation of a national human rights body.

Importantly, a proposed law that will provide for the derogation of all legal procedures in cases related to the genocide, that was criticized by the HRFOR as being unnecessarily over-broad and unreflective of the progressive improvement in adherence to legal procedures by the Rwandese Government, has not yet been put into effect.

Work continues on assisting the authorities in improving arrest and detention procedures. Work has been done in regard to whether support should flow to the ad-hoc "Commission of Triage", as means to improve the human rights situation. The

HUMAN RIGHTS FIELD OPERATION IN RWANDA
COST PLAN
FROM 1 SEPTEMBER 1994 UNTIL END JUNE 1995
AND FORECAST 1 JULY - 31 DECEMBER 1995.

(in thousands of US Dollars)

Resources	Amount	Expenditure	Sept. 94 30 June 95 (actual)	Forecast July/Dec 1995	Gd-Total
Pledges <u>1/</u> as at 25 August 1995	9,494.1				
Contributions: as at 25 August 1995	7,226.7	A- Staff costs Salaries: 1,651.5 MSA & Travel: <u>2,360.3</u>	4,011.8	2,279.4	6,291.2
Advance CERF	3,000.0	B-Operational costs General operating expenses: 548.5 Supplies & materials: 164.4 Furniture & equipment: <u>686.7</u> Yet to be paid: Vehicles, Communication equipment and other material supplied from DPKO & UNHCR Total Operational costs	1,399.6 2,641.1	840.0 840.0	2,239.6 3,481.1
		Sub-Total expenditure	6,652.9	3,119.4	9,772.3
		13% Administrative Support Cost	864.9	405.5	1,270.4
		Total costs	7,517.8	3,524.9	11,042.7
		Balance <u>2/</u>	2,708.9	(816.0) <u>3/</u>	(816.0) <u>3/</u>
TOTAL	10,226.7	TOTAL	10,226.7	2,708.9	10,226.7

1/ Excluding the European Union contribution consisting of 33 fully equipped field officers corresponding to ECU 5 million = US\$ 6,377,551

2/ Does not include refund of the 3 million US\$ advance from CERF

3/ Over-expenditure or shortage in brackets

Administrative Office, HRFOR, Geneva
25 August 1995

Faxes.02

OFFICE DES NATIONS UNIES A GENÈVE



UNITED NATIONS OFFICE AT GENEVA

HAUT COMMISSAIRE AUX DROITS DE L'HOMME

HIGH COMMISSIONER FOR HUMAN RIGHTS

FAX TRANSMISSION

TO BE CODED

A - To : Ambassador Shaharyah Khan
Special Representative of the
Secretary-General in Rwanda
Fax: 26 - 33090

REF:

DE FROM : José Ayala Lasso

GENEVE. 24 August 1995

OBJET - SUBJECT: Human Rights Field Operation in Rwanda

Attached please find the text of a cable which I have sent to Mr. Aimé regarding the above subject and in particular Mr. Clarence's memorandum of 18 August 1995.

The mission mentioned in paragraph 3, will arrive in the evening of Monday 28 August 1995 and will seek a meeting with you as their first order of business on Tuesday 29 August 1995. Your guidance and information will be essential to the success of this mission and I hope that you will be able to assist them.

Warm and Best regards.

Please copy
to Mr BUC
28.8.95
WS




Télégramme : UNATIONS, GENÈVE
Télex : 28 98 98
Téléphone : 917 3134 - 917 2128
Téléfax : (022) 917 0245 - 907 0160/0214

Palais des Nations
CH- 1211 GENÈVE 10

Réf. N° : GM/jee
(à rappeler dans la réponse)

TELEFAX
URGENT

TO BE CODED - TO BE CODED

A/TO: Mr. Jean-Claude Almé Chief of Staff, EOSG	DE/FROM: José Ayala-Lasso High Commissioner for Human Rights 
FAX NO: 26.3.2155	FAX NO: (41-22) 917 0245 TEL NO: (41-22) 917 3031
DATE: 22 August 1995	PAGE ONE OF 3

Re: Human Rights Field Operation in Rwanda

1. I wish to refer to your cable of 21 August in which you referred to the message on the above subject from the Chief of the Human Rights Field Operation in Rwanda, Mr. William Clarence.

2. I have been following closely the developments relating to the technical cooperation activities of the HRFOR both in personal conversations with Mr. Clarence and by phone. The origin of the expressions of concern was a decision to place past confidence building measures - which must continue - in the context of an overall technical assistance programme. I approved a new structure designed to improve the programme but that new structure was not well understood by all staff. Last week, after discussions with Mr. Clarence and others I sent a message to all the staff of the HRFOR - copy attached - underlining the importance of the operation, asking for their continued cooperation and announcing that I would be sending a mission to discuss all aspects of technical cooperation with them.

/...

3. The mission, which will arrive in Kigali next Monday, 28 August 1995, will be composed of Mr. Thomas McCarthy from my office and Mrs. Dominique McAdams, the Coordinator of the United Nations Voluntary Fund for Technical Cooperation who has had extensive field service with UNDP. In this regard I would appreciate your facilitating authorization from your Office for this travel.

4. I have also decided that, because of the development in the nature of the operation in Rwanda it will be important to have a director with different experience than Mr. Clarence. I discussed this with Mr. Clarence last month. I thus hope to be able to appoint a new Director in November. This should help resolve the problem of the future direction of the programme in general and overcome some of the managerial problems which had been the subject of criticism. However, I will not be announcing my intention at present in order not to make the present situation more difficult.

5. I will be keeping you informed as matters develop.

Regards.

OFFICE DES NATIONS UNIES A GENEVE



UNITED NATIONS OFFICE AT GENEVA

HAUT COMMISSAIRE
AUX DROITS DE L'HOMMEHIGH COMMISSIONER
FOR HUMAN RIGHTS

MEMORANDUM

A - TO: All Staff Members
Human Rights Field Operation in RwandaDE - FROM: José Ayala-Lasso
High Commissioner for Human Rights

OBJET - SUBJECT:

GENEVA, 16 AUGUST 1995

The United Nations Human Rights Field Operation in Rwanda is an essential part of the efforts of the international community to help restore respect for human rights in Rwanda and has positively contributed to improving the situation of human rights in the country. This I have repeatedly stressed, including in my reports to the Commission on Human Rights and the General Assembly. I wish to take this occasion to sincerely thank all of you for your contribution to the effective implementation of this Operation under conditions which have frequently been very difficult.

Technical cooperation is one of the important activities of our Field Operation and is called upon to expand in the future. Through those activities, it has been possible to bring our Operation closer to the people of Rwanda and to contribute to mutual understanding. I am convinced that their confidence building nature must be a permanent component of our activities in Rwanda.

That is why I decided to further develop an effective and coherent technical cooperation programme and in this way to give a new impetus to our activities. However, I have been informed that some misunderstandings have emerged and created concern among staff of the TCU. Due to the importance of these questions, I have decided to dispatch a mission to Rwanda in order to analyze with you all the aspects of technical cooperation. While continuing good experience obtained in the field, especially with regard to confidence building measures, we should encompass new areas of needs. I wish to ask everyone to cooperate fully with my mission whose advice, founded on the dialogue with you, will allow me to take the necessary further measures.

Our role in the protection of human rights in Rwanda is a responsibility of historic proportions and I wish to take this opportunity to appeal to each member of the Field Operation to work toward that goal together in a spirit of cooperation and coordination, conscious of the importance of our obligation to the people of Rwanda. I want to assure you that I will do everything within my authority to contribute to your success.



Received
11/8/95
VIF

MEMORANDUM

TO: Mr. Chaim Ouziel
Chief Administrative Officer

c.c. Mr. Wilfrid De Souza
Executive Director

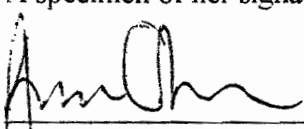
FROM: William Clarence
Chief, Human Rights
Field Operation in Rwanda

Vu

w3

W. Clarence

Appointment of Chief, Administration

1. This is to inform you that on 22 July 1995, Ms. Ann Carlson assumed the duty as Chief, Administration, HRFOR.
2. In future, all administrative issues should be channeled through her.
3. A specimen of her signature is affixed below.

Ann Carlson
Chief Administration HRFOR
4. Thank you for your attention.

UNITED



NATIONS

Human Rights Field Operation
in Rwanda
(HRFOR)

MEDIA RELEASE

AUGUST 3, 1995

**HRFOR Expresses Profound Preoccupation
Over Series of Murders in Gikongoro and Gitarama Prefectures**

The Human Rights Field Operation in Rwanda (HRFOR), following the brutal murder of eight Rwandans, among which was one religious authority and two sub-prefects from the Gitarama and Gikongoro prefectures, expressed its profound preoccupation today and called on the Government of Rwanda to step-up its efforts to stop such murders.

On July 27 a sub-Prefect from Gitarama was killed with four members of his family, on August 1 a priest and a civilian were killed in separate incidents, in the same prefecture, and on August 2 a sub-Prefect was killed in the Gikongoro prefecture.

The HRFOR called on the Government of Rwanda to take essential precautions necessary to protect all Rwandans and to intensify the effort to seek those guilty for these crimes.

The HRFOR, which has over 100 Human Rights Field Officers around the country, is intensifying investigations into these killings and other incidents in these prefectures. The HRFOR appealed to Governments with the necessary investigative personnel to urgently send a team of experts, under the auspices of the High Commissioner, to assist the Government of Rwanda to more thoroughly investigate these murders.

"This is a very worrying development," said W. Clarence, Chief HRFOR, "we are working on every level to help the authorities prevent further murders. The Government of Rwanda has a responsibility to bring those guilty of these crimes to justice. We will continue to closely follow the developments, and very much hope that a forensic team of experts will be seconded to the Operation in order to assist in this matter."

The HRFOR, which was established in September 1994, is the first Field Operation under the auspices of the High Commissioner for Human Rights. Part of the mandate of the HRFOR, which is based upon an agreement between the High Commissioner and the Government of Rwanda, is to investigate human rights violations and to facilitate short-, mid- and long-term solutions to human rights violations. The HRFOR has been supported by a number of countries since it began in September 1994 and presently has more than 30 human rights field officers provided by the European Union.

For further information contact Lee Woodyear, Info/Press Officer, in Kigali at (250) 73.720.

Ends

UNITED NATIONS



NATIONS UNIES

HIGH COMMISSIONER FOR HUMAN RIGHTS
FIELD OPERATION IN RWANDA

04 August 1995

Jan Anderson

DONOR BRIEFING REPORT - HRFOR

I have the honor to submit for your information another briefing report prepared by the Human Rights Field Operation on the current human rights situation in Rwanda and the activities of the Field Operation itself during the period under review.

Once again we would welcome any comments including further elements which you might consider useful.

Yours sincerely,

William Clarence

William Clarence
Chief Human Rights
Field Operation Rwanda

His Excellency Mr Shaharyar Khan
Special Representative to the Secretary General
Kigali

Please copy to

- Spokesman *goke*
- Mr Buu *same day*
- Mr Rafi
- Radio Unit
- 5-8-95 WS*

unhcr.unhcr.doc

HUMAN RIGHTS FIELD OPERATION IN RWANDA
(HRFOR)UPDATE ON THE ACTIVITIES OF THE HRFOR
13 JULY 1995 - 28 JULY 1995

I. STATUS OF DEPLOYMENT AND FINANCIAL SITUATION

As of 31 July 1995, there are 118 members of the HRFOR, composed of the following: 52 fixed-term staff; 40 UN Volunteers; 26 human rights field officers contributed to the HRFOR by the European Union. In the framework of technical cooperation projects, there are now 3 legal experts working with the Ministry of Justice, financed by the Voluntary Fund for Technical Cooperation in the Field of Human Rights. 17 legal experts intended to assist the Rwandese prosecutorial authorities in the preparation of case files will be deployed shortly.

The HRFOR has its headquarters in Kigali, and currently has 11 field offices: 9 prefectural headquarters (Butare, Cyangugu, Gikongoro, Gisenyi, Gitarama, Kibungo, Kibuye, Kigali and Ruhengeri), two additional offices in the southeast (Rwamagana and Rilima) and one sub-office at Nyamasheke in Cyangugu Prefecture.

A statement of pledges and contributions is attached which indicates the situation as of 24 July 1995. The statement shows that the HRFOR has to that date received voluntary contributions in the amount of US\$ 7,080,028.44. This, together with the US\$ 3 million, advanced from CERF, has enabled the entry into spending commitments for the months September 1994 to the end of June 1995 of US\$ 7.5 million.

II. HRFOR ACTIVITIES

A. General Situation

1. Refugee return

While the majority of refugees returning from Zaire through the border posts in Gisenyi are still old caseload, there is a noticeable increase in the number of returning refugees, who fled the country last year. In the area of Cyangugu most returnees are crossing at unofficial border posts. Hence their numbers are difficult to estimate.

The number of new caseload refugees returning from Burundi, while decreasing slightly into the Rilima area, has not diminished in the least in Butare Prefecture. The percentage of those returning spontaneously on their own and

those returning in UNHCR organized convoys varies by region, but the tendency seems to be that old caseload return in larger numbers spontaneously, and new caseload in UNHCR organized convoys.

In addition to the efforts of UNHCR to facilitate refugee repatriation, the willingness of local authorities to address the difficult issue of homes occupied by rescapés or old caseload returnees is having a positive impact. New caseload refugees from Burundi have been sufficiently encouraged by such efforts.

If current plans for improving the flow of information from the communes into the refugee camps outside of the country are fully implemented, the number of returning refugees could increase substantially in the coming weeks. A memorandum of understanding with UNHCR on the monitoring of conditions for returnees is currently under consideration.

2. Prison situation

The overpopulation in prisons and detention centres throughout the country remains a major preoccupation for the situation of human rights. The total number of detainees amounts to nearly 50,000. The 12 principal prisons, having a combined capacity of 12,250 detainees, quartered 38,364 individuals at the end of July (see annex). In addition, over 10,000 persons were held in communal cachots. Meanwhile, in certain prefectures, human rights field officers indicate that the populations in a number of prisons may be stabilising as a result of a decrease in arrests being carried out by local authorities. In particular, it seems that the arrests of returned IDPs and refugees in Butare and Gikongoro prefectures have occurred less frequently.

3. Commissions de Triage

A total of seven Commissions de Triage are currently functioning in the country. For instance, the Commissions in Cyangugu and Kibungo prefectures commenced proceedings in mid-July. In addition, two more Commissions in Gikongoro and Kibuye are scheduled to begin in the near future. Considering the number of individuals provisionally detained in the prisons of Rwanda, the rate at which the Commissions are reviewing case files remains insignificant. Presently, the Commissions alone do not seem to constitute an adequate solution to the problem of overcrowding in national detention centres. Only about 40 detainees have been released under the auspices of this institution during the month of July.

4. Incursions

Incursions have continued to occur on the western border of the country, though they no longer appear to be so closely related to banditry and theft. In Cyangugu Prefecture, a significant number of banditry acts was reported, particularly in the southern communes of Bugarama and Karengera. However, the majority of incidents that took place appear to have involved more targeted attacks

on certain individuals of the community. In the southern region of the Prefecture, two civil servants were killed and another attacked over the last two weeks. It is believed that all three attacks were perpetrated by Interahamwe. As a result, many inhabitants are particularly concerned about their safety and refuse to sleep in their homes at night.

In Gisenyi Prefecture, incursions have somewhat diminished, and those that have been reported do not involve incidents of theft. Instead, they are mostly related to an installation of Interahamwe in the Gishwati Forest and also to overnight stays with relatives. HRFOR (Gisenyi) reported one attempt to sabotage a local business in Gisenyi town for the period under review which may reflect a new phase in the strategy of those conducting infiltrations from Zaire. Yet, the fact that the individuals responsible for the attempted sabotage were, in fact, infiltrators has not been fully established.

In response to the deteriorating security situation in certain communes, local authorities have taken the initiative to develop a number of programmes to stabilise the area. In Cyangugu Prefecture, the bourgmestres in Bugarama, Cyimbogo, Karengera, and Gishoma communes have organised civilian patrols that operate in conjunction with the RPA. The patrols are made up of men from each cellule who guard a group of homes during the night. A patrol of this kind is also functioning in Runda commune, Gitarama Prefecture where incidents of theft have resulted in a number of deaths. In addition, authorities have recently made pleas to the local population to refrain from harbouring individuals from Zaire in their homes. The RPA has also shifted the positioning of their troops to protect threatened populations.

B. Prefectures

1. Butare

The situation of human rights in Butare Prefecture appears to have improved in the last weeks. HRFOR (Butare) registers no major violations of human rights and indicates that the number of prefectural arrests has diminished.

Refugees from Burundi continue to return to the Prefecture at a significant and constant rate. Between 1 and 14 July, 1,650 persons, mostly from the Magara, Ruvumu, and Kibenzi refugee camps in Burundi, repatriated by way of the Akanyaru border post. Among these refugees, 1,215 returned by UNHCR organised convoy. The majority of those who have returned recently with UNHCR assistance had fled the country last year. They have settled in Kibembe, Nyaruhengeri and Gishamvu communes in the south of the Prefecture.

In Kigembe, the bourgmestre reports that 3,242 refugees have returned to the commune and registered with local authorities during the period from 13 June to 13 July. Of this number, only 185 have arrived via UNHCR organised convoy. Reception centres have been established in the sectors where UNHCR is providing

essential goods to assist the returned refugees. On 19 June, HRFOR (Butare) interviewed some ten returnees in Kigembe commune. The interviewees explained that repatriates in the commune have resettled in their former homes without incident. Apparently, a number of them currently cultivate crops at their former property during the day and return to the sector reception centres to sleep at night.

Human rights field officers recently visited the communes of Huye, Gishamvu, and Mugusa to evaluate the situation for returned IDPs. They indicate that most returnees have successfully reinstalled in their homes. Some of them have taken up agricultural activities with the material assistance of neighbours. Human rights field officers note their security to be satisfactory.

As of 20 July, 6,610 detainees were incarcerated at the Butare Prison, including 216 women and 91 minors. There were also 58 infants with their mothers. Overcrowding continues to be a problem although the population has recently stabilised, presumably due to the general reduction in the number of arrests. A kindergarten for the infants in the prison was recently established. Clothing was also distributed to the infants by Terre des Hommes at the end of June.

As of 20 July, Nyanza Prison quartered 1,368 detainees of which 81 were women and 24 minors. A detainee died of AIDS on 28 June. This is the seventh death from AIDS registered at the prison since its opening in April. In general, the conditions of the prison remain satisfactory despite the continued transfer of large numbers of detainees from communes. Most recently, 102 detainees were transferred to Nyanza from Rusatira and Rashasha communes on 8 July. In addition, 225 detainees were transferred from Gitarama Prison on 14 July. Transport for these detainees was provided by UNAMIR with an RPA escort. Human rights field officers and representatives from ICRC were present. An extension to Nyanza Prison is under construction to assist in receiving the increase in new arrivals. HRFOR (Butare) continue to provide office supplies to the prison authorities at Butare and Nyanza prisons to assist them in their work.

Human rights field officers visited six communal cachots over the last two weeks. Communal detention conditions are generally reported to be poor due to overcrowding. In Mugusa commune, for instance, 237 persons were detained at the time of the HRFOR visit. In Maraba, 170 people were quartered at the cachot. However, in Mbazi commune, human rights field officers indicate that detention conditions have improved since their last visit. In the six cachots visited, no signs of maltreatment were noted.

The Commission de Triage was finally established in the Prefecture at the end of June. It currently operates under the supervision of the Prosecutor of Butare. At the moment, members of the Commission are still reviewing case files and do not expect to make any releases before August.

2. Cyangugu (and Nyamasheke)

The current situation in the Prefecture is tense due to incidents which have occurred both in Cyangugu itself and across the border in the refugee camps of Zaire. Shooting took place at the Rwandan-Zairian border near Panzi refugee camp on 12 and 18 July, resulting in the death of 3 persons, including one RPA soldier. Local civil authorities believe that the incident of 18 July involved infiltrators from Zaire, since they have had an increased presence at the Cyimbogo border points in the last weeks.

Armed attacks have continued to occur regularly in the Prefecture. HRFOR (Cyangugu) registered ten such incidents for the period under review, most of which occurred in the southern communes of Bugarama and Karengera. In total, the ten incidents resulted in the death of seven people, two of which were civil servants.

The Counsellor of Muhehwe sector, Bugarama commune was killed by a group of armed men near 17:00 hours on 6 July. Witnesses claim that two of his assailants were former residents of the sector who fled to Zaire last year. The Chief of Mubombo cellule, Bugarama commune, was killed on 12 July by an unidentified group of armed men. In addition, the former Sector Counsellor of Muganza was killed on 11 July while on civilian watch patrol in the area. Apparently, the watch patrol, consisting of ten men, was attacked by six unidentified men armed with rifles and grenades. Three other civilian parolers were injured and hospitalised at the Medecins du Monde dispensary in Bugarama.

In Bugarama, many inhabitants are afraid to spend the night in their homes for fear of attack. Likewise, the security situation in Karengera commune is poor. A group of seven infiltrators, identified as former inhabitants of the commune, have entered Karengera a number of times in the last weeks to threaten civil authorities and wealthy members of the community. Most recently, the group came to the commune to perpetrate an attack against the Chief of Nyamuzi cellule on 10 July. The Chief was not injured.

In order to respond to the deteriorating security situation, Prefectural authorities have established unarmed civilian watch patrols to work in coordination with the RPA in the reported trouble areas. In Bugarama, Cyimbogo, Karengera, and Gishoma communes, civilian patrols are functioning nightly. In Bugarama commune, the bourgmestre explained that each household in the cellule is required to send one man to join the patrol. The watch patrol is responsible for guarding a unit of ten houses from 19:00 to 05:00 hours.

A steady influx of refugees returned to Cyangugu from Zaire during the month of July. The majority of refugees returned via unofficial border points. HRFOR (Cyangugu) reports estimated figures for several communes. In Kamembe, 400 refugees returned during the period from 30 June to 11 July, and in Gafunzo commune, 800 refugees returned since the month of June. Thus far, no attacks have been reported against returnees.

Human rights field officers learned that the Bourgmestre of Kirambo commune sent four recently returned refugees back to Ijwi Island during the first week in July in order to encourage other refugees to return to the country. Since that time, the four individuals have not returned to Kirambo commune. Certain sources indicate that they were captured by Interahamwe forces in Zaire and not allowed to return.

As of 17 July, 2,001 detainees were quartered in Cyangugu Central Prison. Among them were 26 women and 40 minors. Two detainees died of dysentery in the prison during the week of 10 to 17 July. Overcrowding is still a concern. Human rights field officers visited the former detention centre in Mibilizi commune with the Prison Director to evaluate the possibility of using the site as an annex to the central prison. The building measures 275 square meters which the Director believes could hold some 800 detainees.

Human rights field officers conducted visits to some 15 communal cachots and military detention centres over the last two weeks. Detention conditions were unsatisfactory in the Gatara, Kagano, and Kirambo cachots due to overcrowding. In Kagano, 196 people were detained at the time of the HRFOR visit. In Kirambo, 201 individuals were held in the cachot. Two new detention centres are scheduled to open soon. One centre will function as a brigade in Rwesero Sub-Prefecture, and the other as a communal cachot in Bugarama.

The Commission de Triage convened for the first time on 13 July. An earlier establishment of the Commission had apparently been blocked by the reluctance of certain military officials to participate. The Commission met a second time on 20 July during which time ten case files were examined and six detainees released. The members of the Commission include the Prosecutor, the Head of the Gendarmerie, an RPA representative, and a representative of the Service de Renseignements Préfectoraux.

HRFOR (Cyangugu) reported that the problem of local authorities imposing fines for the release of detainees has been for the most part resolved. In Nyamashake commune, where it was a particular problem, there have been no reports of the imposition of fines since the Prosecutor met with RPA representatives in the area. Human rights field officers also indicated that four rescapés who allegedly attacked and killed a civilian in Gishoma commune on 20 June were released from the Gishoma communal cachot in mid-July. They have contacted local authorities to learn the precise circumstances surrounding the release of these four suspects.

The International Rescue Committee recently completed its rehabilitation work of the Tribunal de Première Instance and the Appeals Court. The Tribunal de Première Instance is scheduled to begin work on criminal cases in the end of July. Human rights field officers provided office supplies to the Parquet and the Tribunal de Première Instance and offered logistical assistance and transportation to the Inspectors of the Judicial Police last week.

HRFOR (Cyangugu) has continued an active programme of human rights education in the Prefecture. On 13 July, human rights field officers held a third seminar in Kagano commune, during which the President of IKIREZI, a local women's association, made a presentation. On 15 July, HRFOR (Cyangugu) participated in a two-day meeting organised by the Prefect to debate the role of married women in the structure of the Rwandan family. There, human rights field officers spoke to a group of some 300 inhabitants about the international protection of women.

In addition, HRFOR education seminars were held in Cyimbogo and Bugarama communes on 17 and 19 July respectively. Human rights field officers also conducted a session for students at the Frank Adamson Secondary School in Kibogora commune on 20 July. This was the first student seminar organised by HRFOR (Cyangugu). Roughly 300 students and 50 school teachers attended.

3. Gikongoro

No human rights violations were reported to HRFOR (Gikongoro) over the last three weeks. However, local authorities mentioned that several banditry incidents took place, the majority of which were perpetrated in Kivu and Mudasomwa communes. During the evening of 9 July, an inhabitant of Kivu commune, Muganza sector, was killed by unidentified bandits who were attempting to break into his home. On 4 July, in Musebeya commune, Nyarwungu sector, three assailants attacked two rescapés who had recently reinstalled in their former home. In each of these two incidents, the alleged perpetrators were apprehended by RPA and taken into detention.

During the period under review, HRFOR (Gikongoro) continued to evaluate conditions in the communes for returned IDPs in the Prefecture. In order to obtain the most accurate information concerning IDPs, human rights field officers focused much of their work on the Joint Communal Committees in Karama and Musebeya. The Committee in Musebeya commune now estimates that 1,995 IDPs have returned to the region in the last three months. A Joint Committee in Rukondo commune was also recently established and has been functioning for the last two weeks. Two new committees in Kivu and Nshili communes are scheduled to convene in the coming weeks.

According to the Bourgmestre of Kivu, 70 refugees from Burundi returned to the border commune during the period from 4 to 8 July. Additionally, some 10 refugees were reportedly arriving to the commune each day in late June. None of the refugees returned in the framework of UNHCR organised repatriation.

As of 13 July, the Gikongoro prison held 900 detainees, of which 12 were women and 17 minors. On that same date, seven detainees were released from the Gikongoro Brigade, while 28 others were arrested, according to Brigade authorities. Between 10 and 14 July, human rights field officers visited the cachots of Kinyamakara, Kivu, Musebeya, and Nshili. Conditions were generally satisfactory

although human rights field officers noticed that certain detainees in Kivu cachot may have been maltreated.

Human rights field officers gained access to the Musange communal cachot on 3 and 14 July. These were the first visits to the Musange detention centre in several months, due to the refusal by local authorities to grant field officers access to detainees. Conditions were poor. The 14 detainees were held in a dark cell with no windows. Several of them appeared to have been beaten and a number of them said they suffered from malaria. Following their visits, HRFOR (Gikongoro) alerted ICRC to the situation at Musange the detainees need for medical attention.

The Commission de Triage has not yet convened due to material and logistical problems. However, once established, the Prefect of Gikongoro has expressed his hope that human rights field officers would attend its proceedings and review of case files.

On 23 July, human rights field officers participated in a meeting organised by the Women's Network and Trocaire, a local and Irish NGO respectively. The focus of the meeting was to identify the particular needs of women survivors of the genocide and to put together a plan for taking their testimony.

Human rights field officers recently met with 16 child survivors of the genocide at an orphanage in Kirambo commune. The majority of them were seriously traumatised by the events of last year and were unable to follow a regular schooling programme.

The Bourgmestre of Musange was reportedly removed from his position during the first week in July after several rescapés publicly accused him of having participated in acts of genocide. Human rights field officers are presently looking into the case in all its aspects.

4. Gisenyi

Incursions from Zaire continue to be a concern in the Prefecture. Interahamwe and former government forces are now reported to be passing through Kayove commune to establish small bases in the Gishwati Forest. Human rights field officers received reports that some infiltrators recently planted mines in the forest, but this information is not yet verified. Incursions involving incidents of banditry have occurred less frequently in the last two weeks. Instead, it appears that those infiltrating from Zaire may be concentrating on a more permanent installation in the area.

For instance, on 29 June, five persons were killed and two injured during an exchange of gunfire at a residence in Kayove commune, Kigeyo sector. The incident took place after four men armed with guns and grenades who identified themselves as Interahamwe entered a home and demanded a meal and a place to sleep. When RPA soldiers, who had been alerted by a member of the family, arrived

on the scene and surrounded the house, fighting broke out from both sides. Two members of the family were killed and another injured. In addition, three of the Interahamwe were killed. The fourth was apprehended by RPA and taken into detention.

An attempted act of sabotage, in which two night watchmen were killed, occurred on the night of 30 June at the Electrogaz water filtration plant near Gisenyi town. According to military authorities, the unidentified assailants set two TNT-type explosives to destroy the pumping mechanism of the plant. The Electrogaz plant is currently operational, but at reduced capacity. No arrests have been made in connection to the incident.

In Kayove commune, two armed individuals in military uniform fired at a private truck on 5 July at 23:30 hours. No one was injured, but the vehicle was fully burnt out by the gunfire. Following the event, RPA soldiers searched a number of nearby homes in pursuit of the assailants but were unable to locate them.

Human rights field officers report an increase in returning refugees from Zaire, through both spontaneous and organised repatriation. Most of the returnees continue to be those who had fled the country in 1959 although a greater number of refugees from 1994 are now coming back. From 3 to 14 July, 1,049 refugees from Zaire crossed the border spontaneously. Many of them were met at the border by UNHCR representatives and accompanied to their communes or to the refugee transit camp. In addition, from 10 to 14 July, 423 refugees arrived in Gisenyi Prefecture by UNHCR organised convoy from the Katale, Muringa, Kibumba, and Lac Vert camps in Zaire. The majority of them originate from Ruhengeri, Kigali, and Byuma prefectures. Human rights field officers plan to follow closely the movement of refugees from the transit camp to their home prefectures. Only a few arrests have taken place at the border, mostly of former government soldiers. It must be noted that, in general, RPA troops are said to be carrying out their work in a professional manner.

The refugee transit centre at the former UNAMIR camp in Mkamira commune is now fully operational. Cooperation Internationale, an Italian NGO, is in charge of logistics and the World Food Programme is handling all food distribution. UNAMIR troops are constructing sanitary facilities and providing security with the assistance of the RPA. Refugees normally stay at the transit centre for a maximum of three days, but apparently certain refugees from 1959 must stay longer because they do not have permanent homes in which to live. The Prefect is currently working to identify sites in the Prefecture for the resettlement of these refugees.

While lack of housing is a difficulty for many refugees from 1959, it is not reported to be a problem for those who fled the country last year. Upon arrival in their communes, refugees from 1994 have presented themselves to their sector chiefs who have then arranged for those living in their homes, often refugees from 1959, to vacate the premises within 15 days. In many cases, 1959 occupants have moved to another empty house before the deadline. In other cases, they are

reported to have moved to Kibuye or Kibungo prefectures in search of available housing.

Thus far, all disputes over property have been resolved at the communal level, though some local authorities indicate that property affairs are becoming too much for them to handle on their own. A commission was recently set up at the Prefecture to address the lack of housing in Gisenyi, but no projects have yet been approved. Human rights field officers are collecting information on the living conditions of returnees to assist authorities in managing the inflow and, thus, reduce the possibility of conflict.

HRFOR (Gisenyi) is also working with UNHCR, NGOs, and local authorities to formulate various approaches which may encourage refugees in Zaire to return to the country. One proposition under review involves the temporary going back of recently returned refugees to the camps in Zaire, in order to describe their repatriation experience and give factual information about the situation in their home communes. It is believed that such a process may help to combat adverse propaganda in the camps about the situation in Rwanda.

As of 21 July, the population of Gisenyi Central Prison was 1,244 detainees, including 26 women and 35 minors. In addition, there were 10 infants with their mothers. The Director of the Prison has again begun to accept prisoners without an arrest warrant as long as a case file has been opened for the detainee and transferred to the Parquet. On 13 June, Kabaya Prison held 32 detainees. Human rights field officers visited the cachots of Kayove, Mutura, and Rwerere communes last week. Detention conditions were satisfactory.

The Commission of Triage met on 12 July. During the meeting, 12 case files were reviewed, and seven detainees released. According to the Officier du Ministère Publique, logistical problems which inhibited members of the Commission from meeting regularly in the past have been resolved. The Commission is now scheduled to meet twice weekly. Thus far, 11 case files have been prepared for consideration. The Officier du Ministère Publique has signed a total of 279 case files. Apparently, the rate at which the Parquet is opening files has decreased in the last two weeks. In response to this decrease, the Chief Inspector of the Judicial Police has proposed that each Inspector of the Judicial Police open at least five case files each day he works at the prison. At this rate, nearly 100 new cases would be opened by the Parquet each week.

Human rights field officers recently visited Batwa communities in the southwest sectors of Kayove commune. Before the war, 307 Batwa lived in the commune. Today, there are only 50. Local authorities maintain that many of them fled the country last year and are now in refugee camps in Zaire.

Along with a number of local women's associations, human rights field officers participated in a seminar on the rights of women in Rwerere commune from 10 to 13 July. The seminar was organised by the Inspector of Schools and a

number of teachers who had attended an HRFOR human rights seminar in March. Over 70 people were present, including local civil and military authorities. Human rights field officers also met with the representative of the Ministry of Family and Women's Affairs as well as various women's groups in Kayove commune to identify the needs of women in the Prefecture in terms of human rights.

5. Gitarama

Between 12 and 22 July, HRFOR (Gitarama) has visited Kigoma, Mugina, Runda, Mussambira and Taba communes. Bourgmestres reported numerous banditry acts. The Bourgmestre of Runda has set up civil patrols to respond to the deterioration of the security situation. According to the bourgmestre, these civil patrols arrested several thieves who were handed over to the authorities.

Mugina, Mussambira and Masango were the communes that were most seriously affected by acts of banditry and thefts. On 7 July, a man was beaten by an RPA soldier. On 9 July, two RPA soldiers shot and killed one man and seriously injured two others. The reason for these crimes could not be determined in either of the two incidents. Local authorities indicated to human rights field officers that the suspected perpetrators have been arrested. They are to be transferred to Kigali in the near future to await their trial.

According to official sources, 739 refugees have returned from Zaire and Tanzania to Runda commune between May and July 1995. The reintegration of these refugees is facilitated by a project coordinated by Caritas, ARDEC and World Food Programme to rehabilitate 783 houses that were damaged during the war. A total of 170 houses has already been restored.

As of 25 July, the population of Gitarama Prison was 6,425, including 218 women and 64 minors. There were also 22 infants with their mothers. According to the director of the prison, 978 detainees have died at the prison and 72 have been released since July 1994. HRFOR (Gitarama) also visited the communal cachots of Mugina, Massambira and Runda. Detention conditions are generally unsatisfactory. Human rights field officers have noticed in one communal cachot that some detainees had been beaten.

On 1 July, one detainee was shot dead by a military guard at the communal cachot at Nyamabuye. According to official sources, the incident occurred near 22:00 hours when the detainee tried to escape from the cachot. The prosecutor indicated that the victim was a judge who had been arrested on 28 June. Apparently, the Bourgmestre of Nyamabuye had accused the man of having instigated the local population to "civil disobedience". The victim was scheduled for transfer to Kigali on 2 June for a meeting before a judge. Communal authorities indicated that the military guard who killed him was arrested. HRFOR (Gitarama) continues to investigate the case.

The Commission de Triage continues to examine dossiers of detainees. One human rights field officer assists in the preparation of the dossiers. At its session in the first week of July, the Commission de Triage released 7 detainees.

On 18 July, HRFOR (Gitarama) organised a seminar on tolerance. About 160 people participated at the seminar, among others, civil and military authorities of the Prefecture and 4 representatives of the National Assembly. The Deputy Chief of HRFOR presented the role and function of the human rights operation in Rwanda. The causes of the genocide as well as possible ways to establish a society of tolerance were discussed during this one day seminar.

6. Kibuye

HRFOR (Kibuye) reports that arrests have increased over the last two weeks. In certain communes, arrests are allegedly carried out by groups of soldiers and civilians, without proper arrest warrants. Human rights field officers are working with local authorities and the Inspectors of the Judicial Police (IPS) to put an end to these practices.

Local authorities have apparently instructed inhabitants to refrain from allowing people from Zaire to stay in their homes. Interahamwe elements are also reported to be present in the border area of Gitesi commune. Interahamwe coming from Zaire have reportedly been recently entering the northern commune of Rutsiro where they are said to stay with relatives. In certain instances, they are alleged to have been responsible for incidents of banditry in the area.

On 2 July, fourteen people fleeing by boat to Zaire were shot, allegedly by RPA soldiers, in Gishyita commune, Mpembe sector. Following the incident, the RPA recovered seven of the corpses from the lake and buried them. HRFOR (Kibuye) is conducting an investigation to verify the number of casualties caused by the incident.

During the month of July, 700 refugees were transported by UNHCR to Kibuye Prefecture, Rutsiro commune, after voluntarily repatriating through Gisenyi border posts. Most of them had fled the country in 1959. They are currently being offered food and shelter at a UNHCR transit station at the commercial centre of the commune. Some 60 refugees originating from Gitesi commune immediately returned to their homes by foot upon their arrival in the Prefecture.

As of 13 July, Kibuye Central Prison quartered 1,758 detainees, of which 45 were women and 25 minors, as well as three infants with their mothers. The prison remains overcrowded. Human rights field officers have interviewed and registered 1,739 of the detainees. According to prison authorities, a female detainee attempted to escape during the first week in July. She had previously been transferred from the prison to Kibuye Hospital, after she had been beaten by other detainees. Upon her recovery, she escaped from the hospital to go home. On 6 July, she was apprehended by RPA soldiers and remitted into detention.

Human rights field officers received information that three individuals were detained for at least a week in a three-meter deep hole in Mabanza commune, Nyagatovu sector.

The Commission de Triage has still not convened due to the absence of a Prosecutor and Substitute Prosecutor in the Prefecture. However, a Substitute Prosecutor was named by the Ministry of Justice last week and is expected to arrive in Kibuye at the end of July. The Commission is scheduled to begin its work following his arrival.

Human rights field officers transported an Inspector of the Judicial Police to Gisovu commune in order that he visit the cachot and speak to the bourgmestre about certain case files. They also distributed office material to the Kibuye Parquet and the Bwakira communal court building.

HRFOR (Kibuye) located a mass grave containing victims from the genocide in Rwamatamu commune. The grave is located between a school and church in Butembo sector and measures two meters wide by 100 meters long. Human rights field officers are now endeavouring to locate witnesses in the area who may be able to give more detailed information regarding the massacre that took place at the site.

Human rights field officers recently accompanied the Subprefect of Ngoma to three communal meetings, where they made presentations on the promotion and protection of human rights. The meetings took place in Rwamatamu commune on 5 July, in Gishyita commune on 9 July, and in Gisovu on 14 July. During their presentations, human rights field officers underlined the rights of women and children. In addition, HRFOR (Kibuye) organised and conducted a one-day human rights seminar on 19 July for the Subprefects and Bourgmestres of the Prefecture.

7. Kigali

In the last few weeks HRFOR (Kigali) experienced an increase of depositions and of requests for intervention with Government authorities. From 15 June until 22 July 1995, HRFOR (Kigali) received 23 depositions on alleged human rights violations, including one alleged involuntary disappearance, 18 alleged arbitrary and/or illegal arrests and detentions, one alleged threat to life and property disputes. It should be noted that half of the alleged arbitrary and/or illegal arrests and detentions were reportedly linked to property disputes. Most depositions referred to incidents that occurred a few months before they were reported to HRFOR (Kigali). Depositions on alleged current human rights violations have decreased. Moreover, Government authorities were generally willing to collaborate in investigating these incidents.

However, access to Kigali Prison has been difficult. Repeatedly, prison guards searched human rights field officers at the prison entrance. Moreover, on several occasions, be forced on prison guards insisted on reading documents before

and after prison visits. On 6 July, a human rights field officer was refused access for not allowing guards to read confidential documents before entering the prison. She went directly to the Muhima Brigade and met with the Commandant of the Gendarmerie of Muhima and with the RPA Captain overseeing the visits process, to protest against these practices, which violate the terms of the Agreement between the Government of Rwanda and the United Nations High Commissioner for Human Rights. With a note from the Commandant, the human rights field officer was allowed to enter the prison. The human rights field officer has since visited the prison without further problems.

As of 19 July 1995, the population of Kigali Prison was 9,080, including 335 women and 227 minors. There were also 75 infants in the prison with their mothers. Overcrowding of the prison still constituted its largest problem. The number of detainees continued to rise slowly by about 50 new arrivals per week. Few detainees manage to be freed on remand. At the end of June, six detainees were freed, all of whom had accused of common law offenses, not genocide. In July, the Commission de Triage met three times and released 12 detainees, all charged of participation in the genocide.

The Prison Director expressed his dissatisfaction that RPA soldiers arbitrarily decided who would be authorized to visit the detainees. Moreover, detainees complained about the presence of many RPA informants in the prison.

HRFOR (Kigali) has conducted 16 in-depth investigations in the last three weeks, including 12 alleged cases of arbitrary and/or illegal detention, and 4 cases of property disputes. The confidential nature of the cases and the necessity to continue investigations in collaboration with Government authorities does not allow to reveal more information about these ongoing investigations.

On 17 June, HRFOR (Kigali) was informed of the second arrest in six months of the coordinator of a local NGO acting on behalf of unaccompanied minors and child prostitutes. The victim was beaten, strangled and his life threatened during the interrogations, before being released after an intervention by a local RPA commander. Recently, the man has left the country for fear of his life.

On 3 July 1995, HRFOR (Kigali) was informed of the death on 1 July of a detainee in Kigali Prison, whose case had first been brought to the attention of HRFOR in March. The man had been arrested on 22 March 1995 on suspicion of having participated in the genocide. HRFOR (Kigali) had prepared a preliminary report on his case which indicated that the charges against him were groundless. Subsequent actions had been taken by high ranking Government authorities in order to have a full inquiry into the case. Despite the fact that the prosecutor's investigations had not revealed any concrete evidence against him, he was transferred to Kigali Prison, where human rights field officers interviewed him. At the time of his transfer to the Kigali Prison, he was badly beaten by the RPA guards, and sustained life threatening injuries. HRFOR (Kigali) conducted 11 interviews, which revealed that the overwhelming contention of medical staff, as well

as of long time friends, was that the serious mistreatment before his incarceration had eventually provoked his death.

From 1 to 22 July, HRFOR (Kigali) visited eight communes in the two prefectures. Human rights field officers met with local authorities, interviewed local population and inspected communal cachots. On 20 July, HRFOR (Kigali) visited Gikoro and Gikomero communes together with the Prefect of Kigali Rural. Overcrowding constitutes a serious problem in most cachots. In Gikoro, for example, 439 detainees are held in inhumane conditions. A number of detainees are required to stand at all times because of the lack of space.

Human rights field officers continue to follow the proceedings of the Conseil de Guerre. On 21 July, a lieutenant was sentenced to four months in prison and 1,7000 Rwandese Francs damages for firing his weapon and accidentally wounding a soldier.

On 17 July, three human rights field officers visited the Tribunal de Première Instance in Kigali and met with the President of the Tribunal to assess needs for material assistance. The physical condition of the court building is deplorable. Throughout the conversation with the President he reiterated the enormity of the court's workload. The court has been trying civil cases since September 1994 and criminal cases since January 1995. It only tries cases concerning common law offenses, and genocide cases have not yet been tried.

Once a week, HRFOR (Kigali) holds a meeting with the Prefect of Kigali Rural to discuss the general human rights situation and to inform him on actions taken by human rights field officers. These common efforts have proven to be very helpful in addressing specific cases of alleged human rights violations, as well as in assessing the general human rights situation. Similar bi-weekly meetings are held with the Prefect of Kigali Ville.

8. Rilima

The general situation in the Sub-Prefecture Kanazi is calm, with the exception of Ngenda commune, where IDP returnees were repeatedly harassed by old caseload returnees, in Kavumu, Nyakayaga and Burenge. According to UNHCR registration figures, 36,818 IDPs have returned to Kanazi, mainly from the IDP camps in Gikongoro Prefecture.

Organised repatriation by UNHCR of new caseload refugees continues, however, at a decreasing rate. Since February 1995, UNHCR has transported 3,712 new caseload returnees from Burundi via the transit centre in Dihiro, Gashora commune, to various locations, mainly in Kibungo. Of that number, only 478 have returned to communes in Kanazi Sub-Prefecture. At the same time, there is a steady influx of old caseload refugees returning from Uganda and Zaire to Kanazi. From May to July 1995, 723 old caseload refugees have returned to the three communes of Kanazi.

All three communes report problems between returned old caseload refugees and the local population. HRFOR (Rilima) continues to receive reports of property disputes and lack of housing for returnees. Frequently, IDP returnees have found their houses occupied by old caseload returnees. HRFOR (Rilima) has met with the Sub-Prefect of Kanazi, the local RPA Commander and the Bourgmestre of Kanzenze to discuss property rights and the need to provide housing to old caseload returnees.

On 7 July 1995, HRFOR (Rilima) was permitted to visit Rilima Prison for the first time. The prison currently holds 3095 detainees, including 300 (ex FAR soldiers) and 170 RPA soldiers. The maximum capacity of Rilima Prison is 1200. The 2325 civilian detainees included 12 women and 64 minors. In addition, there were two infants with their mother. Overcrowding presents the single largest problem and sanitary conditions are deplorable. However, detainees generally are well treated. No case files have been prepared. Human rights field officer did not receive access to RPA detainees and prisoners of war.

HRFOR (Rilima) also visited the communal cachots of Ngenda, Gashora and Nyamata. Overcrowding and bad sanitary conditions constitute serious problems. Human rights field officers initiated the transfer of 107 detainees from the overcrowded Ngenda communal cachot to Rilima Prison.

On 11 July 1995, 30 detainees accused of genocide were freed from the Gashora cachot due to the lack of evidence against them, following an intervention by human rights field officers. On 21 July, a human rights field officer visited the Ngenda communal cachot and discussed arrest and detention procedures with the local IPJ. After these discussions, the IPJ released three detainees, two charged of theft and one of genocide, because of lack of evidence.

On 21 July, a human rights field officer visited Nyakayaga (Ngenda commune) and met with the chief of the cellule. The chief was unwilling to cooperate. Later, he accused the human rights field officer of having assaulted him. As a result, the human rights field officer was held at a road block by RPA soldiers for half an hour and released only after another soldier could refute the charges. The next day, the human rights field officer was accompanied to the road block by the local RPA commander to discuss the matter and to avoid further incidents.

On 25 July, however, access to Nyakayaga was denied again by the same RPA soldiers. At a meeting with the bourgmestre of Ngenda and the local RPA commander, the human rights field officer was told that subsequently he would be allowed to interview local population only in the presence of local authorities. HRFOR (Rilima) has arranged bi-weekly meetings at the office of the Sub-Prefect with civil and military authorities of Kanazi to discuss human rights. Moreover, weekly coordination meetings are held in the communes with local authorities.

9. Ruhengeri

The situation in the Prefecture is quiet. HRFOR (Ruhengeri) does not report any grave violations of human rights and notes a significant improvement of the situation in certain communes. The improved situation is believed to be the result of HRFOR intervention at the local level and of an increased presence of human rights field officers in the area.

During the month of June, HRFOR (Ruhengeri) registered five reports of alleged arrests and detentions by RPA soldiers at the Institut Supérieur d'Agriculture et Elevage (ISAE) in Mukingo commune. In four cases, the detainees were held for a 24-hour period, during which time they were allegedly beaten with sticks. In the fifth case, the detainee was held for several days and beaten repeatedly with an electric cord. Upon receiving these reports, human rights field officers alerted the RPA commander in Ruhengeri and made increased visits to the commune. Presently, those individuals who were previously detained at the centre are not subjected to ill-treatment and threats by local RPA. At the same time, there are no further reports of illegal detention at ISAE.

As of 14 July, the population of Ruhengeri Central Prison was 1,428, including 20 women and 27 minors. In addition, there were 6 infants with their mothers. The prison remains overcrowded, though human rights field officers note a decrease in the number of weekly transfers. Two detainees died this month of illness, one on 4 July and the other on 11 July. Three detainees, none of whom were accused of genocide, were provisionally released by the Substitute Prosecutor on 12 July. These were the first releases from the prison since 23 June.

Human rights field officers visited the Ruhengeri Brigade on 6 July. While the population was officially reported to be 97, human rights field officers saw only 74 detainees during their visit. Sanitary conditions were poor and certain detainees had been held there for as long as four months. Last week, human rights field officers made visits to eight communal cachots where they found detention conditions to be satisfactory. They indicate that conditions in Nduso cachot have greatly improved since last month. The cell is now regularly cleaned, and there are no reports of maltreatment.

In conjunction with the Ministry of Family and Women Affairs, HRFOR (Ruhengeri) has begun a series of regular meetings with local women's associations to promote the rights of women and children. The first meeting was held in Nkuli commune on 7 July and attended by some 300 women. Human rights field officers made a presentation on women's rights with particular emphasis on principles of non-discrimination. Additional presentations were made in Nyakinama and Mukingo communes on 10 and 13 July respectively.

HRFOR (Ruhengeri) has begun working with the Batwa community in order to identify the effects of the genocide on this sector of the population. Last week, human rights field officers interviewed a number of Batwa families in Mukingo and

Nkuli communes. Before the war, 200 Batwa lived in the two communes, but today only approximately ten remain. According to those interviewed, only a small number of Batwa were killed in the Prefecture last year. Local authorities report that the rest of the Batwa population fled to Zaire following the war.

10. Rwamagana (and Kibungo)

The general situation in Kibungo Prefecture is calm. On 6 July, a delegation of refugees came from Burundi to visit the prefecture. The refugees expressed their satisfaction with the security situation in their communes of origin, and stated that they would encourage those still in Burundi to return to Rwanda. According to UNHCR, approximately 30,000 refugees in Burundi originally come from Birenga and Sake communes, in the south of the prefecture. Together with ICRC, WFP and the MilObs from Kibungo, HRFOR (Kibungo and Rwamagana) has participated at three meetings organised by UNHCR to coordinate efforts in view of the expected return of refugees. It is anticipated that approximately 100 refugees per day will return to their communes of origin in the south of the prefecture in the coming weeks.

In June, 1,359 new caseload refugees returned from Burundi and 672 from Tanzania. In the same period, 29 old caseload refugees returned from Uganda and 190 from Zaire. From 6 to 21 July, 504 new caseload refugees returned from Burundi and 404 from Tanzania. Most resettled in Birenga, Mugesera and Sake communes. Moreover, 30 IDPs have returned from Ruhengeri and Gisenyi to Rukara commune. No major problems occurred during the reintegration of these returnees.

As of 16 July 1995, Kibungo Prison held 3,250 detainees, including 71 women, 58 minors and 55 RPA soldiers. There were also 9 infants in the prison with their mothers. A total of 258 detainees have been transferred to Kibungo Prison from the former prison in Zaza, all of whom were accused of common law offenses. The regular capacity of Kibungo Prison is 450 detainees. Overcrowding still constituted the single largest problem in the prison. Because of this, new detainees from communal cachots could not be received. The population of Nsinda Prison was 943, including 24 women, 25 minors and two infants with their mothers. Only 39 case files have been completed, all concerning genocide charges. Again overcrowding constituted a serious problem. The construction of a new prison in Nsinda with a regular capacity of 5000 detainees is under way. ICRC, in cooperation with UNDP, is coordinating these efforts.

The first meeting of the Commission de Triage had to be postponed twice due to absence of the representatives of the RPA and the Gendarmerie. The first meeting was held on 13 July, during which working procedures were discussed and it was decided that the Commission de Triage would meet twice a week.

HRFOR (Kibungo and Rwamagana) has developed excellent relations with Government authorities, which have led to an improved human rights situation in

Kibungo. Regularly, human rights field officers met with bourgmestres to discuss human rights matters. Moreover, human rights field officers repeatedly participated at meetings on the sector level. These meetings provide an occasion to present human rights issues, to promote non-violent conflict resolution and to forge working relations with local authorities. Monthly meetings of the working group on the rehabilitation of the judicial system are held in the office of the Sub-Prefect in charge of administrative and judicial affairs. Civil and judicial authorities as well as representatives of ICRC and HRFOR meet to discuss matters such as prison conditions, proceedings of the Commission de Triage and arrest procedures.

In cooperation with local authorities, HRFOR (Kibungo and Rwamagana) facilitated several small social and agricultural projects. In this regard, HRFOR takes on the role of intermediary between local authorities and local cooperatives on the one side, and international organisations, NGOs and foreign Governments on the other. For example, 37 NGOs have been contacted to assist more than 3,000 unaccompanied minors in Rukara commune. A representative of the Dutch Ministry of Foreign Affairs has visited Muhazi commune and three agricultural projects are being developed. These efforts not only address issues of economic and social rights, but also promote the freedom of association and the construction of civil society.

On 16 July 1995, HRFOR (Kibungo and Rwamagana) participated at a reburial ceremony in Nyarabuye. According to official sources, 17,000 people, mainly women and children, were killed in and around the church of Nyarabuye during the massacres in April 1995. The Vice-President of the Republic, the Prime Minister, seven Ministers, the President of the National Assembly and representatives of foreign Governments were present at the ceremony. The Bishop of Kibungo celebrated the first mass in the church since the massacres last year.

HRFOR (Kibungo and Rwamagana), together with TCU, organised, on 21 to 23 July 1995, in collaboration with the Commandant of the Gendarmerie in Rwamagana, a seminar on the role and function of the Gendarmerie in respect to fundamental human rights. The speakers included, inter alia, a representative of the Ministry of Defence, the Substitute Prosecutor of Rwamagana, a magistrate of the Tribunal de Première Instance, a representative of the ICRC and two human rights field officers. The presentations led to interesting and open discussions. More than 30 gendarmes participated in the seminar.

C. Prison Unit

The Prison Unit continued to conduct visits to prisons and detention centres over the last two weeks. In general, they noted a reduction in the number of deaths of detainees. They believe this to be a result of both improved medical care available to detainees and of the end of the rainy season, which generally carries a higher rate of mortality.

A National Commission established to identify additional detention facilities in Rwanda held several meetings with international agencies involved in the project. Seven sites were visited and provisionally approved earlier in the month. It was decided that the necessary work on four of the sites would begin on 25 July. The initial sites selected were the ONATRACOM building in Kigali, the RWANDEX warehouse in Butare, the Rilima Prison, and the Byumba Prison. Once construction is completed in late August, these four sites will have the capacity to hold some 8,600 detainees: 5,000 at ONATRACOM, 2,000 at RWANDEX, 600 in Rilima, and 1,000 in Byumba.

D. Legal Analysis and Coordination Unit (LACU)

LACU continues to be involved in both, genocide investigations and investigations into current gross human rights violations. With regard to genocide investigations, LACU recently discussed with the Deputy Prosecutor of the International Tribunal for Rwanda the list of questions and investigative projects established by the Special Rapporteur. The Deputy Prosecutor expressed his interest in a comprehensive historical account of the genocide which would assist the International Tribunal in identifying starting points for investigations, and also in classifying genocide cases according to severity. Members of the International Tribunal have shown a particular interest in the role of the Batwa community during the genocide. In addition, they are looking into acts of rape and violence against women as instruments of the genocide.

As concerns the investigation of current human rights violations, LACU recently established contact with the Military Prosecutor-General to discuss ways in which human rights violations committed by RPA soldiers can be brought before the National Court Marshal. In two cases investigated by LACU, follow-up discussions with the Military Prosecutor and the witnesses involved in the case resulted in consent by the witnesses to testify before the Prosecutor.

LACU has intensified its investigations into the assassination of the former Prefect of Butare. A report of the Unit's findings will be presented to the Chief (HRFOR) in the next month.

E. Technical Cooperation Unit

I Goals and Objectives of Advisory Services and Technical Assistance in the Field of Human Rights in Rwanda

The advisory services and technical assistance programme in Rwanda has two clearly defined goals:

- the strengthening of the administration of justice
- the promotion of human rights education

Within the Human Rights Field Operation In Rwanda (HRFOR), a Technical Cooperation Unit, structured according to the programme components and major activities, has been established to implement projects with the objective of reaching the above-mentioned goals.

Specifically, the advisory services and technical assistance programme in Rwanda has the following immediate objectives:

1. The Strengthening of the Administration of Justice
 - 1.1 to provide advisory services in the drafting of new legislation and the revision of existing laws;
 - 1.2 to provide policy advice on strategies for dealing with the prosecution of those involved in the genocide;
 - 1.3 to train local judges and lawyers on international standards for the administration of justice;
 - 1.4 to develop a national capacity for human rights training of law enforcement personnel;
 - 1.5 to develop a similar national capacity for the training of prison personnel;
 - 1.6 to facilitate the implementation of the project concerning the deployment of 50 legal professionals (training and logistical support).
2. The Promotion of Human Rights Education
 - 2.1 development of a national capacity for human rights training for members of the armed forces;
 - 2.2 introduction of human rights in the curriculum at all levels of education and training of educators;
 - 2.3 development of a human rights campaign through the mass media (national radio, TV, and Radio UNAMIR);
 - 2.4 promotion of women and children rights.

These objectives and programme of work were defined in April 1995 following a review of past activities of HRFOR and in line with the procedures of the Centre for Human Rights for project formulation

II Current Activities/Update

Administration of Justice

1 Provision of 50 legal Professionals in Cooperation with UNDP/DDSMS/UN.

It will be recalled that during the High Commissioner's visit to Kigali in April 1995, a project was formulated to import 50 legal professionals in an effort to assist

the judiciary system of Rwanda. The aim of that project is to provide legal professionals who would act as technical advisors in the investigation and prosecution process.

It is against this background that the High Commissioner identified well qualified legal professionals who would be able to undertake these tasks. The list of selected candidates was subsequently submitted to the Minister of Justice for approval. However, a recent bill introduced before the Rwandese National Assembly of Transition in order to allow foreign magistrates to practice in Rwandese courts was rejected. Efforts are currently being made in order to advise the Government to consider using the services of these legal professionals, as stated by the High Commissioner, by providing advisory services and on-the-job training for national magistrates and prosecutors, rather than acting as judges.

Human rights field officers from the Technical Cooperation Unit visited the court houses and parquets in Ruhengeri, Gisenyi, Gikongoro, and Cyangugu prefectures to finalise estimates for the UNDP/DDSMS/UNV project to rehabilitate primary judicial buildings.

2. Prisons and Detention Centres

The final details for the UNAMIR, HRFOR, and the Ministry of Justice's joint-project to register all detainees in the country were recently put into place. HRFOR training of personnel from the Ministry of Justice to implement the registration procedure will commence next week. In addition, training for the personnel in charge of Gitagata Juvenile Rehabilitation Centre has begun. HRFOR work with the Director of Gitagata to define more clearly the operational statute of the centre continues.

3. Advisory Services on Legislation and Policy Making

TCU staff met with the President of the National Assembly on 12 July to discuss how HRFOR might assist the Assembly in terms of legislative advisory services in the coming months. A number of proposals were discussed which will be followed up by TCU in August when the National Assembly reconvenes.

A research project on the Commissions de Triage established by the Ministry of Justice is currently conducted. The project focuses on certain limitations of the present structure of the Commissions and looks into ways they may work more effectively in the future.

The National Assembly of Transition will reportedly hold extraordinary sessions during its month of vacation to appoint six Rwandese magistrates to the Supreme Court. The qualifications of twelve candidates will be reviewed.

4. Impunity and Genocide Initiatives

TCU staff attended four meetings of the Presidential Working Group over the last two weeks. Working Group discussions centered on details of the genocide databases-

to be implemented by the President's Office. TCU staff also presented initial results of the customary law project to members of the Working Group. In particular, they asked for the Government officials' commentary on alternative sanctions based on traditional concepts of justice found in Rwandese society for those who participated in the genocide. Those present at the meetings included representatives of the President's office, the National Assembly, and the Ministries of Defence, Interior, and Justice.

HRFOR and Government officials scheduled a tentative date of late September/early October for the national Summit on Genocide. The summit will bring international scholars and practitioners with expertise relevant to genocide, the law regarding impunity, and gross human rights abuse to Rwanda for a three-day conference. The conference is meant to provide a forum to debate the most appropriate response for the genocide in Rwanda. It is also designed to encourage a greater discussion on the problem of impunity and its social and legal consequences. The Rwandese Government has developed a list of policymakers to participate in the conference. It is hoped that the Summit will act as a launching pad for similar conferences on genocide and impunity in each of the Prefectures.

Human Rights Education

1. Human Rights and Women

The conference on the rights of women organised by TCU in collaboration with a Committee of Rwandese experts at the National University in Butare has been postponed until 6 August. More than one hundred participants, mostly students and university teachers, are expected to participate.

TCU has contacted different Rwandese associations for widows. At present, TCU is supporting a project to create a national council of widows.

Under the auspices of a project to support female victims of violence during the war, 50 women will be trained to take on the position of legal advisor and social worker. TCU is collaborating with the Ministries of Family and Women's Affairs and Justice and with the women's association HAGURUKA in the preparation of this project.

2. Human Rights and Children

TCU has developed an educational project for the juvenile centre of reeducation and production at Gitagata (CRPG). Following a request of the Director CRPG a training programme for the staff of the centre is being prepared. It will be implemented in close collaboration with Terre des Hommes and a local NGO.

3. Human Rights and Civil Society

TCU is finalising a programme of Human Rights education for the informal sector, financed in part by the NGO Trocaire. The project consists of 10 theatre pieces dealing with the promotion of human rights, and in particular the rights of detainees.

due process. In a first phase, these theatre pieces will be transmitted by radio and enacted in the different prefectures, Later, the theatre pieces will be realised on video.

A series of drawings representing the principal themes of human rights in the Rwandese context is being created. These drawings will be distributed to the population to sensitise it for human rights issues. More than one hundred drawings have been printed for a pilot project in certain prefectures.

4. Human Rights and the Military/Gendarmerie

TCU awaits a response from the Ministry of Defence on a proposal of formation for the military developed by the Centre for Human Rights and submitted earlier this month.

5. Human Rights and Formal Education

The first phase of a training programme for educational and administrative staff of the University of Butare will be held in early September. The programme has been developed in conjunction with the Ministry of Higher Education. The Ministry of Higher Education accepted the proposal.

III New Projects to be Implemented in 1995

1. Assistance for the Development of a Governmental Policy regarding the Genocide

Through an alternative study on customary law and a workshop on the question of impunity, the project aims at providing the Government with necessary information and understanding on international standards concerning impunity and genocide and the experiences in other countries vis-à-vis possible alternatives in the Rwandese context for the development of a coherent and comprehensive policy in dealing with the genocide. The objectives of the project are two-fold. On the one hand, it aims to stop the cycle of impunity for human rights violators. On the other hand, it assists the Government to develop a policy regarding the handling of the many cases of detainees accused of involvement in the genocide. Such a comprehensive policy is essential not only in improving the current crisis situation in prisons and detention centres, but also in ensuring that there will be no impunity for genocide and other gross human rights violations.

The target beneficiaries of this project are Rwandese policy makers, who will devise appropriate policies and procedures in a context where leading international experts in this field are available for consultations. Consequently, the detainees, the judiciary and the general public will benefit indirectly from the project.

The workshop will be held approximately in September 1995.

2. Human Rights Training for the Military, the Gendarmerie, and the Communal Police

This programme has been further developed following a needs assessment mission of the Centre recently, during which detailed discussions were held with high level Government authorities. It is comprised of three elements aimed at the RPA, the Gendarmerie, and the Police Communale, each including a set of a human rights seminar for members of the high command and a human rights course for instructors and educators (political commissars).

While as a matter of policy and for methodological purposes, the objectives of each seminar and course are specific for the various target officer groups, the common aim is to contribute to the strengthening of an ethos of legality and a culture of respect for human rights within the armed forces and law enforcement personnel.

The training courses are scheduled for August 1995, pending final arrangements with the Government authorities.

3. Awards for Peace and Reconciliation

Through a public ceremony where five Rwandese citizens will be awarded for their courageous acts committed during the genocide, this project aims at sensitizing Rwandese public on peace building, national reconciliation and respect for human rights and dignity. It will publicly acknowledge the human rights culture that the awards recipients have demonstrated. The stories of the courageous and humanitarian acts will be published and used for human rights education programme.

The Project Document has been approved by the Centre for Human Rights. The Human Rights Field Operation in Rwanda is assisting the Government in preparing the public ceremony.

F. Security of Human Rights Personnel

No security incidents involving human rights personnel occurred during the period under review

PRISONS IN RWANDA

Date: 26 July 1995

	Prison	Men	Women	Minors	Total	Infants	Capacity	Date
1	Butare	6303	216	91	6610	58	2000	20-Jul-95
2	Cyangugu	1935	26	40	2001	2	700	17-Jul-95
3	Gikongoro	871	12	17	900	0	700	13-Jul-95
4	Gisenyi	1183	26	35	1244	10	1000	21-Jul-95
5	Gitarama	6143	218	64	6425	22	800	25-Jul-95
6	Kibungo	3121	71	58	3250	9	600	16-Jul-95
7	Kibuye	1688	45	25	1758	3	800	13-Jul-95
8	Kigali	9080	335	227	9642	75	2000	19-Jul-95
9	Nianza	1263	81	24	1368	8	800	20-Jul-95
10	Nsinda	894	24	25	943	2	150	13-Jul-95
11	Rulima	2719	12	64	2795	2	1200	7-Jul-95
12	Ruhengeri	1381	20	27	1428	6	1500	14-Jul-95
	Total	36581	1086	697	38364	197	12250	

OFFICE DES NATIONS UNIES A GENÈVE



UNITED NATIONS OFFICE AT GENEVA

HAUT COMMISSAIRE AUX DROITS DE L'HOMME

HIGH COMMISSIONER FOR HUMAN RIGHTS

**HUMAN RIGHTS FIELD OPERATION IN RWANDA (HRFOR)****Breakdown of academic qualification, field experience and geographical and gender distribution of members of the HRFOR**

At the outset of the operation, the personnel of the Human Rights Field Operation was recruited directly by the Centre for Human Rights. Subsequently, in close cooperation with the Centre, United Nations Volunteers were added and the European Union has contributed a fully equipped contingent of some 30 human rights monitors.

Standard recruitment criteria are applied, and all candidatures are examined and have to be cleared by the Centre for Human Rights. The academic qualifications, previous work experience and human rights background of each candidate are thoroughly reviewed for the purpose of selection.

The data set out below provides a breakdown of the qualifications of the human rights officers in the field in Rwanda on 24 July 1995. In addition, the gender and geographical distribution of the personnel is included.

■ Academic qualifications:

Law (including international human rights law):	57%
Political Science/International Relations/Sociology:	20%
Economics/Development/Administration:	12%
B.A. (Liberal Arts):	11%

- Approximately one third of the personnel employed by HRFOR has previous field experience, be it with United Nations peacekeeping operations, election monitoring, UNHCR, or with non-governmental organizations.

■ The geographical distribution is as follows:

Africa:	23%
Asia and Pacific:	12%
Europe:	45%
Latin America:	6%
North America:	14%

- There are 48 women and 63 men in the HRFOR. This represents a percentage of 43% women and 57% men.

*This percentage figure includes the 26 field officers currently provided by the European Union

HUMAN RIGHTS FIELD OPERATION IN RWANDA
STATEMENT OF PLEDGES AND CONTRIBUTIONS AS OF 24 JULY 1995

COUNTRIES	Currency and Amount	Equiv. USS	Payment effected	Other services provided and remarks
-----------	---------------------	------------	------------------	-------------------------------------

1- GENERAL PLEDGES AND CONTRIBUTIONS

AUSTRALIA	AS 100 000	63 500.00	73 690.00	
	AS 200 000	146 000.00	145 800.00	
AUSTRIA	Sh 500 000	45 000.00	46 643.97	
BELGIUM	FB 15 000 000	463 800.00	523 098.52	
CANADA	CANS 100 000	68 376.00	66 500.00	
DENMARK	US\$ 100 000	100 000.00	100 000.00	
FINLAND	FIM 400 00	75 600.00	83 267.41	1 investigator - 1 1/2 month
FRANCE	FF 1 200 000	233 100.00	190 476.19	
			40 899.80	
GERMANY	DM 314 704	201 700.00	119 949.36	Office building in Kigali
			93 126.38	
IRELAND	Irish L 50 000	79 500.00	79 547.71	
	Irish L 50 000	76 923.00	80 930.00	
ISRAEL	US\$ 10 000	10 000.00	10 000.00	
JAPAN	US\$ 500 000	500 000.00	200 000.00	Payment made in N.Y.
			300 000.00	Payment made in Geneva
LIECHTENSTEIN	CHF 10 000	8 771.93	8 771.93	
LUXEMBOURG	Fr. L. 550 000	17 000.00	16 791.67	
NETHERLANDS	Dfl. 75 000	42 500.00	44 640.00	1 Prosecutor - 1 Forensic Doctor
	Dfl. 1 350 000	798 800.00	764 439.41	- 3 Criminal Investigators for 3 months
NEW ZEALAND	NZ\$ 50 000	29 600.00	29 597.74	
NORWAY	NOK 700 000	101 700.00	103 616.53	- 2 Procurement Experts - 3 months
				- 2 Criminal Investigators (3 months)
SPAIN	US\$ 9 880	9 880.00	9 880.00	2 Forensic Doctors (2 months) -
				Prosecutors (1 month) - US\$ 200 000
	US\$ 208 000	208 000.00		for 3 UNV for 6 months
SWEDEN	SEK 1 000 000	129 500.00		Contribution pending
SWITZERLAND	CHF 100 000	75 738.00	75 737.58	- 1 Criminal Investigator (9 months)
	CHF 150 000	113 636.00	113 636.36	
UNITED KINGDOM	L 250 000	383 200.00	383 155.00	- 4 vehicles in Kigali
	L 2 000 000	3 200 000.00	3 223 000.00	
UNITED STATES	US\$ 750 000	750 000.00	Payment made to UNDP	5 Criminal Investigators (3 weeks) - 4 UNV from Kuwait to Kigali - 15 UNV for 6 months
	US\$ 1 000 000	1 000 000.00		Contribution pending
OTHERS				
EUROPEAN UNION	ECU 5 000 000	6 377 551.00		33 fully equipped HRFOs
UNDP	US\$ 250 000	250 000.00		Contribution envisaged for recruitment of 10 UNV
ACCT, Paris	US\$ 180 000	180 000.00	139 617.53	Balance of 20 383 pending
OXFAM	L 50 000	80 000.00		In Kind 3 vehicles provided in Kigali
INDIVIDUALS	FF 1 000	200.00	195.31	
TOTAL		15 821 695.93	7 089 028.44	

2 - PLEDGES AND CONTRIBUTIONS FOR TECHNICAL ASSISTANCE PROGRAMME IN RWANDA

ITALY	L 2 000 000 000	123 533.00	123 333.00	
-------	-----------------	------------	------------	--



NOTE VERBALE

28 Juillet 1995

La Mission des Nations Unies pour les Droits de l'Homme au Rwanda présente ses compliments au Ministère des Affaires Etrangères et de la Coopération Internationale de la République du Rwanda, aux Missions diplomatiques ainsi qu'aux Agences internationales accréditées au Rwanda et a l'honneur de porter à leur connaissance que durant l'absence de M. William CLARANCE pour raison de mission à Genève et de son Adjoint Abderrazak ESSAIED en congé, M. le Juge KABLAN Aka Edoukou assumera les fonctions de Chef de la Mission à compter du 28 Juillet et ce jusqu'au 2 Août 1995.

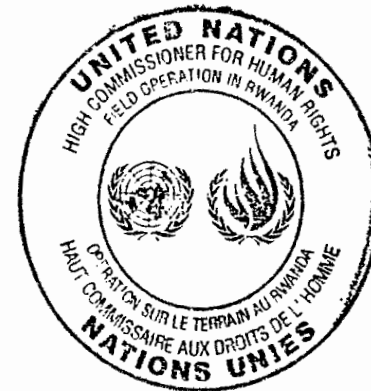
La Mission des Nations Unies pour les Droits de l'Homme au Rwanda saisit cette occasion pour renouveler au Ministère des Affaires Etrangères et de la Coopération Internationale, aux Missions diplomatiques ainsi qu'aux Agences internationales accréditées au Rwanda les assurances de sa haute considération.

Ministère des Affaires Etrangères et
de la Coopération Internationale
Kigali, Rwanda

cc: Bureau du Représentant Spécial du Secrétaire
Général des Nations Unies

Agences des Nations Unies

Missions Diplomatiques



- The Role of UNHCR
- Mr. Mackay Wolff, Senior Program Officer, UNHCR, Rwanda
- The Role of UNAMIR
- Mr. Wilfrid de Souza, Executive Director - UNAMIR
- M. Sammy Buo, Special Political Advisor
- Discussion & Questions on the role of the UN in Rwanda

- 14:00 h.
- Workshop - The Use and Maintenance of UN Vehicles
 - The Use of Communication Radios
 - Mme Ruci Nailati, Transport Officer,
 - The Personnel of the Maintenance Department

Sunday, July 23

Free Day

Monday, July 24

- 8:30 h.
- Address by the Sous-Préfet of Rwamagana

- 10:00 h..
- Address par M. Mario Ibarra,
 - Membre de la Sous-Commission pour les Droits des Minorités
 - Chef d'équipe - HRFOR - Rwamagana

- 14:00 h.
- The Judicial Aspect of the Rwandese Question**
- The Penal System and the Organization of the Public Service
 - M. Albert Muhuyeyezu, Président de la Cour d'Appel de Ruhengeri
 - Penal Procedure, Arrest and Preventive Detention Procedure
 - M. Jean-Bosco Iyakamye, Avocat
 - Customary Law in Rwanda and its application to the present situation
 - Mr. Philibert Kagabo
 - The International Tribunal
 - Ms. Brenda-Sue Thornton, Legal Officer
 - M. Alain Sigg, Chargé des relations extérieures
 - The Role of the *Rapporteur Spécial*
 - M. Alphonse Van, HRFOR
 - The Universal Declaration of Human Rights
 - M. Louis-Marie Bouaka, HRFOR

- Questions & Discussion

Tuesday, July 25

FIELD TRIP TO GITARAMA

8:30 h.

Departure from Kigali

9:30 h - 10:00 h.

Arrival in Gitarama

10:00 h - 12:00 h

Visit to Gitarama Prison - Visit with Prison officials

12:00 h - 13:30 h

Lunch with HRFOR - Gitarama Team

AFTERNOON - PRECISE SCHEDULE TO BE SET:

Presentation: The Prisons of Rwanda
- Guindo Saidou
- Rodrigo Medina
- CICR

Discussion

Meeting & Discussion with:
- Préfet
- Procureur
- Military Commander

Visit to Gitarama Field Of Discussion with Gitarama Team
General Situation, Case H, etc.

Briefing by Gitarama Mil

Departure from Gitarama

16:30 h.

Arrival in Kigali

17:30 h - 18:00 h

Wednesday, July 26

Historical background of Present Situation in Rwanda

- 8:30 h. - History of Rwanda up to 1994
 - M. le Professeur Paulin Muswahili of the *Université Nationale* in Butare
- 9:30 h. - The Events of 1994
 - M. le Professeur Emmanuel Buguingo of the *Université Nationale* in Butare
- 10:30 h. -The Present Political/Military Situation
 - Liaison Officer of the Rwandese Patriotic Army
- 11:00 h. - The problem of the IDPs (Internally Displaced Persons) - The Kibeho Incident
 - Mr. Mark Frohardt, Chief, Field Coordination Unit - HRFOR
- 11:30 h. - Vidéo on the events of 1994
 - Discussion
- 14:00 h. **Rwanda - a year after genocide**
 - Life in Rwanda today
 - M. André Gakwaya du Ministère de l'enseignement supérieure

 - The Psychological Trauma caused by Genocide
 - The identifying signs - the possible responses
 - Mme Denise Gordon of Africare & Mme Glorioso Bazigaga

 -The Economic Results of War & Genocide
 - The Social Effects of Material Privation
 - M. François Kamimba du Ministère des Finances

 - Discussion
 - The Social Results of War and Genocide
 - The Possibilities for Reconciliation between the various ethnic groups

Thursday, July 27

- 8:30 - Address by the Prefects of Kigali:
 - The Contribution HRFOR can make in the present situation in Rwanda
 - Major Rose Kabuyé, Prefect of Kigali City

- Dr. Narcisse Gakuba, Prefect of Rural Kigali

10:30 h. Field Trip: Mine Awareness - The Indian Battalion - UNAMIR

14:00 The Batwa People of Rwanda
- Mr. Zéphyrin Kalimba, First Vice-Chairman,
- Associate Pastor Benou Mugarua, Secretary,
- Association for the Promotion of Batwa
- Mme. Pauline Overeem, Team Leader, HRFOR, Cyangugu

14:45 h. **The Methodology of the Human Rights Field Officer**

- The *Modus Operandi* prepared by HRFOR
- The Methods and Procedures being developed in this mission
- The Data Base for Human Rights Violations - Standardized Forms
- Mark Frohardt, Chief, Field Coordination Unit - HRFOR
- Alexander Mayer-Reickh, HRFOR
- Fatou Camara, HRFOR

- How to function in the field
- some precise case histories (also used to illustrate the above item)

- What is a fact? - accurate and responsible reporting
- Mr. Udo Gehring, HRFOR

- Illustrations of situations in which HRFOR Officers will find themselves
- various members of the mission

- Arrest & Detention Procedures
- Ben Majekodunmi, Jane Rocamora, Homayoun Alizadeh

- Question & Discussion of Methods & Case Histories

Friday, July 28

8:30 h. A few words of Basic Kinyarwanda
- M. Jean-Chrysostome Nkejabahizi

9:30 **Special HRFOR Programs**

- Technical Coordination Unit
- Mr. Todd Howland - Chief, TCU

- The HRFOR Human Rights Education Program
- Mme. Armineh Arakilian, Head TCU Education Sector

10:30 h. Field Trip - Ntarama

14:00 - Security Arrangements
- Evacuation Plan

- Captain Mohammed Bana of the Malian Battalion - UNAMIR,
- HRFOR Liaison Officer

14:30 h. Continuation of Explanations and discussions of Methodology

Saturday, July 29

9:30 h. Depending on necessity, the explanations and discussions of methodology may continue on Saturday morning

* * * * *

VI. HUMAN RIGHTS ASPECTS

The Human Rights Field Operation in Rwanda continues its efforts to sensitize the population at large on the importance and necessity of respecting human rights in Rwanda. The Field Operation was recently reorganized and is now comprised of three structures: the Field Coordination Unit (FCU), to develop and coordinate methodology in the field, information gathering and field support; the Technical Cooperation Unit (TCU), to promote and assist in the establishment of permanent structures to safeguard human rights in Rwanda, specifically through the justice system and local human rights organizations; and the Legal Analysis and Coordination Unit (LACU), to undertake in-depth investigations into the recent genocide, as well as current human rights violations, and to analyse information received from the field.

As of 21 July 1995, the Field Operation had 115 members and 11 field offices located throughout the country serving as base stations for mobile teams of human rights field officers. Plans are underway to establish sub-offices in a small number of communes in order to maintain a more integrated presence in the field. Meanwhile, field officers continue to travel from commune to commune meeting with civil, judicial and military authorities, as well as the local population, in an effort to learn more about the conditions prevailing in each commune. The focus of their work centres on the populations' general sense of security, access to property, the state of the local judicial system, conditions in detention centres and alleged human rights violations. The Field Operation is also in the process of establishing human rights committees at the prefectural level which would meet regularly with local representatives from various Government ministries under the chairmanship of the local prefect.

The Field Operation has continued to promote observance of human rights throughout all segments of Rwandese society by holding educational seminars covering areas such as arrest procedures with civil, military and judicial authorities, current human rights issues and the role of journalists in creating a culture of human rights following the genocide in Rwanda. These seminars have been held at various locations in the country and are attended by senior representatives from the Rwandese Government.

Efforts to assist in the rehabilitation of the Rwandese justice system were severely set back by the recent decision of the Rwandese National Assembly to reject the draft law on the recruitment of foreign magistrates in Rwanda on the grounds of national sovereignty. Although alternative options are the subject of current discussions among the international aid agencies and donor community, it is doubtful whether the national authorities will be able to provide the requisite number of judicial personnel on a timely basis to process the huge backlog of cases pending trial.

Despite the concerted efforts of the international community and the Rwandese Government, there has been no significant amelioration in the conditions in Rwandese prisons since my last report. Although prison capacity has been expanded to some extent with the identification of additional sites and renovation of existing facilities, there can be no marked improvement in this area in the absence of a properly functioning judicial system.