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EMERGENCY NEWSLETTER

Rwanda/Burundi
No.3

Friday March 11th 1994

NEWS FROM RWANDA

Food Supply For Refugees Precarious

Food which should have been distributed at the end of February was delayed by up to a week in some camps, and many refugees are still not receiving the minimum required.

Political violence in Kigali held up food deliveries for three days. The International Federation of Red Cross Societies (FICR), which is in overall charge of distribution to the refugees, says further delays occurred because they are changing their distribution schedule.

Malnutrition High

Malnutrition rates remain alarmingly high in camps where food supply is irregular. Médecins sans Frontières-France say 43 per cent of children transferred from Burenge and Nzangwa to the new camp at Maza were malnourished on arrival. UNHCR says that the situation is so precarious that even these short delays may cause more malnutrition.

Aid workers in the camps say there is confusion over the lists of beneficiaries. Some refugees' names are on the list, but they do not have cards; others have cards but their names do not appear on the list. In some cases, cards have been stolen, lost or sold. In others, refugees are registered in one camp but have moved to another. In Burenge, 10,000 people who were not on the list but had cards came for food during the last distribution.

UNHCR and the FICR are planning a new census of refugees in April. The Crisis Committee is preparing new lists for colour-coded cards to minimise fraud. Meanwhile, the World Food Programme has rented seven more trucks, and found an extra storage point (EDP) to try and ensure that the camps where malnutrition rates are high receive food regularly.

Higher Ration

The Nutrition Committee, which includes NGOs working the camps and representatives of UN agencies, has once again asked UNHCR and the WFP to increase the basic ration to 2300 calories per person per day. They say this is the only way to reduce the high incidence of malnutrition amongst children.

Another problem is that the gap between theory and practice remains great. During the first week of March, MsF-France and Belge found that refugees were receiving less than 1600 calories in three camps - Burenge, Kanenge and Akankuba. Burenge and Akankuba are the camps with the highest death rates. The FICR says next week it will start more training for the Rwandese Red Cross workers who carry out the distribution.



Death Rates Drop

Death rates in the refugee camps continue to drop, as health services and sanitary facilities improve, but five camps still have a rate of more than one death per 10,000 people per day. The average across the camps has decreased from 1.36 to 1.07. The rate for children under five has decreased from 7.49 deaths per 10,000 children per day in January, to 2.12 today.

Health experts classify death rates for developing countries as follows:

Less than	0.5 deaths	per 10,000 people/per day	NORMAL
0.5 to	1.0	"	SEVERE
1.0 to	2.0	"	VERY SEVERE
more than	2.0	"	CATASTROPHIC

These rates double for children under five - so less than one is "normal", and more than four is "catastrophic".

This means that while the death rates are dropping, they remain unacceptably high. Malaria and dysentery are the main causes of death. Many children are still not getting enough to eat, so they remain malnourished and vulnerable to disease.

Going Home to Demilitarised Zone

Since January, some 25,000 people displaced by the war in Rwanda have returned to their homes in the Demilitarised Zone. According to the ICRC, the majority are cultivating their fields. The ICRC is planning to rehabilitate health centres, many of which were looted and damaged during the war, and is negotiating with the Rwanda Patriotic Front for RPF doctors to staff the health service.

World Bank Report

The World Bank says that Rwanda's Gross Domestic Product declined by 20 per cent between 1990 and 1993. "The Government has to reduce military outlays which at eight per cent of GDP (two per cent before the hostilities) have crowded out development expenditures," says a one page summary report. The Bank says overall production declined by an estimated 11 per cent in 1993 because of disruptions to agriculture as people were displaced by the war.

Food Prices and Rainfall

According to the Bulletin of Price Information produced by the Department of Agricultural Statistics, the price of sorghum, cassava and sweet potato rose in January. The price of beans has been very high since October. The department suggests that people are unable to afford beans, so the demand for other foods has increased, pushing up the prices. The presence of Burundian refugees in border regions is also increasing demand.

The Department has started to publish a monthly bulletin on rainfall. In January, rains increased in most areas but were poor in Gisenyi, Rubengera and Kamembe. Despite the improvement, beans planted in November are still not getting enough rain and the department warns that the harvest remains under threat.

NEWS FROM BURUNDI

Violence in Bujumbura

After two weeks of sporadic attacks, violence broke out in Bujumbura last weekend. The suburb of Kamenge was the worst hit, but there has been shooting in several other suburbs since then. On Tuesday, Mr Ould Abdallah, the UN Secretary General's Special Representative to Bujumbura, told the BBC that he and other eyewitnesses had seen about 30 bodies. Other estimates are much higher. The ICRC has been evacuating wounded people to Bujumbura's four hospitals and its emergency team remains on standby. An attack was also reported on Monday night in the commune of Tangara, in Ngozi. The Prime Minister, Mr Anatole Kanyenkiko, had been in the province during the day.

Returning to Kirundo

According to MsF-F, 4,600 Burundian refugees returned from Burenge camp to the northern province of Kirundo in February. The refugees paddle across the lake in "pirogues" - dug-out canoes. Three reception points have been established. As the returnees come ashore, soldiers search their belongings, and MsF-F checks for disease and malnutrition. Eighty malnourished children have been given food and monitored; three have died.

Insecurity Continues

Refugees interviewed on the lakeshore said they wanted to come home because conditions in the camps in Rwanda were poor, and they needed to plant before the rains come in mid-March. UNHCR has sent field officers to monitor the returns, but does not believe that conditions are yet right for an organised mass repatriation. In Kirundo province, sporadic attacks continue in the communes of Bugabira and Busoni. Three people are known to have been killed in Busoni last week.

UNHCR has received a first consignment of building materials, blankets, cooking pots and other domestic items which it plans to start distributing to the returnees next week.

The Governor of Kirundo has arranged a series of reconciliation meetings between representatives of the Tutsis in the camps for the displaced, and Hutu returnees. The two groups talk about how to re-establish confidence and trust, and how to learn to live together again.

Trying to Reach Everyone Affected

Aid agencies operating in Burundi are concerned that they are not reaching all the people whose lives have been disrupted by the massacres in October. Donors are not providing enough money, local government is only now beginning to function again, and the agencies have not yet worked out systems of helping people who live scattered in the hills.

Not Enough Food

The World Food Programme is feeding some 350,000 people, most of whom fled their homes and are in camps. However, according to WFP, in the last two weeks of February less than 70 per cent of food required was distributed. In its Emergency Food and Nutrition bulletin of March 4th, WFP says that while it is well supplied with grain, donors have not pledged enough beans, CSB (protein-enriched flour), oil and salt and this will cause further malnutrition. Confirmed pledges for the next six months cover only 30 per cent of total needs, and include no salt or CSB.

Moreover, WFP says it should be feeding another 300,000 people, including refugees who have returned from Tanzania and Rwanda. It is unable to do so not only because there is not enough food in the pipeline, but also because returnees and those who live in the hills have not yet been registered. WFP says it is working with local government, UNHCR, CARITAS and Catholic Relief Services to organise the registration and subsequent food distribution.

In the meantime, many of the estimated 200,000 returnees are going back over the border to the refugee camps to get food aid. UNHCR says that a new system to enable returnees to get food in Burundi must be adopted this month. This will be on a agenda of a sub-regional meeting between WFP and UNHCR next week.

Fears of Malnutrition

Studies carried out in January and February have found rates of malnutrition which were not necessarily higher than normal in Burundi at this time of year. However, nutritionists point out that programmes to provide seeds and tools will not reach all those who need help. The harvest will therefore be reduced, and in any case is not until May or June. Malnutrition, especially amongst under-fives, is expected to increase over the next two or three months. Moreover, many children are returning from Tanzania and Rwanda already malnourished because of problems with food supply in the refugee camps.

Gaps in the food pipeline last month meant that many camps for displaced people in Burundi did not receive beans for two or three weeks and aid workers say they have noted an increase in malnutrition amongst the displaced children. Regular nutrition surveys, organised by WFP, UNICEF, Belgian Cooperation and the government started in the camps this week.

The Ministry of Health, working with UNICEF, WHO and Belgian Cooperation, have launched a country-wide nutrition rehabilitation scheme for children in hospitals.

NEWS FROM ZAIRE

Burundians Cross the Border

UNHCR notes an influx of people from Burundi to Zaire over the past week, probably caused by the upsurge in violence in and around Bujumbura. At the moment, there are about 49,000 Burundi refugees in Zaire, some in camps and some living amongst the local population. UNHCR is trying to move a number of refugees to better sites, but progress is slow. Supplies of food are irregular, and there is concern that malnutrition rates may rise.

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This newsletter is produced every other Friday by the Comité de Crise in Kigali and UNICEF. Please circulate it as widely as possible. All suggestions, comments, ideas and news items will be welcomed by Stéphane Devaux and Lindsey Hilsum. Tel: Kigali 86835/35/36. Fax: 86836

EMERGENCY NEWSLETTER

Friday February 25th 1994

EMERGENCY MEDICAL AID FOR KIGALI

Following the murders of two political leaders at the beginning of this week, violence broke out in Kigali leaving at least 35 people dead and many more wounded.

The worst violence appears to have been on Tuesday night in the suburb of Gikondo, where gangs of men threw grenades into people's houses and attacked family members. In nearby Gatenga, about 200 people took refuge in the Catholic priests' compound.

Emergency Medical Unit

Families brought the wounded to Kigali's Central Hospital and the UNAMIR field facility at the King Feisal Hospital, both of which ran short of emergency medical supplies and staff. By Thursday evening, more than 120 people had been treated for injuries caused mainly by hand grenades, pangas, knives and sticks studded with nails.

On Tuesday, an emergency medical unit was established, coordinated by the International Committee of the Red Cross. Three branches of Médecins sans Frontières - from France, Belgium and Holland - erected hospital-tents, staffed by expatriate and local medical personnel, in the grounds of the Central Hospital. MSF also offered emergency supplies and advice to clinics and dispensaries in the areas where the violence was worst.

The Belgian Red Cross, with extra support from Médecins du Monde, established another emergency facility in an old warehouse, while the ICRC and Rwandese Red Cross combed the suburbs, evacuating the wounded to the hospitals.

Coordination is Crucial

"The most important thing is that a coordinated system has been established, with daily meetings," said Philippe Gaillard, the head of the ICRC delegation. Although the violence had died down by Thursday, the ICRC planned to keep the medical unit on standby until Monday at least.

Most of the rest of the country appears to have remained calm. However, two women were killed in the north-western town of Ruhengeri, and on Wednesday Radio Rwanda reported demonstrations in Rwanda's second city, Butare, where youths attacked cars. Food deliveries to camps for displaced people were delayed - it was hoped these would resume today.

RETURNEES FROM UGANDA

Monday saw the first UNHCR/World Food Programme food delivery to 7000 Rwandese refugees who recently returned from Uganda.

On Monday, the WFP delivered 95 tonnes of food - enough for one month - to the warehouse at Karama, in the north-eastern tip of Rwanda. The main road is mined, so trucks have to use minor roads. UNHCR's plans to distribute the food to the refugees were delayed, because of the political instability in the country.

The returnees are in five groups spread out across the commune of Muvumba. Most fled Rwanda in 1960. Under the provisions of the Arusha Accords, they do not have the right to reclaim their land so they are not being encouraged to cultivate.

BURUNDIAN REFUGEES

As the political situation in Rwanda remained uncertain, the transfer of refugees from the overcrowded camp at Burenge to the new camp at Maza was suspended.

Food Deliveries

Food deliveries were also disrupted, and there were fears of further delays in deliveries to camps where the local warehouses did not have enough stock. The WFP reported that 80 per cent of camps had all commodities, but 20 per cent - in Kigali and Kibongo - were still under-supplied.

Death Rates Drop

The health of the refugees appears to be improving. The number of deaths dropped from 298 in the week January 29th - February 4th, to 236 in the week February 5th - 11th. This indicates a decline in the death rate from 2.25 to 1.61 deaths per day per 10,000 people. At the beginning of January, there were more than 500 deaths in a single week and the rate was 3.79 deaths per day per 10,000 people.

NEWS FROM BURUNDI

Most of the refugees in the camps in Bugesera, south of Kigali, are from Kirundo, an area which is still plagued by violence. MsF-France, who are helping 2000 refugees who returned to Kirundo in December, say another eight people were killed on February 23rd.

Refugees in Burenge camp said they were still too scared to go back to Kirundo; several adults who returned to the village of Murembo at the beginning of February were killed, while two children in the same group found their way back to Burenge. One little girl, aged about five, had an arrow wound in the arm.

Facilities for Returnees

MsF-France, which has a team of 14 people in Kirundo, is screening the returnees, referring those who are ill to the hospital, and providing high-protein biscuits to children at risk of malnutrition. MsF has a mobile health service for the returnees who have gone back to their homes in the hills, but monitoring is difficult because the population is dispersed.

Representatives of the European Community and the WFP who visited Kirundo this week recommend that agencies in Burundi start mobilising now, to try and ensure the best possible conditions for future returnees.

DROUGHT IN RWANDA

South-west: Gikongoro

A report from the Jumelage project in Gikongoro, in south-western Rwanda, provides more alarming indicators of the impact of drought in the area.

Rainfall figures from the meteorological station in Karama commune show an average December rainfall of 111.65 cms over the past ten years. Last December, only 51.1 cms of rain fell. Rainfall for the previous three months was equally poor compared to normal.

The death toll, as reported by the Karama Commune Administration, has risen - 125 deaths last December as compared with 24 the same month the previous year.

The health centre at Cyanika notes a drop in the number of women coming to deliver babies. The authors of the report ask: "Where are the women going? Is it a problem of money? of food? or of having no-one to accompany them because many family members are ill?"

North: Byumba

An ICRC agricultural survey in Byumba, in northern Rwanda, shows that the drought is particularly harsh in the west of the prefecture. In the worst affected communes, households have harvested only 15-30 per cent of the normal crop of beans. Sweet potatoes have become the best means of ensuring there is at least something to eat.

Agricultural land in some parts of Byumba is littered with landmines, making farming not only difficult but dangerous. In these areas, an average of one person a week is injured by a mine or a grenade.

The ICRC is providing food aid as a stop-gap measure while agriculture is rehabilitated.

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This newsletter is produced by the Secretariat of the Crisis Committee and by UNICEF. Please copy and circulate it as widely as possible. The next edition will be published on Friday March 11th, and every second Friday after that. Comments, suggestions reports and news items will be welcomed by Stéphane Devaux and Lindsey Hilsum at the Crisis Committee. Telephone: Kigali 86834. Fax: Kigali 86836.

EMERGENCY NEWSLETTER

Friday February 18th 1994

NEWS FROM RWANDA

BURUNDIAN REFUGEES..... In January, death rates in the camps fell from 3.49 to 2.14 per 10,000 people each day. For children, the drop was from 5.65 to 3.79. However, health experts say there are still too many deaths - especially in Burenge. Malnutrition rates continue to rise in some camps in Bugesera. NGO staff say this is because the refugees are still not getting an adequate ration. Elsewhere, the "food basket" system of checking refugees' rations to ensure they are receiving enough calories appears to be working. Refugees interviewed in Maza and Nzangwa camps say they are not ready to return to Burundi until the government guarantees their safety; more than fifty who returned to Kirundo in January were killed.

.....At Nzangwa camp, Medecins sans Frontières-France staff have built swings for the children - according to the parents, the children spend the whole day playing on the swings.

RETURNEES.....By February 20th, the ICRC plan to finish food distribution to people displaced by the war who have returned to the de-militarized zone in northern Rwanda. However, in March and May, there will be a special food distribution in six communes in West Byumba which have been struck by drought.

RWANDESE REFUGEES....UNHCR reports that 7000 Rwandese refugees plus 10,000 heads of cattle have returned to the zone controlled by the Rwanda Patriotic Front. They are mainly refugees who fled to Uganda in 1960.

....ACORD reports that the nutritional status of 9000 Rwandese who returned from Tanzania to Nyabwishongezi in northern Rwanda three months ago remains worrying. The Free Methodist Church in Rwanda is waiting for funds to start a supplementary feeding programme.

FOOD....The World Food Programme says it has enough maize, oil and salt in stock to supply the Burundi refugee camps until the end of April. They have to rely on the "pipeline" for beans and Corned Soya Blended flour (CSB). Some camps are still not receiving beans. WFP says they have bought 1,425 tonnes of beans in Uganda and the first consignment of 300 tonnes arrived on Wednesday 16th February. They expect a similar amount every week. At the end of March, WFP says it expects to receive a shipment of 3000 tonnes of Chinese lentils to substitute for beans. Until the Chinese lentils arrive, the WFP will offer a reduced ration of 80 grammes of beans, with additional CSB.

UNAMIR.....The total number of UNAMIR troops in Rwanda is now 1,925. On February 16th, the UN Secretary General's Special Representative, Mr. Jacques Roger Booh-Booh put out a press release criticising clashes between government troops and FPR

forces in the de-militarized zone, which had left three dead. UNAMIR is working on a map of the minefields in northern Rwanda, which should be ready by the beginning of March.

NEWS FROM THE REGION

TANZANIA.... UNHCR estimates that 170,000 refugees returned to Burundi in January. However, several hundred fled back to Tanzania during the first week of February saying that killing had started again in two communes in Muyinga and Ngozi. Conditions in the camps in Tanzania have improved, with death rates falling from an alarming peak of seven per 10,000 people per day late last year to between one and two people per 10,000 now. The Tanzanian government and UNHCR plan to relocate refugees to a site at Lukole, 60 kilometres from the Burundi border.

EASTERN ZAIRE....The BBC and news agencies reported this month that rebels in the Ruwenzori mountains have recently clashed with Zairean troops, driving several thousand refugees over the border into Uganda. The rebels describe themselves as followers of the 1960s liberation leader Patrice Lumumba.

BURUNDI..... Burundi is beginning to prepare for the return of up to 320,000 refugees. The government plans to reopen schools, and if people are to plant they have to start now. The political situation may have stabilised with the appointment of a new government, but there are still sporadic outbursts of violence - Burundi television reported that about 50 people were killed and 200 houses burnt in Songa, in Bururi, at the end of the second week of February and refugees remaining in Rwanda and Zaire say the situation in Kirundo and Bubanza remains perilous.

THE NEXT EMERGENCY; DROUGHT IN SOUTHWEST RWANDA

Drought is beginning to hit Rwanda hard, especially in the southwest. Many farmers report they have planted nothing this season, food prices have risen and health centres note an increase in dysentery, malaria and anaemia. NGOs say some Rwandese are turning up in Burundi refugee camps looking for food and medical care, while others do not have the strength - or the money - to leave home.

RUNYINYA AND GIKONGORO

A report by Catholic Relief Services (CRS) and CARITAS says that the price of beans in Runyinya market has risen from 35 francs to more than 85 francs per kilo. A UNICEF/Ministere de la Famille survey on food security and nutrition reports that 91 per cent of farmers in Runyinya have not planted at all, and that seven per cent of children under five are severely malnourished

To the west, in Gikongoro, CRS reports more increases in food prices, and a new commodity for sale: maize from the Burundi refugee camps. CRS notes that people in Gikongoro are delaying

going to the health centre when ill because they cannot afford to pay. As a result, many are dying in their homes or arriving for treatment critically ill. According to UNICEF, children in households headed by women are less likely to be taken to the health centre.

There has been an alarming increase in malaria - in Mbuga Health Centre, CRS reports that cases of malaria have shot up from an monthly average of 180 in the final quarter of 1992, to 480 per month at the same time last year.

SURVEYS

OXFAM and other NGOs are working with the Comité de Crise on a survey which aims to identify which people require help, and where the need is greatest. The results should be out in two weeks time.

A Ministry of Agriculture survey of harvest prospects has already calculated that 900,000 people will need some 96,000 tonnes of food aid over the next six months. CARITAS - financed by the European Community - is buying 5000 tonnes locally to distribute to those in urgent need. CARITAS and CRS are looking to purchase another 25,000 tonnes over the next six months, to establish a food pipeline for drought-affected areas.

SOCIAL SYSTEMS

Social systems and traditional methods of coping with drought are breaking down. According to elderly people in the southwest, when drought struck in the past, people used to go to Burundi to work as labourers. Now, 14 and 15 year olds are setting off for the towns in search of work.

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◆ **DEATH RATES**

1. **REFUGEE CAMPS**

	WEEK	
	24/01-30/01	29/01-04/02
Number of deaths per day per 10,000 persons.	2.21	2.25
Number of deaths	287	298

◆ **HEALTH**

REFUGEE CAMPS

	Number of cases		Number of deaths	
	24/01-31/01	04/02-11/02	24/01-31/01	04/02-11/02
Measles	96	69	36	24
Dysentery	1268	1169	96	89
Meningitis	2	4	1	1
Malaria ¹	8470	7918	62	49

(WHO statistics and NGOs reports)

◆ **NUTRITION²**

1. **REFUGEE CAMPS**

Percentage of malnourished children under 5 years.	
Highest rate	Lowest rate
Burenge: 40.3 %	Mukindo + Shyombo: 13 %

(Studies carried out by NGOs between December 1993 and January 1994)

2. **CAMPS FOR DISPLACED PEOPLE**

Percentage of malnourished children under 5 years.		
Highest rate	Lowest rate	Average rate
Nyacyonga: 5 %	Bugarura: 1.58 %	2.89 %

(Ministry of Health)

¹ This includes undiagnosed fever presumed to be malaria.

² These studies show the percentage of children acutely malnourished according to their weight-for-height. The national average for acute malnutrition amongst under 5s is 5.2 per cent.



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Forty-eighth session
Agenda item 171

EMERGENCY ASSISTANCE FOR THE SOCIO-ECONOMIC
REHABILITATION OF RWANDA

Report of the Second Committee

Rapporteur: Ms. Irene FREUDENSCHUSS-REICHL (Austria)

I. INTRODUCTION

1. At its 50th plenary meeting, on 4 November 1993, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "Emergency assistance for the socio-economic rehabilitation of Rwanda" and to allocate it to the Second Committee.

2. The Second Committee considered the item at its 33rd to 35th, 42nd and 45th meetings, on 16 to 18 and 29 November and 6 December 1993. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.2/48/SR.33-35, 42 and 45). Attention is also drawn to the general debate held by the Committee at its 3rd to 8th meetings, on 8 and 11 to 13 October (see A/C.2/48/SR.3-8).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.2/48/L.35

3. At the 42nd meeting, on 29 November, the representative of Algeria, on behalf of the African States, introduced a draft resolution entitled "Emergency assistance for the social and economic rehabilitation of Rwanda" (A/C.2/48/L.35). Subsequently, Belgium, the Democratic People's Republic of Korea, El Salvador, Honduras and the Republic of Korea joined in sponsoring the draft resolution. In the course of his statement, the representative of Algeria orally revised the draft resolutions as follows:

(a) Wherever the words "social and economic rehabilitation" appeared, they were replaced with the words "socio-economic rehabilitation";

(b) In operative paragraph 5, the word "materialization" was replaced with the word "completion".

4. At the 45th meeting, on 6 December, the Vice-Chairman of the Committee, Mr. Ryszard Rysinski (Poland), made a statement in which he informed the Committee of the results of the informal consultations held on the draft resolution and orally revised it as follows:

(a) A seventh preambular paragraph was added to read as follows:

"Noting the recent large-scale inflow of refugees from Burundi into Rwanda,";

(b) In operative paragraphs 2, 4 and 5, the words "Member States" were replaced with the words "all States".

5. At the same meeting, the Committee adopted draft resolution A/C.2/48/L.35, as orally revised, without a vote (see para. 6).

III. RECOMMENDATION OF THE SECOND COMMITTEE

6. The Second Committee recommends to the General Assembly the adoption of the following draft resolution:

Emergency assistance for the socio-economic rehabilitation of Rwanda

The General Assembly,

Recalling Security Council resolutions 812 (1993) of 12 March 1993 and 846 (1993) of 22 June 1993 on the situation in Rwanda,

Recalling also Security Council resolution 872 (1993) of 5 October 1993 in which it urged Member States, United Nations agencies and non-governmental organizations to provide and intensify their economic, financial and humanitarian assistance in favour of the Rwandese population and of the democratization process in Rwanda,

Noting with satisfaction the signing, on 4 August 1993 at Arusha, United Republic of Tanzania, of the Peace Agreement between the Government of Rwanda and the Rwandese Patriotic Front, which put an end to the armed conflict,

Taking into account the serious consequences of the breakdown of the national economy and the destruction of important social, economic and administrative infrastructures in the areas affected by the war, as well as the imperious necessity to satisfy the needs of the displaced persons and the refugees,

/...

Taking into consideration the fact that the implementation of the Arusha Peace Agreement would create favourable conditions for the socio-economic rehabilitation of Rwanda,

Taking also into consideration the fact that the insufficiency of economic and financial resources of Rwanda requires the assistance of the international community in order to enable the implementation of the Arusha Peace Agreement,

Noting the recent large-scale inflow of refugees from Burundi into Rwanda,

1. Calls upon all parties to do their utmost to achieve the full and effective implementation of the Arusha Peace Agreement and national reconciliation goals, thus creating conditions conducive to the socio-economic rehabilitation of the country;
2. Expresses its appreciation to all States, United Nations organizations and intergovernmental and non-governmental organizations for the emergency humanitarian assistance rendered to Rwanda since the beginning of hostilities;
3. Welcomes the United Nations Consolidated Inter-agency Appeal for Rwanda, launched in April 1993 by the Department of Humanitarian Affairs of the Secretariat in favour of displaced persons in Rwanda; 1/
4. Urges all States, United Nations organizations and intergovernmental and non-governmental organizations to intensify, in favour of Rwanda, economic, financial, material and technical assistance in order to encourage the process of rehabilitation and sustained development, especially by raising its economy, rebuilding and rehabilitating various infrastructures destroyed by the war;
5. Invites all States, United Nations organizations and intergovernmental and non-governmental organizations to provide to Rwanda adequate assistance for the settlement of displaced persons and the repatriation of refugees, the demobilization of soldiers and reintegration of demobilized soldiers in civil life, the clearance of mines and the completion of the democratic process;
6. Requests the Secretary-General to support with all possible assistance the consolidation of peace in Rwanda and to submit a report to the General Assembly at its forty-ninth session on the implementation of the present resolution;
7. Decides to include in the provisional agenda of its forty-ninth session the item entitled "Emergency assistance for the socio-economic rehabilitation of Rwanda".

1/ DHA/93/54.



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ASSISTANCE D'URGENCE POUR LE REDRESSEMENT SOCIO-ECONOMIQUE DU RWANDA

Rapport de la Deuxième Commission

Rapporteur : Mme Irene FREUDENSCHUSS-REICHL (Autriche)

I. INTRODUCTION

1. A sa 50e séance plénière, le 4 novembre 1993, l'Assemblée générale, sur recommandation du Bureau, a décidé d'inscrire à son ordre du jour le point intitulé "Assistance d'urgence pour le redressement socio-économique du Rwanda" et d'en renvoyer l'examen à la Deuxième Commission.

2. La Deuxième Commission a examiné ce point à ses 33e à 35e, 42e et 45e séances, les 16 à 18 et 29 novembre et le 6 décembre 1993. On trouvera un résumé des débats que la Commission a consacrés à ce point dans les comptes rendus analytiques pertinents (A/C.2/48/SR.33 à 35, 42 et 45). L'attention est également appelée sur le débat général que la Commission a tenu à ses 3e à 8e séances, les 8 et 11 au 13 octobre (voir A/C.2/48/SR.3 à 8).

II. EXAMEN DU PROJET DE RESOLUTION A/C.2/48/L.35

3. A la 42e séance, le 29 novembre, le représentant de l'Algérie, au nom des Etats africains, a présenté un projet de résolution intitulé "Assistance d'urgence pour le redressement socio-économique du Rwanda" (A/C.2/48/L.35). Les pays suivants : Belgique, El Salvador, Honduras, République démocratique populaire de Corée et République de Corée se sont ultérieurement joints aux auteurs du projet de résolution. Dans sa déclaration, le représentant de l'Algérie a oralement modifié comme suit le projet de résolution :

a) Toutes les occurrences de l'expression "redressement social et économique" ont été remplacées par "redressement socio-économique";

b) Au paragraphe 5, le terme "la matérialisation" a été remplacé par "l'aboutissement".

4. A la 45e séance, le 6 décembre, le Vice-Président de la Commission, M. Ryszard Rysinski (Pologne), a fait une déclaration informant la Commission des résultats des consultations officieuses organisées sur le projet de résolution et a oralement révisé ce dernier comme suit :

a) Un septième alinéa a été rajouté au préambule, qui se lit comme suit :

"Notant le récent afflux au Rwanda de nombreux réfugiés venant du Burundi,";

b) Aux paragraphes 2, 4 et 5, l'expression "Etats Membres" a été remplacée par "tous les Etats".

5. A la même séance, la Commission a adopté sans vote le projet de résolution A/C.2/48/L.35, tel que révisé oralement (voir par. 6).

III. RECOMMANDATION DE LA DEUXIEME COMMISSION

6. La Deuxième Commission recommande à l'Assemblée générale d'adopter le projet de résolution ci-après :

Assistance d'urgence pour le redressement social et économique du Rwanda

L'Assemblée générale,

Rappelant les résolutions 812 (1993) et 846 (1993) du Conseil de sécurité, en date du 12 mars et du 22 juin 1993, respectivement, concernant la situation au Rwanda,

Rappelant aussi la résolution 872 (1993) du 5 octobre 1993, dans laquelle le Conseil de sécurité lance un appel pressant aux Etats Membres, aux institutions spécialisées des Nations Unies ainsi qu'aux organisations non gouvernementales pour qu'ils fournissent, en l'intensifiant, une assistance économique, financière et humanitaire en faveur du peuple rwandais et du processus de démocratisation au Rwanda,

Notant avec satisfaction la signature, le 4 août 1993, à Arusha (République-Unie de Tanzanie), de l'Accord de paix entre le Gouvernement rwandais et le Front patriotique rwandais, qui a mis fin au conflit armé,

Prenant en considération les graves conséquences de l'effondrement de l'économie nationale et de la destruction d'importantes infrastructures sociales, économiques et administratives dans les zones touchées par la guerre, ainsi que l'impérieuse nécessité de répondre aux besoins des personnes déplacées et des réfugiés,

Tenant compte du fait que l'application de l'Accord de paix d'Arusha créerait des conditions favorables au redressement socio-économique du Rwanda,

/...

Tenant également compte du fait qu'en raison de l'insuffisance des ressources économiques et financières du Rwanda, l'assistance de la communauté internationale est indispensable pour permettre l'application de l'Accord de paix d'Arusha,

Notant le récent afflux au Rwanda de nombreux réfugiés venant du Burundi,

1. Engage toutes les parties à faire le maximum pour assurer l'application intégrale et effective de l'Accord de paix d'Arusha et réaliser les objectifs de la réconciliation nationale, afin de créer des conditions propices au redressement socio-économique du pays;

2. Sait gré à tous les Etats, aux organismes des Nations Unies et aux organisations intergouvernementales et non gouvernementales de l'assistance humanitaire d'urgence qu'ils ont fournie au Rwanda depuis le début des hostilités;

3. Prend note avec satisfaction de l'appel interinstitutions commun des Nations Unies en faveur du Rwanda, que le Département des affaires humanitaires du Secrétariat a lancé en avril 1993 afin d'aider les personnes déplacées du Rwanda¹;

4. Demande instamment à tous les Etats, aux organismes des Nations Unies et aux organisations intergouvernementales et non gouvernementales d'intensifier l'assistance économique, financière, matérielle et technique en faveur du Rwanda afin de favoriser le relèvement et le développement durable du pays, en particulier en relançant l'économie ainsi qu'en reconstruisant et en remettant en état les différentes infrastructures détruites par la guerre;

5. Invite tous les Etats, les organismes des Nations Unies et les organisations intergouvernementales et non gouvernementales à apporter au Rwanda une assistance suffisante pour assurer l'installation des personnes déplacées et le rapatriement des réfugiés, la démobilisation des militaires et leur réintégration dans la vie civile, le déminage et l'aboutissement du processus démocratique;

6. Prie le Secrétaire général de soutenir, en apportant toute l'assistance possible, la consolidation de la paix au Rwanda et de présenter à l'Assemblée générale, à sa quarante-neuvième session, un rapport sur l'application de la présente résolution;

7. Décide d'inscrire à l'ordre du jour provisoire de sa quarante-neuvième session une question intitulée "Assistance d'urgence pour le redressement socio-économique du Rwanda".

¹ DHA/93/54.

Human Rights

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

1 - Copy to Mr BUO

1 - Copy to Ms Rafii

30-8-95

WS

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 have 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 Gatara 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 on 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 Gitarama 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 Rwandese 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 pyon 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 caseload 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

component) has submitted a draft of the internal rules of the centre to Terre des Hommes, the NGO in charge of the project for reeducation. Moreover, TCU is responsible for the human rights education of the professional staff from Gitagata. On 9 August, three minors, all 14 years old, were released from Gitagata. The minors were released after the Ministry of Justice reviewed their cases. UNICEF has sponsored lawyers from the Ministry of Justice defended the children who had been accused of minor crimes. It is expected that more children will be released in the next days.

From 1-12 August, the National Commission de Triage met three times, one meeting had to be cancelled due to the absence of some members. 16 cases were examined and only three people were released. The Commission de Triage decided that priority would be given to cases of married couples in order to protect families. HRFOR (Kigali) has received reports of five cases of re-arrests of people who had been previously released by a formal decision by the National Commission de triage. These developments undermine the credibility and authority of this institution.

From 22 July until 19 August, HRFOR (Kigali) made 15 visits to communes in Kigali Rural. 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 population and representatives of local associations, established commune profiles, followed up on individual cases and inspected communal cachots. Generally, the situation in communal cachots is satisfactory. Dossiers are established for most detainees. The general security situation is calm. No major incidents have been reported. The most serious problems in Kigali Rural concern the lack of adequate health care, malnutrition and the difficult situation of widows and orphans. HRFOR (Kigali) has contacted several NGOs to address these issues.

Human rights field officers continued to follow the proceedings of the Conseil de Guerre. During the week of 31 July to 4 August, the Conseil de Guerre held two hearings concerning a case of an alleged assassination of a civilian by an RPA Lieutenant together with 5 RPA soldiers. The case had been previously brought to the attention of HRFOR (Kigali) two days before the death of the victim.

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 collaborative efforts have proven to be very helpful to address specific cases of alleged human rights violations as well as to assess the general human rights situation. Similar by-weekly meetings are held with the Prefect of Kigali Ville.

9. Rilima

The general situation in the Sub-Prefecture Kanazi, Prefecture Kigali Rural has been calm with the exception of Ngenda commune, where IDP returnees were repeatedly harassed by old caseload returnees. During the night of 27 July 1995, two families comprising 7 persons were killed in Muyange, Kavumu sector. The

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,

163 detainees were held in Ngenda communal cachot, which has a maximum capacity of 50 detainees. During the first week of August, there were 10 new arrivals and 7 detainees were released, including 5 persons accused of genocide charges. On 10 August, Gashora communal cachot, with a maximum capacity of 50 detainees. During the first week of August, there were 10 new arrivals and 7 detainees were released, including 5 persons accused of genocide charges. On 10 August, Gashora communal cachot, with a maximum capacity of 50, held 21 detainees. Since 11 July, 35 detainees, who were accused of genocide charges, have been released. On 1 August, 5 detainees were released in the presence of a human rights field officer. On the same day, 23 detainees were transferred to Rilima Prison.

On 10 August, the Sub-Prefect of Kanazi assured HRFOR (Rilima) that all problems regarding free movement of human rights field officers had been resolved and that human rights field officers had free access to all communes. On 22 August, however, access to Nyakayaga, Nganda commune was granted only after a human rights field officer was held for half an hour at a road block and after long discussions with RPA soldiers at this road block.

HRFOR (Rilima) has agreed to provide transport twice a week to the Inspector of the Judicial Police of Gashora to enable him to perform his duties and to undertake investigations in the sectors. Human Rights field officers have contacted local women's associations, most of them consisting of widows. Meetings were held with 7 women's agricultural cooperatives. 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 issues. Moreover, weekly coordination meetings are held in the communes with local authorities.

10. Ruhengeri

The situation in the Prefecture has been quiet and there have been no serious violations of human rights reported. Frequent contact has been maintained with the local authorities at all levels and cooperation with the authorities continues to be constructive. This highlighted by improved conditions in the detention centres and the release of several detainees following visits by HRFOR.

During the period 31 July to 5 August, members of HRFOR (Ruhengeri) met with the Brigade Commander to discuss recent cases. Apparently, the Commander had been absent during the last few meetings of the Commission de Triage and had subsequently refused to support the release of detainees proposed by the Commission and the Substitute Prosecutor.

The Commander assured human rights field officers that his refusal to comply with those decisions was motivated by a concern for the security of those detainees to be released vis-à-vis the local population. He wished to conduct further local enquiries before supporting their release. However, four detainees were released the week commencing 31 July and a further 6 detainees were released on 11 August following the recommendation of the Commission de

Triage. This latter piece of information was confirmed by the Director and Assistant Director of the prison.

As of 16 August, there were 1426 detainees in Ruhengeri prison of which 20 were women and 36 minors. During the period 7 to 12 August, 13 of the 25 detainees transferred to the prison from the gendarme Brigade were subsequently returned to the brigade because of illegal arrest procedures.

Furthermore, human rights field officers were informed that the prison staff have decided to stop feeding detainees detained at the brigade given that the rations distributed by the ICRC are only intended for those detained in the prison. The management of the prison hopes that this decision will pressure the Parquet and the Brigade to assume their appropriate responsibilities as far as detention conditions under their control are concerned.

Detainees are unable to be admitted to the hospital without a letter from the Director who is not present at the prison during the night. HRFOR (Ruhengeri) is following this up with the medical assistant responsible for prisoners at the hospital in order to find an appropriate solution.

Detainees also cannot afford the cost of medical treatment. This problem extends to the local population in general. There have been 5 deaths among detainees in the last four weeks, four from illnesses and one unknown case, which is being followed up. HRFOR (Ruhengeri) are currently negotiating with UNICEF to receive donation for 30 mattresses, educational material and food for minors in the prison.

On 18 August in the commune of Mukingo, the local authorities expressed their concern about the security situation given the constant demand for land by old case load refugees. They are receiving around 20 such complaints a week. In the commune of Cyeru, 65 old case refugees returned last month and since July, only 7 new case load refugees have come back.

Since 22 August, Ruhengeri has been affected by the crossing of refugees at the border in Gysenyi. Of the numbers having been processed in Nkamira transit camp, 90 refugees were transferred to Ruhengeri prefecture. HRFOR (Ruhengeri) have already begun monitoring their integration into the prefecture. It should be noted that HRFOR (Ruhengeri) is very concerned that if the Zairean authorities continue to close camps towards the north of Rwanda, that refugees will attempt to enter Ruhengeri prefecture through the forest areas in which case, it would thereby become more difficult to monitor their entry into Rwanda because of an absence of official border posts there. HRFOR (Gisenyi) is presently working out a system to monitor such returnees in this eventuality.

During a meeting with the Prefect and the Sous-Prefect responsible for Administrative Affairs, an assessment was carried out regarding the requirements needed for the rehabilitation of the Parquet, the Tribunal de Première Instance, the Prison, the Brigade of the Gendarmerie and material for Inspectors of the Judicial Police.

HRFOR (Ruhengeri) also met with the Representatives of the Ministry of the Family and Promotion of Women as well as with different representatives of women's associations in various communes. In addition, during the last four weeks, seven well-attended women's meetings have been held in various communes. A lecture on human rights education was also delivered to primary school teachers in Kigombeo on 8 August. HRFOR (Ruhengeri) is currently strengthening its efforts to examine more closely the situation of Batwas in the communes.

During the last week of August 7 to 12, HRFOR (Ruhengeri) held a meeting with the local Commander of the Gendarmerie where they arranged to assist in the training programmes at the Gendarmerie school for 500 recently appointed Gendarmerie. It was agreed that human rights field officers will give lectures on human rights once a month beginning on 28 August for the duration of the training period (four months)

C. Prison Unit

Prison conditions in Rwanda - Plan of action

The HRFOR is currently preparing a Plan of Action in cooperation with the partners of UN agencies, and in particular, UNDP, whose joint goals are: to increase the capacity of temporary detention centres; to increase the capacity of existing Rwandese prisons; and to ensure appropriate conditions of detention in both old and new prisons.

HRFOR is working in close cooperation with the Ministry of Justice and the Penitentiary Administration on the elaboration of this Plan of Action, particularly with regard to the improvement of the conditions of detention to be presented to donor countries.

Improving the conditions of detention

1. Current Situation

Three different activities are envisaged for the purpose of bring about an immediate improvement in the conditions of detention:

- a. increasing the capacity of existing prisons and detention centres
- b. supporting the conversion of seven sites into temporary detention centres
- c. constructing new permanent detention centres and prisons

The prison of Nsinda (capacity: 5000 inmates) will be completed by mid-September.

Prisoners identification and data base project

As regards the registration of detainees, HRFOR is giving some assistance to the Prisoner Identification and Data Base Project prepared by HRFOR together with UNAMIR.

The Prisoner identification and Data Base Project will provide the Rwandese government, particularly the Ministry of Justice with a complete data base of the prisoners in Rwandese Prisons. The collection procedure consists of taking a digital photograph of the prisoner, producing the image and then copying it into one of the note book computers. Trained Rwandeses, most likely Inspectors of the Judicial Police and prison staff would then take the information directly from the prisoner. The prisoner's image is on the computer screen and so identification is certain. The necessary training on the system will be conducted by TCU.

Gitagata Centre

HRFOR is coordinating the training of the personnel of Gitagata Centre for Minors; training in human rights and focusing on the rights of children in detention.

Additional information

- HRFOR has visited the prison of Kibuye and the prison of Cyangugu, and has met with the Directors of these prisons to discuss their problems on the penitentiary level.
- HRFOR has visited the new section for women in the prison of Kigali.
- HRFOR has met with the Team of Kibuye.
- HRFOR held a meeting with human rights field officers responsible for working in the prisons in their prefectures to discuss their work and how HRFOR can improve the coordination between the Prison Unit, FCU, TCU and themselves.

During this period HRFOR also held the following meetings:

- Meeting with the Director of Penitentiary Administration to discuss the criteria for the transfert of 5000 detainees from several Rwandese prisons to the Onatracom (a new temporary centre of detention).
- Meeting with the Inspector of Prisons to discuss the Project of Training of Penitentiary Staff.
- Meeting with the representative of the NGO Terre des hommes to discuss the training on Human Rights for the staff of the Gitagata centre.

- Meeting with the representatives of the donor countries, the representative of UNDP and the other United Nations Agencies to discuss an urgent Plan of Action to improve the conditions in prison in Rwanda.

D. Technical Cooperation Unit

Administration of Justice

1. Provision of 50 legal Professionals in Cooperation with UNDP/DDSMS/UNV

On 10 July 1995, the Transitional National Assembly rejected the Minister of Justice's proposal to allow foreign legal professionals to practice in Rwanda. After this time the HRFOR worked with the Ministry of Justice to come up with suitable alternatives for utilizing the legal professionals given the limitations of the law.

On 2 August 1995, the Minister of Justice indicated that the legal professionals should come to Rwanda to act as legal advisers for the Ministry of Justice, the Supreme Court, Court of Appeals, First Instance Courts, and for the prosecutors offices at every level. In addition, the Minister requested that a few of the legal professionals be assigned to the law faculty at the University.

Since this time the HRFOR has worked with the Ministry to determine when the 50 legal professionals can come to Rwanda. No final decision has yet been reached, because some feel that the foreign professionals should come immediately, while others feel that the legal advisers should arrive after the Rwandese court system is fully in place (which could take a few months and possibly not be done until the beginning of next year, for the Transitional National Assembly must first name the Supreme Court justices and they in turn will appoint all other members of the court).

2. Project "Advisory Services of Experts to the Ministry of Justice in the Administration of Justice"(RWA/94/AH/13)

The first three experts, who have been working with the Ministry of Justice since April and May 1995, have produced interim reports in their respective areas of assignment. The Centre for Human Rights is currently analysing these reports for appropriate actions. The work of the three experts has already made a very positive impact on the rehabilitation of the Ministry of Justice.

To enable the early deployment of the last three experts, the Centre for Human Rights and UNDP/UNV are proposing alternative candidates for consideration by the Government after its rejection of the candidatures jointly submitted by the Centre for Human Rights and UNV.

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

Commission of Triage will be the subject of the third monthly report on the status of the Rwanda justice system.

Human Rights Education

1. Human Rights and Women

A seminar on women's rights was held in Butare in order to stimulate the creation of governmental and non-governmental structures throughout the country that can respond to the specific needs of women, needs greatly exacerbated by the genocide.

The seminar was well attended and opened by the Minister of Family. Follow-up work has already begun with support of field officers in two prefectures.

2. Human Rights and Civil Society

Work to support, technically and financially, local human rights organizations has already begun. A major meeting of human rights NGOs is to take place late August 95.

3. Human Rights and the Military/Gendarmerie

Training programmes for the military, the gendarmerie, and the communal police are ready to be implemented, subject to final agreement of the Government on practical arrangements.

4. Human Rights and Formal Education

The HRFOR has been working with the Ministry of High Education and members of the National University for the last two months. At present, final preparations are being made for a seminar on human rights for members of the faculty at the National University, scheduled for early October 1995.

5. Awards for Peace and Reconciliation

The award ceremony is tentatively scheduled for early September 1995. Four of the five awards recipients have been interviewed at various locations throughout Rwanda. The fifth recipient apparently was killed during the genocide and interviews are being conducted of those who knew of his activities during the genocide to determine if he should be given the award postmortem.

Rehabilitation of the Justice System - the Physical Aspects

The HRFOR has been concerned with the lack of minimum infrastructure for the justice system to function and has closely cooperate with other agencies in addressing this problem on the basis of their identification of needs in this area.

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officers throughout the country cooperated with oth
of several projects aimed at improving physical infra

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the International Rescue Committee (IRC) have recently s
e Ministry of Justice to rehabilitate the offices of the Police
cutors, and First Instance Courts throughout Rwanda.
cilitated by the HRFOR.

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ficers in each prefecture have been meeting with local authorities
es of IRC in the last few weeks to ensure the most efficient
f the project. In most prefectures, the field officers have organized
of local officials to facilitate the implementation of the project. This
hly visible and begin to satisfy an impatient population who believe
is doing little to prepare for the trials of those accused of the

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HR continues to call attention to the international community regarding
onditions of detention in a number of Rwanda's central prisons,
ots, and Gendarmerie amigos.

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HR has been working diligently in the last month to ensure that all
have sufficient furniture and office materials to start functioning. Work
SMS, the Ministry of Justice and local officials is being completed and
furniture will no longer be an obstacle for the functioning of a judicial
have been placed by local officials with the assistance of the HRFOR
es in the last week, and others will soon follow.

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ot to ensure recent graduates of the training for Judicial Police
spectors of the Judicial Police) have sufficient materials to work
an two weeks ago and will continue for the next month. This project is
f the NGO Citizens Network (who organized the training), the UNHCR,
ernment and the HRFOR. Materials have already been delivered by
bers to the Inspectors of the Judicial Police recently outposted.

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ected that once again the field officers will play an important safety net
spectors of the Judicial Police, who are outposted with no salary, and
and technical support. Field officers work with Inspectors of the Judicial
on a daily basis throughout the country to ensure sufficient support is
low this part of the judicial system to function properly at the local level.

**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 1/ as at 25 August 1995	9,494.1				
Contributions: as at 25 August 1995	7,226.7	<u>A- Staff costs</u> 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	<u>B-Operational costs</u> General operating expenses: 548.5 Supplies & materials: 164.4 Furniture & equipment: <u>686.7</u> <u>Yet to be paid:</u> Vehicles, Communication equipment and other material supplied from DPKO & UNHCR Total Operational costs	1,399.6 <u>1,241.5</u> 2,641.1	840.0 <u>0.0</u> 840.0	2,239.6 <u>1,241.5</u> 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 2/	2,708.9	(816.0) 3/	(816.0) 3/
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

**HUMAN RIGHTS FIELD OPERATION IN RWANDA
STATEMENT OF PLEDGES AND CONTRIBUTIONS AS OF 24 AUGUST 1995**

COUNTRIES	Currency and Amount	Equiv. US\$	Payment effected	Other services provided and remarks
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1- GENERAL PLEDGES AND CONTRIBUTIONS

AUSTRALIA	A\$ 100 000	63 500,00	73 690,00	
	A\$ 200 000	146 000,00	145 800,00	
AUSTRIA	Sh 500 000	45 000,00	46 643,97	
BELGIUM	FB 15 000 000	465 800,00	523 098,52	
CANADA	CAN\$ 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
				Prosecutors (1 month) + US\$ 208 000
	US\$ 208 000	208 000,00		for 8 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
OXFAM	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	
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Annex

PRISONS IN RWANDA

Date: 22 August 1995

	Prison	Men	Women	Minors	Total	Infants	Capacity	Date
1	Butare	6287	213	100	6600	60	2000	21-Aug-95
2	Byumba	?	?	?	312	?	500	23-Aug-95
3	Cyangugu	1958	25	40	2023	3	700	21-Aug-95
4	Gikongoro	952	11	17	980	2	700	23-Aug-95
5	Gisenyi	1276	27	37	1340	10	1000	23-Aug-95
6	Gitarama	6141	217	64	6422	25	800	22-Aug-95
7	Kibungo	3260	60	58	3378	10	600	21-Aug-95
8	Kibuye	1858	51	11	1920	4	800	23-Aug-95
9	Kigali	9236	341	277	9854	74	2000	21-Aug-95
10	Nianza	1359	89	10	1458	33	800	21-Aug-95
11	Nsinda	894	24	25	943	2	150	18-Aug-95
12	Ruhengeri	3074	12	87	3173	3	1200	14-Aug-95
13	Ruhengeri	1406	20	21	1447	9	1500	19-Aug-95
	Total	37701	1090	747	39850	235	12750	

FAX# 00

1) Human Rights
2) IN CODE

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

Vu
WS

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

REF:

DE FROM : José Ayala Lasso

[Signature]

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
—



HAUT COMMISSAIRE AUX DROITS DE L'HOMME

HIGH COMMISSIONER FOR HUMAN RIGHTS


Télégramme : UNATIONS, GENÈVE
Télex : 28 86 86
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 GENÈVE



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 report 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.

**LIGUE RWANDAISE POUR LA PROMOTION
ET LA DEFENSE DES DROITS DE L'HOMME**
B. P. 1892 KIGALI - TEL. & FAX (250) 75459

Agréée par A.M. N° 447/05 DU 30/12/1991
Membre de la FIDH depuis le 15 Janvier 1995

MINOR
RECEIVED

N / Réf.:
V / Réf.:

17 AUG 1995
OFFICE OF THE SRSG
UNAMIR

copy: MR. BVO
MS. L. Nafu
Kigali, le.....
R-2-95

Objet: **DECLARATION DE LA LIGUE RWANDAISE POUR LA
PROMOTION ET LA DEFENSE DES DROITS DE L'HOMME
(LIPRODHOR) SUR LA VAGUE D'ASSASSINATS DES
HOMMES POLITICO-ADMINISTRATIFS ET RELIGIEUX.**

La Ligue Rwandaise pour la Promotion et la Défense des Droits de l'Homme a appris avec grande consternation les assassinats lâches et ignobles de Monsieur KOLONI Placide, Sous-Préfet de Ruhango en Préfecture de Gitarama tué en date du 27 Juillet 1995 avec une bonne partie de sa famille, ainsi que ceux de Monsieur Oreste HABINSHUTI, Sous-Préfet à la Préfecture de Gikongoro et de l'Abbé Pie NTAHOBARI, Curé de la Paroisse de Kamonyi en Préfecture de Gitarama, survenus le 1 Août 1995.

La LIPRODHOR condamne avec fermeté tous ces assassinats dirigés contre les hautes personnalités administratives et religieuses dont le comportement pendant les événements qui ont endeuillé le Rwanda est irréprochable, assassinats qui ne cessent de ternir davantage l'Image de notre pays déjà rendu tristement célèbre par les violations massives des droits de l'Homme commises surtout depuis avril 1994.

A la lumière des cas antérieurs à ceux ci-dessus évoqués, la LIPRODHOR dénonce un semblant de plan machiavélique qui viserait à intimider et à exterminer des hommes politico-administratifs, des personnalités de la Société Civile et des populations innocentes à cause de leur appartenance ethnique, religieuse ou de leurs idées politiques.

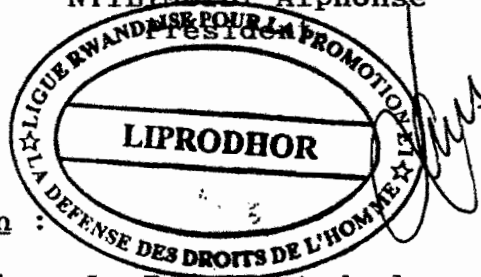
La LIPRODHOR demande aux forces de sécurité de défendre cette population civile, victime des hordes barbares, sans foi ni loi, par tous les moyens mis à leur disposition.

La LIPRODHOR interpelle à nouveau la Communauté Internationale à user de toutes ses compétences pour aider le Gouvernement Rwandais à honorer ses engagements vis-à-vis des instruments internationaux de protection et de défense des Droits de l'Homme auxquels il a souscrit.

La LIPRODHOR réitère enfin ses sincères remerciements à tous* ceux qui se déploient pour lutter contre la désintégration de l'Etat, notamment par le déblocage du fonctionnement de l'appareil judiciaire.

Fait à Kigali, le 07 Août 1995

Pour la LIPRODHOR
NYILIMBIBI Alphonse



Copie pour information :

- Son Excellence Monsieur Le Président de la République Rwandaise
KIGALI
- Son Excellence Monsieur le Vice-Président de la République et Ministre de la Défense
KIGALI
- Son Excellence Monsieur le Président de l'Assemblée Nationale
KIGALI
- Monsieur le Premier Ministre
KIGALI
- Monsieur le Ministre de l'intérieur et du Développement Communal
KIGALI
- Monsieur le Ministre de la Justice
KIGALI
- Monsieur le Ministre des Affaires Etrangères et de la Coopération
KIGALI
- Autres membres du Gouvernement (tous)
- Membres de l'Assemblée Nationale (tous)
- Partenaire de la LIPRODHOR (tous)

File: ~~SRSR~~
Human Rights


NOTE TO SRSR

As you are aware, the United Nations Human Rights Commission's Special Rapporteur for Rwanda, Mr. René Degni-Segui, recently appointed a Kigali-based representative, Mr. Aka Kablan, a former judge from Côte d'Ivoire. Mr. Kablan's office is located within the premises of the United Nations Human Rights Field Operation.

There are indications of a seemingly widening rift or, at best, misunderstanding between the Special Rapporteur and the United Nations Centre for Human Rights which supervises the Field Operation in Rwanda. Some of the disagreements have recently become public, for instance through the Special Rapporteur's report in June to the Human Rights Commission and his statements to the press a few days ago.

The perception or reality of a rift within the United Nations human rights family, especially at a time when the United Nations system as a whole is trying to focus in an even more intensive and concrete manner on improving the prison situation and reinvigorating the judicial system could seriously undermine or detract from our collective efforts in that regard. It seems to me that each side is concentrating on seeking to protect its independence and turf to the detriment, I fear, of "the big picture", which is to assist Rwanda.

In keeping with your usual practice of meeting regularly and as often as necessary with representatives of the various United Nations offices in Rwanda, and in view also of your coordinating role, including in the human rights field as outlined most recently in Security Council resolution 997 of 9 June, I would suggest that you receive, at your convenience, the Special Rapporteur's representative, Judge Kablan who has indicated a keen interest in paying a courtesy visit to you.


Sammy Kum Buo
Political Adviser
17 August 1995

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

Note for the File

On 20 July 1995 the Minister of Justice met with a two delegations from the HRFOR.

The Minister met with Mr. William Clarence, Mr. Todd Howland, and Mr. Louis Marie Bouka. At this meeting the Minister of Justice expressed his disappointment and frustration that on 10 July 1995 the Transitional National Assembly rejected his proposal to allow foreign magistrates to practice in the Rwandan courts.

The Minister indicated that he would reintroduce the proposal to the Assembly and continue his lobbying efforts. He did not indicate much enthusiasms for possible alternatives.

Later that day the Minister of Justice met with Mr. Van Alfonse. The Minister indicated deep frustration at the fact that his proposal had been rejected by the National Assembly. The Minister indicated that the rejection was politically motivated and that there was little chance for implementing the project of the 50 foreign magistrates.

Also on the 20 July 1995 the Director General of the Ministry of Justice met with some representatives of the donors community and UN agencies. Mr. Essaied, Mr. Howland, Mr. Bouka were present. At this meeting, some donors expressed great frustration at the fact that the Assembly has rejected the Minister of Justice's proposal. The Director General noted the frustration and discussed some possible alternatives, given the present political obstacle. Various alternatives developed with the assistance of the HRFOR/TCU were presented. For example, the foreign legal professionals could provide advisory services and on the job training for the prosecutors and judges, and also work directly in the Ministry of Justice and in the Faculty of Law.

The Director General requested the HRFOR/TCU to assist them develop an Action Plan for recruitment and deployment utilizing these alternatives, once the Minister of Justice has accepted the idea.

Following the meeting, Mr. Howland and Mr. Bouka met with the Director General to discuss the situation. The Director General indicated that he hoped by Monday 24 July 1995 the Minister of Justice would make a final decision regarding whether to terminate the project of importing the 50 magistrates, whether he will attempt to go back to the National Assembly for a second vote, or whether he will accept the proposed alternatives.

Prepared by: Todd Howland
Date: 21.7.95

UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS
HUMAN RIGHTS FIELD OPERATION IN RWANDA



UNHCR
TECHNICAL COOPERATION UNIT

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

**Le rapport ci inclus vous est offert avec les compliments
de l'Unité de Coopération Technique du HCDH au Rwanda**

L'Unité voudrait exprimer sa gratitude aux membres du personnel du Ministère de la Justice au niveau national et local qui ont porté leur contribution à la rédaction de ce rapport.

Les erreurs qui restent sont le résultat de la dimension du projet mais tombent entièrement sous la responsabilité de l'Unité. Nous espérons corriger ces erreurs dans la prochaine publication du rapport mensuel. Vos commentaires et suggestions sont les bienvenus.

Errata:

Rapport No.1, page 13, section concernant l'aide du PNUD:

Les prisons de Kibuye et Nyanza ont été réhabilitées, les prisons de Gisenyi et Byumba sont en cours de réhabilitation. Les travaux pour la construction d'un nouveau site de détention à Nsinda, près de Kibungo ont commencés.

This is a comprehensive report
showing the vast shortages in the
justice system.

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NATIONS UNIES

HAUT COMMISSAIRE AUX DROITS DE L'HOMME

OPERATION DES DROITS DE L'HOMME SUR LE TERRAIN AU RWANDA

UNITE DE LA COOPERATION TECHNIQUE

**RAPPORT N° 1
SUR L'ETAT DE L'ADMINISTRATION DE LA JUSTICE
AU RWANDA**

- 02 mai 1995 -

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[Rapport 1, 2.5.1995]

Article 25 des Accords de paix d'Arusha: "Le pouvoir judiciaire est exercé par les Cours, Tribunaux, et autres juridictions, il est indépendant du pouvoir législatif et du pouvoir exécutif " (...) "La justice est rendue sur le territoire de la République au nom du peuple".

Nous nous proposons d'examiner chaque mois en substance, l'état de l'administration de la justice. Cet examen sera accompagné d'une analyse de la situation des Droits de l'Homme au regard des principes fondamentaux consacrés par la norme internationale de manière générale mais aussi par le droit interne, par exemple la loi fondamentale et les Accords de paix d'Arusha.

Le présent rapport est assorti d'un supplément concernant les informations sur l'organisation de l'administration de la justice assorties d'une analyse sur la situation des Droits de l'Homme.

I - Etat de l'administration de la justice par préfecture

Butare

20 communes

Le parquet de la république ne fonctionne pas encore. Le suppléant du procureur de la république semble être en fonction mais il ne dispose pas de bureau.

Byumba

17 communes

Seuls le tribunal de première instance (TPI), le parquet de la république et le tribunal de canton de Giti fonctionnent.

Cyangugu

11 communes

3 tribunaux de canton fonctionnent: Gishoma, Nyakabuye, ...
Le tribunal de première instance fonctionne de même que le parquet de la république.

Gikongoro

13 communes

Seulement 3 tribunaux de canton fonctionnent sur 13: Nshili, Muko et Mudasonwa. 1 procureur est en fonction au parquet de la république.

[Rapport 1, 2.5.1995]

Gisenyi

12 communes
Le parquet de la république fonctionne.

Gitarama

17 communes
Les tribunaux ne fonctionnent pas bien que le personnel est en place. Mais il semble que le parquet de la république fonctionne.

Kibungo

11 communes
Aucun tribunal de canton fonctionne. De même, le TPI de Kibungo ainsi que le 2ème chambre du TPI a Rwamagana ne fonctionnent pas.

Kibuye

9 communes
Sur les 9 tribunaux de canton, trois pourraient fonctionner car le personnel est en place mais aucun ne fonctionne encore faute de matériels. Ces tribunaux sont: Mwendo, Bwakira, Mabanza. Au niveau supérieur, le TPI ne fonctionne pas, le parquet de la république ne fonctionne pas non plus notamment à cause du manque de personnel. La récente nomination d'un substitut du procureur devrait permettre de lancer le processus de légalisation des détentions qui a été définie comme priorité par le groupe de travail sur la réhabilitation du système judiciaire de la préfecture.

Kigali

19 communes
Le tribunal de première instance fonctionne de même que le parquet de la république. Les 2èmes chambres du TPI, soit Nyamata et Rushashi ne fonctionnent pas.

Ruhengeri

16 communes
Seul 1 tribunal de canton (Ruhondo) fonctionne.
La préfecture compte entre autre 1 substitut du procureur de la république et 1 vice président du Tribunal de Première Instance.
D'après les renseignements dont nous disposons, le bâtiment serait encore en bon état.

II - Le personnel disponible dans les différentes préfectures

A - Le nombre de Magistrats à la Cour de Cassation et au Parquet général près la Cour de Cassation

Cour de Cassation	Parquet général
<ul style="list-style-type: none"> - 3 conseillers: Nzamukwereka Vermont, ... Jean-Baptiste, ... Vincent - 2 greffiers - 2 plantons - 1 secrétaire 	<ul style="list-style-type: none"> - 1er procureur général, Gasore Janvier (nommé mais n'a pas encore prêté serment) - 1er avocat général, Mugenzi Louis Marie - 2 secrétaires - 1 dactylo (nommé mais il n'a pas encore pris ses fonctions) - 1 planton

[Rapport 1, 2.5.1995]

B - Le nombre de Magistrats par Cour d'Appel et Parquet général près la Cour d'Appel

Préfectures	Cour d'Appel	Parquet Général
Cyangugu	- <u>2 dactylos</u> , Mutarambirwa Télesphore et Mukamugenga Cristiane - <u>1 chauffeur</u> , Ndaheranwa Frédéric	pas de personnel
Ruhengeri	- <u>président</u> : Muhayeyezu Albert - <u>2 plantons</u> : Ntezenreza Séraphin, Munyazikwiye Mathias - <u>2 greffiers</u> : Bizimana Léon, Mukandutiye Winifrida - <u>2 dactylos</u> : Mukankwaya Donata, Nyirangezahoguhora Edynas	(...)
Nyabisindu	aucun	aucun
Kigali	- 1 conseiller, Muhueza François - 2 greffiers - 2 plantons	- 1 Avocat général - 6 secrétaires - 4 dactylos - 1 planton

Aucune des cours d'appel ne fonctionne en ce moment, soit par manque de matériel mais surtout par manque de personnel.

Quant aux bâtiments abritant les cours, ils ont tous besoin d'être réparés sauf celui du parquet de Nyabisindu qui nécessite une entière reconstruction.

[Rapport 1, 2.5.1995]

**B - Le nombre de Magistrats par Cour d'Appel et Parquet général
près la Cour d'Appel**

Préfectures	Cour d'Appel	Parquet Général
Cyangugu	- <u>2 dactylos</u> , Mutarambirwa Télesphore et Mukamugenga Cristiane - <u>1 chauffeur</u> , Ndaheranwa Frédéric	pas de personnel
Ruhengeri	- <u>président</u> : Muhayeyezu Albert - <u>2 plantons</u> : Ntezenreza Séraphin, Munyazikwiye Mathias - <u>2 greffiers</u> : Bizimana Léon, Mukandutiye Winifrida - <u>2 dactylos</u> : Mukankwaya Donata, Nyirangezahoguhora Edynas	(...)
Nyabisindu	aucun	aucun
Kigali	- 1 conseiller, Muhueza François - 2 greffiers - 2 plantons	- 1 Avocat général - 6 secrétaires - 4 dactylos - 1 planton

Aucune des cours d'appel ne fonctionne en ce moment, soit par manque de matériel mais surtout par manque de personnel.

Quant aux bâtiments abritant les cours, ils ont tous besoin d'être réparés sauf celui du parquet de Nyabisindu qui nécessite une entière reconstruction.

[Rapport 1, 2.5.1995]

Rwamagana (2ème chambre du tribunal de première instance de Kibungo)	- <u>1 magistrat:</u> Kabuhulira Vénérand, - <u>1 greffier-huissier:</u> Sindayigaya François - <u>1 veilleur:</u> Nsengiyumva Joseph (il faudrait: 5 magistrats, 5 greffiers, 3 dactylos, 2 plantons, 1 veilleur) - <u>bâtiment:</u> situation confuse concernant le propriétaire	- <u>(substitut du procureur:</u> Gatambiye Sylvère - <u>3 IPJ:</u> Ruterana Pasteur (ancien) + 2 nouveaux - pas de <u>secrétaires pas de dactylos ni de veilleurs</u> - <u>bâtiment:</u> très mauvaise condition (non opérationnel)
Gisenyi	- <u>2 juges</u> nommé mais ne pas en fonction, dont le <u>président:</u> Kavunderi Innocent, Munyampenda Etienne	- <u>1 substitut du procureur:</u> Mukeshimana Léonard - <u>6 IPJ:</u> Mbumburunaniye Jacques, Gasana Innocent, Nsabimana Isaac, Twagiramungu Augustin, Rusugwa Ruhigira, Busomoke Jean Chrisostome
Ruhengeri	- <u>1 vice-président:</u> Nkunuzwenimana Cassien - <u>1 juge:</u> Harerimana Déo - <u>3 greffiers:</u> Sindikubwabo Madeleine, Rwemwira Léodomire, Nsengiyumva Azarias - <u>2 dactylos:</u> Nyiratuza Ancilla, Gapfugekubaho Jean - <u>3 plantons:</u> Mutarubaza Hermenigilde, Ntawuruhunga Jean Baptiste, Nsekerabanzi Adrien	- <u>1er substitut:</u> Uwiyingoma David - <u>4 IPJ:</u> Uwamungu Célestin (...)

Kirambo (2ème chambre du tribunal de première instance de Ruhengeri)	<ul style="list-style-type: none"> - <u>1 greffier:</u> Rutabagisha Paul - <u>2 plantons:</u> Nyilinkwaye Juvénal - <u>1 veilleur:</u> Ntahontuye Fidèle 	<ul style="list-style-type: none"> - <u>1 substitut:</u> Gahutu Augustin - <u>3 IPJ:</u> Nshogozabahizi B, Mugemangango D, Nshimiyabahutu S - <u>2 secrétaires:</u> Ntirijyinama Mukandekezi Aloysie - <u>2 plantons:</u> Gasasira Aloys, Ugirashebuja Gérard - <u>1 greffier:</u> Rutabagisha Paul - <u>1 chauffeur:</u> Ayimana Pierre
Butare	<ul style="list-style-type: none"> - <u>1 juge:</u> Karekezi Joseph - <u>1 sténographe</u> 	<ul style="list-style-type: none"> - <u>1 procureur:</u> esti Kayibanda Célestin - <u>4 IPJ:</u> Bayugana Faustin, Kalisa (de Muyaga) J. Bosco, Uwombonye (de Muyira) Sostène, (...) - <u>1 secrétaire:</u> Minani Innocent - <u>1 dactylo:</u> Kubwimana J. Bosco - <u>1 planton:</u> Makangira Téléphore
Kibuye	<ul style="list-style-type: none"> - <u>1 président:</u> Murengezi Innocent - <u>2 magistrats</u> (2 à Kigali) - <u>3 greffiers:</u>(2 mutés) - <u>2 dactylos</u> - <u>5 plantons</u> - <u>1 veilleur</u> 	<ul style="list-style-type: none"> - <u>1 substitut du procureur:</u> Habishuti Floribert(récemment affecté n'ayant pas encore pris ses fonctions), - <u>2 IPJ</u> (1 muté) - <u>1 secrétaire</u> - <u>3 plantons</u> - <u>2 veilleurs</u>

Kigali	<p>- <u>6 juges</u> (1 pdt+ 5) <u>président</u>: Gatéra Claudien, Kambabazi Danatille, Zitoni Pierre Claver, Mpiga Edouard, Gkwisi Frédéric, Niyizurugero Jean Baptiste.</p> <p>- <u>28 greffiers et huissiers</u>: Munyangabe Henri-Pierre, Nkusi Roger Pacifique, Mico Joseph, Kabanyana Emertha, Batamuliza Maya, Sebagabo Stanislas, Uwimbabazi M.Rose, Uzabakiliho Augustin, Nibishaka Joséphine, Kanyamibwa Christine, Mukakamali Janvière, Ndayiragiye Ancille, Nyinawankusi Francine, Umurerwa Agnès, Niyibizi Béatrice, Murekatete Bernadette, Rutaboba M.Redempta, Mukayire Catherine, Mukaruren-gwa Pélagie, Nyirahabimana Spéciose, Muteteli Dorothee, Muteteli M. Goretti, Uwimana Delina, Kanangirwa Epiphanie, Mukamurenzi Valerie, Nyiramfabakuze Félicité,</p> <p>- <u>11 dactylos</u> (voir annexe II)</p> <p>- <u>2 chauffeurs</u> Mugoboka Shinani, Bukari Madjidi</p> <p>- <u>5 plantons</u></p> <p>- <u>3 veilleurs</u> (voir annexe II)</p> <p>1 informaticien 1 interprète</p>	<p>- <u>1 procureur</u>: Nsanzuwera François Xavier (il se trouve à l'étranger ou il va possiblement rester en abandonnant son poste)</p> <p>- <u>4 substituts</u>: Munyagishah Silas, Museruka Jean Berchmas, Sibomana Jean Baptiste, Ntibilingirwa Gaetan.</p> <p>- <u>10 secrétaires</u>: Nsengimana Sylvère, Kasine Marguerite, Mahirane Fidèle, Mukamana Saphine, Kaligirwa José, Niyomugabo Charles, Mugemana J.M.V, Muragijimana Boniface, Bamurange Pélagie, Ubalijoro Athanase</p> <p>- <u>8 dactylos</u>: Nyakurama Pascasie, Nyaranese Colette, Mukayizarwa Spéciose, Nyibaram Gertrude, Mukamwezi Médiatrice, niyitegeka Catherine, Mutana Diane, Mukabageshi Eugénie</p> <p>- <u>1 chauffeur</u>: Balirwanda Ramadhan</p> <p>- <u>1 planton</u>: Uzabakiliho Patrice</p> <p>- <u>2 veilleurs</u>: Munyangabe J.M.V, Mpambara Evariste</p> <p>- <u>8 IPJ</u> + <u>30 nouveaux affectés</u> (29 des 30 se sont présentés)</p> <p>(voir annexe I)</p>
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Nyamata (2ème chambre du tribunal de première instance de Kigali)	Aucun personnel	- <u>6 IPJ</u> (un ancien et 5 nouveaux): (...)
Rushashi (2ème chambre du tribunal de première instance de Kigali)		- <u>5 IPJ</u> : (...)
Byumba	- <u>Président</u> : Mbanyamirera Innocent - <u>vice-président</u> : Rwamakuba Laurent	- <u>1 procureur</u> : Musuhuke François - <u>2 IPJ</u> : Mudenge Didas, Ngabonziza François
Gatsibo (2ème chambre du tribunal de première instance de Byumba)	- <u>7 magistrats</u> - <u>1 greffier</u> - <u>2 dactylos</u> - <u>4 plantons</u> - <u>1 veilleur</u>	
Gikongoro	- <u>Président</u> : Gérard Mutwarasibo - <u>4 juges</u> : Sehegi P. Claver, Ntanshuti Edouard, Ruronona J. Damascène, Munyarugwiza Laurent - <u>2 greffiers</u> : Kabera Phocas, Sikubwabo Léopold - <u>6 dactylos</u> : Nyiraneza Joyeuse, Mukandoli Jeannette, Kwritegetse Julienne, Habiyaemye Célestin, Rutayisire Pierre, Mubiligi Albert - <u>2 plantons</u> : Munyanrubuga Stanislas, Bahufite Michel - <u>1 chauffeur</u> : Munyankindi Harun	- <u>1 procureur</u> : Havugiyaremye Aloys - <u>13 IPJ</u> : Ahishakiye Védas (...) - <u>1 secrétaire</u> : Rurengwa Damien - <u>8 plantons</u> : Kimonyo Népomuscène, Nzabarinda Florent, Musabyimana Isaie, - <u>1 veillleur</u> : Safari Emmanuel

Gitarama	<ul style="list-style-type: none"> - <u>1 président:</u> Iyamuremye Félicien - <u>5 magistrats</u> - <u>7 greffiers</u> - <u>2 dactylos</u> - <u>2 plantons</u> - <u>3 veilleurs</u> 	<ul style="list-style-type: none"> - <u>1 procureur:</u> Mbera Ferdinand - <u>1 substitut:</u> Harelimana Simon - <u>17 IPJ</u> - <u>2 secrétaires</u> - <u>3 dactylos</u> - <u>1 planton</u> - <u>1 chauffeur</u>
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Aucun des tribunaux ne fonctionne pleinement en ce moment. Aucun juge n'a été officiellement nommé. Quelques magistrats continuent d'exercer sur la base de leur ancienne nomination. Il faut 3 magistrats au moins par tribunal. On compte 61 magistrats (41 juges et 20 OMP). Quant à l'état des bâtiments, 9 des bâtiments ont besoin de réparations, 1 doit être entièrement reconstruit.

D - La liste des procureurs et substituts du procureur du parquet dans les différentes préfectures

Préfectures	Noms du magistrat
Kigali / Kigali ville	- 1 procureur, Nsanzuwera François Xavier (il se trouve à l'étranger ou il va possiblement rester en abandonnant son poste) - 4 substituts, Munyagishah Silas, Museruka Jean Berchmas, Sibomana Jean Baptiste, Ntibilingirwa Gaetan.
Cyangugu	procureur, Nyandwi Viateur
Gikongoro	procureur, Havugiyaremye Alois
Butare	procureur, Kahibanda Célestin
Gitarama	procureur, Mbera Ferdinand
Gisenyi	substitut, Mukeshimana Léonard
Byumba	procureur, Musuhuke François
Kibuye	substitut, Habishuti Floribert
Ruhengeri / Kirambo	- 1 premier substitut, Uwiyingoma David - 1 substitut, Gahutu Augustin
Kibungo / Rwamagana	- 1 procureur, Mushumba Jkean Baptiste - 1 substitut, Gatambiye Sylvère

Tous les parquets fonctionnent sauf à Kibuye où le substitut du procureur affecté n'a pas encore pris ses fonctions.

III - L'aide internationale

A - L'aide déjà apportée par les Etats, les agences et les ONG

Les gouvernements de la Belgique, du Canada, et l'UE

Une assistance pour le paiement des salaires des fonctionnaires du Ministère de la Justice ainsi que pour l'alimentation des prisonniers.
(L'alimentation n' arrive pas dans chaque prison.)

USAID

Pour le Ministère de la Justice:

3	Sedan
2	Suzuki
2	Camionnettes
1	4x4
3	Ordinateurs
1	Imprimante Laser
2	Imprimantes Dot Matrix
1	Photocopieuse grande capacité
1	Photocopieuse petite
13	Stencileuses
50	Calculatrices
130	Machines à écrire mécaniques

Gouvernement Britannique

Pour le Ministère de la Justice:

211	machines à écrire mécaniques avec une réserve de rubans (en attente de distribution)
40t	papiers (80 GSM)
17t	papiers pelures (45 GSM)
2770	boîtes d'enveloppes(250 par boîte)
1040	paquets de chemises (100 par paquet)

Gouvernement Suisse

- 17.000 USD - Prise en charge financière de deux séminaires pour femmes sur les droits de la personne en général et les droits de la femme.
- 30.000 USD - Prise en charge financière du projet sur le droit coutumier.

[Rapport 1, 2.5.1995]

- 200.000 CHF - Contribution financière à la deuxième formation des IPJ.
- Financement de l'étude concernant la réhabilitation de l'école de magistrature à Nyabisindu.

Gouvernement Belge

- Contribution financière et mise à disposition de formateurs pour la première formation des IPJ.
- Mise à disposition d'un expert pour le Ministère de la Justice.

Gouvernement Allemand

- 26.000 USD alloué au Ministère de la Justice.

HCR

Pour le Ministère de la Justice:

3 Camionettes

10 Motos

15.000 USD par préfecture pour la réhabilitation de la justice

150.000 USD contribution financière à la deuxième formation des IPJ

Pour les bourgmestres:

12 camionettes

Haut Commissariat aux Droits de l'Homme

- Mise à disposition de 3 experts déjà en fonction auprès le Ministère de la Justice.
- 3 minibus pour la prison, le parquet de la république de Kigali et pour l'administration centrale du Ministère de la Justice.
- Assistance logistique et technique pour l'évaluation des besoins de réhabilitation et pour la distribution dans les préfectures du matériel reçu.

PNUD

- Mise à disposition de 2 experts auprès le Ministère de la Justice (dont un expert a déjà terminé son contrat).
- Construction de 3 nouveaux centres de détention: Nyamata, Kibuye et Gisenyi.
- Accord pour la réhabilitation de plusieurs bâtiments et infrastructure appartenant au Ministère de la Justice.

[Rapport 1, 2.5.1995]

UNICEF

- 2 véhicules donné au Ministère de la Justice.
- Réhabilitation de la prison de Gitagata pour en faire un centre de rééducation pour mineurs. Capacité d'accueil: 200.

MINUAR

La police civil de la MINUAR est engagée dans la formation des gendarmes. En juin 1995, environ 450 gendarmes seront formés.

Citizens' Network

- Organisation de la première formation pour les IPJ et les cadres de prison (une deuxième formation est en cours pour les IPJ, une formation est prévue pour les greffiers).
- Un kit de bureau par IPJ.
- Une machine à écrire pour 2 IPJ.

NPA (Norwegian Peoples' Aid)

- 1 véhicule pour le TPI de Cyangugu.
- Des fournitures de bureau pour le TPI de Cyangugu.

B - Répartition de matériel reçu

Total du matériel distribué

Machines à écrire	Papiers A4 80 GSM (500/ paquet = 1 R)	Papiers pelures A4 45 GSM (cartons)	Enveloppes C4 (250 / carton)	Cut folders (100 / paquet)
51	56 cartons (280R)	254	481	24

IPJ

Localité	Machines à écrire	Papiers A4 80 GSM (500/ paquet = 1 R)	Papiers pelures A4 45 GSM (cartons)	Enveloppes C4 (250 / carton)	Cut folders (100 / paquet)
Butare	0	0	0	0	0
Cyangugu	7	0	0	0	0
Nyamasheke	0	0	0	0	0
Bugarama	0	0	0	0	0
Gikongoro	0	0	0	0	0
Gisenyi	0	0	0	0	0
Ruhengeri	0	0	0	0	0
Byumba	0	0	0	0	0
Gitarama	0	0	0	0	0
Kibungo	0	0	0	0	0
Rwamagana	0	0	0	0	0
Kibuye	0	0	0	0	0
Kigali	0	0	0	0	0
Rilima	0	0	0	0	0
Nyamata	4	0	0	0	0
Rushashi	0	0	4	0	0
	11	0	4	0	0

[Rapport 1, 2.5.1995]

Parquet (presque tous les IPJ travaillent actuellement dans les parquets)

Localité	Machines à écrire	Papiers A4 80 GSM (500/ paquet = 1 R)	Papiers pelures A4 45 GSM (cartons)	Enveloppes C4 (250 / carton)	Cut folders (100/paquet)
Butare	1	2R	18	16	0
Cyangugu	11	10	4	14	0
Nyamasheke	0	0	0	0	0
Bugarama	0	0	0	0	0
Gikongoro	4	2R	4	14	0
Gisenyi	1	2R	4	14	0
Ruhengeri	1	2R	8	16	0
Byumba	1	2R	4	14	0
Gitarama	4	2R	8	16	20
Kibungo	0	2R	4	14	0
Rwamagana	0	0	0	0	0
Kibuye	1	2R	4	14	2
Kigali	7	2R	0	0	0
Rilima	0	0	0	0	0
Nyamata	0	0	0	0	0
Rushashi	0	0	0	0	0
	31	14 cartons	58	132	22

TPI

Localité	Machines à écrire	Papiers A4 80 GSM (500/ paquet = 1 R)	Papiers pelures A4 45 GSM (cartons)	Enveloppes C4 (250/carton)	Cut folders (100/paquet)
Butare	0	2R	12	31	0
Cyangugu	0	10	8	24	0
Nyamasheke	0	0	0	0	0
Bugarama	0	0	0	0	0
Gikongoro	0	2R	8	24	0
Gisenyi	0	2R	8	24	0
Ruhengeri	0	2R	12	26	0
Byumba	0	2R	8	24	0
Gitarama	0	2R	14	31	0
Kibungo	0	2R	8	24	0
Rwamagana	0	0	0	0	0
Kibuye	0	2R	8	24	2
Kigali	0	2R	31	27	0
Rilima	0	0	0	0	0
Nyamata	0	0	0	0	0
Rushashi	0	0	0	0	0
	0	14 cartons	117	259	2

[Rapport 1, 2.5.1995]

Prisons et centres de rééducation*

Localité	Machines à écrire	Papiers A4 80 GSM (500/ paquet = 1 R)	Papiers pelures A4 45 GSM (cartons)	Enveloppes C4 (250/carton)	Cut folders (100/paquet)
Butare	0	0	5	5	0
Nyanza	0	0	5	5	0
Cyangugu	0	1	5	5	0
Nyamasheke	0	0	0	0	0
Bugarama	0	0	0	0	0
Gikongoro	0	1	5	5	0
Gisenyi	0	1	5	5	0
Ruhengeri	0	1	5	10	0
Byumba	0	1	5	5	0
Gitarama	0	1	10	15	0
Kibungo	0	1	5	5	0
Rwamagana	0	0	0	0	0
Nsinda*	0	0	5	5	0
Kibuye	0	1	5	5	0
Kigali	5	0	10	15	0
Rilima*	0	0	5	5	0
Nyamata	0	0	0	0	0
Rushashi	0	0	0	0	0
	5	8 cartons	75	90	0

IV - Les inspecteurs de police judiciaire

A - Affectation des nouveaux IPJ

1-	Kigali:	30
2-	Cyangugu:	3
3-	Gikongoro:	6
4-	Butare:	13
5-	Gitarama:	12
6-	Giseyni:	7
7-	Byumba:	7
8-	Kibuye:	7
9-	Ruhengeri:	9
10-	Kibungo:	9
11-	Nyamata:	5
12-	Rushashi:	5
	Direction de la police judiciaire nationale:	5

TOTAL: 118 nouveaux IPJ. (Le nombre total d'IPJ dans toute le pays ne nous est pas encore connu).

[Rapport 1, 2.5.1995]

B - Nombre d'IPJ en place dans chaque préfecture

Préfectures	Parquet de la république	Cantons
Cyangugu	7	8
Kibuye	9	-
Gikongoro	7	8
Kigali / Kigali ville	6/5/49 (39 nouveaux)	8
Butare	4	?
Gitarama	17	?
Kibungo / Rwamagana	8/3 (9 nouveaux)	2
Gisenyi	6 (5 nouveaux)	1
Ruhengeri / Kirambo	7	1
Byumba / Gatsibo	2	?
	130 IPJ	?

[Rapport 1, 2.5.1995]

V - Prisons et centres de rééducation

NOM	ETAT DU BATIMENT	CAPACITE (*)	POPULATION (**)
Rushashi	destruction quasi totale	50	
Kabaya	"	200	
Ngarama	"	200	
Nyamata	destruction partielle	200	
Gitagata	destruction quasi totale	200	
Miyove	"	200	
Gisovu	"	400	
Kibuye	"	600	682 (***)
Nyanza	"	800	
Byumba	destruction partielle	500	142
Cyangugu	"	700	1.740
Gikongoro	"	700	767
Giseyni	"	800	1.090
Rilima	"	1. 200	800
Ruhengeri	"	1. 500	1.200
Nsinda	"	150	
Kibungo	"	400	2.706
Gitarama	"	750	7.074
Butare	"	1. 000	6.000
Kigali	"	2. 000	8.341
		12. 550	

(*) Source: Ministère de la justice.

(**) Source: L'unité de la coopération technique et l'unité prisons.

(***) Seulement 37 ont un mandat d'arrêt.

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VI - L'Assemblée Nationale de Transition

A - Organisation

L'Assemblée Nationale de Transition (ANT) a un mandat de 5 ans. Ultérieurement une AN sera élue, tandis que les membres actuels de l'ANT ont été nommés sur la base de leur affiliation à un parti politique. L'ANT compte 70 membres, qui sont répartis entre les partis politiques comme suit:

F.P.R.: Front Patriotique Rwandais	13 sièges
M.D.R.: Mouvement démocratique Républicain	13 sièges
P.L. : Parti Libéral	13 sièges
P.S.D.: Parti Social Démocratique	13 sièges
P.D.C.: Parti démocrate chrétien	6 sièges
P.D.I.: Parti démocrate Islamique	2 sièges
P.S.R.: Parti socialiste Rwandais	2 sièges
UDPR : Union démocratique du peuple Rwandais	2 sièges
A.P.R.: Armée Patriotique Rwandaise	6 sièges

Président de l'ANT: M. Juvénal Nkusi (P.S.D.)
Vice-Président de l'ANT: M. Laurent Nkongoli (P.L.)

L'ANT dispose de 7 commissions:

- 1) La commission des affaires politiques (18 membres)
- 2) La commission économique et financière (19 membres)
- 3) La commission scientifique (15 membres)
- 4) La commission des affaires étrangères et de coopération (18 membres)
- 5) La commission des affaires sociales (17 membres)
- 6) La commission pour la sécurité et la défense nationale (14 membres)
- 7) La commission pour l'unité nationale et les droits de l'homme (19 membres).

Chaque membre de l'ANT a le droit d'être membre votant de deux des sept commissions. Pourtant, un membre peut choisir d'être membre d'une seule commission. Normalement, l'ANT travaille dans les commissions pendant une demi-journée et se réunit en séance plénière l'autre demi-journée.

Le travail de l'ANT est coordonné par le Bureau de l'ANT, composé du président et vice-président de l'ANT et d'un secrétaire délégué qui est un membre (P.D.I.) de l'ANT. Les membres du Bureau ne sont pas membres des commissions.

La commission des affaires politiques a une compétence très large. Par conséquent elle ne débat pas nécessairement à fond tous les projets

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soumis à cet effet, mais elle peut simplement décider de transmettre le projet à la commission plus spécialisée de laquelle relève la compétence de la matière en question. C'est-à-dire que la commission des affaires politiques n'utilise pas complètement l'ampleur de ces compétences. La justice relève de sa compétence bien que d'autres commissions sont aussi concernées par des questions légales liées aux sujets relevant de leur compétence. En ce qui concerne l'accord de paix d'Arusha, l'unité nationale et la réconciliation ainsi que les droits de la personne, la commission pour l'unité nationale et les droits de l'homme est la première concernée.

B - Statut de divers projets présentés à l'ANT concernant l'administration de la justice

- Nomination du président et de cinq vice-présidents de la cour suprême: Une liste proposant deux candidats pour chaque poste a été soumise à l'ANT par le gouvernement. Dans un premier lieu les cv des candidats étaient incomplets. Entre temps l'ANT a demandé que les candidats se présentent personnellement à l'Assemblée. En plus, l'ANT a demandé des informations supplémentaires de la part du gouvernement au sujet des critères de sélection des candidats.
- Admission des magistrats étrangers: le projet a été présenté à l'ANT, mais n'a pas encore été débattu.
- Un projet de loi a été présenté à l'ANT ayant comme but la suspension rétroactive de toutes les règles de procédure relatives à la détention préventive et à la mise en liberté provisoire pour la période du 7 avril 1994 jusqu'à la date où les cours, tribunaux et les parquets deviendront effectivement opérationnels, date qui sera déterminée par le ministre de la justice. Le projet a été discuté, mais il a été repoussé pour permettre d'avoir plus d'éléments de discussion, soit le contenu exacte des articles en question.

ANNEXE I

La liste des IPJ actuellement en place
dans le Parquet de la république de Kigali ville:

Bizumuremyi Jean Damascène
Uwimana Eugène
Ndagijimana Janvier
Rwisegenya Vincent
Nsengiyumva Valens
Ntahondi Innocent
Habimana Casimir
Rugwisengoga Jean Felix
Uwizeye Daniel
Bipenda Jean Bosco
Habinshuti Papis
Kaganbira Assiel
Sendahanganwa Emmanuel
Dushimirimana Athanase
Hitimana Sylvestre
Ngabonziza Cyrille
Sakindi Maximilien
Niyitegeka David
Nsengiyumva Eugène
Mukamuhirwa Marie José
Byabagabo Gady
Mutegarugori Melanie
Sesonga Théobald
Senteteri James
Dusengimana Jean Baptiste
Katisigo Rusobanuka
Kamanzi Kibibi
Dusabeyesu Sosthène
Minani Vénuste
Iyamubonye Déogratias
Kayiranga Jean Baptiste
Mukantaganira Béatrice
Bayisabe Marcel
Ndayisabye Albert
Sinzinkayo J.M.V

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ANNEXE II

La liste des dactylos (1). plantons (2) et veilleurs (3)
actuellement en place au TPI de Kigali ville:

- 1 - Uzamukunda Hawa
Nyirasafali Hélène
Muligo Dathiva
Uwizera Immaculée
Mukamazera Antoinette
Mukanzigiye Rosette
Mukamutara Odila
Uwanyiligira Donatha
Umulisa Cathérine
Kanzayire Yvonne
Kabanyana Anatolie
- 2 - Nsabimana Emmanuel
Karekezi Jean
Nemeye Jean Bosco
Kivura Simon
Munyaneza Camille
- 3 - Bucyabutata Vincent
Muhayimana Jean de Dieu
Kanyandegé Laurent



NATIONS UNIES

HAUT COMMISSAIRE AUX DROITS DE L'HOMME

OPERATION DES DROITS DE L'HOMME SUR LE TERRAIN AU RWANDA

UNITE DE LA COOPERATION TECHNIQUE

**L'ORGANISATION DE L'ADMINISTRATION DE LA JUSTICE
AU RWANDA**

**SUPPLEMENT DU RAPPORT N° 1
SUR L'ETAT DE L'ADMINISTRATION DE LA JUSTICE AU RWANDA**

- mai 1995 -

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[Supplément du Rapport 1, mai 1995]

I - De l'organisation du pouvoir judiciaire

A - La Cour Suprême

Comprend:

- le Département des Cours et Tribunaux
- la Cour de Cassation
- le Conseil d'Etat
- la Cour Constitutionnelle
- la Cour des Comptes

La Cour Suprême ne fonctionne pas en ce moment. Le président et les vice-présidents n'ont pas encore été nommés par le parlement.

B - La Cour d'Appel

Le Rwanda compte quatre Cours d'Appel: Kigali, Cyangugu, Ruhengeri, Nyabisindu. Aucune ne fonctionne en ce moment. Le tableau de leur compétence territoriale ci-après.

Cour d'Appel	Kigali	Cyangugu	Ruhengeri	Nyabisindu
Compétence territoriale	Kigali/Kigali ville Kibungo Byumba	Cyangugu	Kibuye Gisenyi Ruhengeri	Gikongoro Butare Gitarama

[Supplément du Rapport 1, mai 1995]

C - Les Tribunaux de Première Instance (TPI)

Le pays compte 10 TPI et 5 deuxièmes chambres, ce sont:

- 1- Butare
- 2- Byumba (2ème chambre à Gatsibo)
- 3- Cyangugu
- 4- Gikongoro
- 5- Gisenyi
- 6- Gitarama
- 7- Kibungo (2ème chambre à Rwamagana)
- 8- Kibuye
- 9- Kigali ville (2èmes chambres à Nyamata et Rushashi)
- 10- Ruhengeri (2ème chambre à Kirambo)

Quand la ville de Kigali a été scindé en deux préfectures, Kigali ville et Kigali rural, le nombre des préfectures a été porté à 11. Seulement, il n'y a pas de tribunal spécialement attaché avec un deuxième président du tribunal à la préfecture de Kigali rural, de plus, il n'y a qu'un seul procureur pour la ville de Kigali. Ce problème existe aussi dans les autres préfectures du pays qui ont une deuxième chambre du TPI. Le problème de l'incompétence de ces deuxièmes chambres de première instance et parquets près ces tribunaux s'est déjà posé. Elle a été dans le passé source d'impunité concernant des auteurs d'atrocités commises dans la région de Bugesera (préfecture Kigali) en mars 1992. Un déclinatoire d'incompétence de la chambre de Nyamata fut confirmé par la cour d'appel de Kigali, dans ses arrêts RPA n°7805/KIG à 7808/KIG rendus le 11/ 6/ 1992, ce qui marqua le début d'une vague de contestations de la compétence de toutes les deuxièmes chambres des tribunaux de première instance pour inexistance légale. A ce sujet, certaines juridictions d'appel n'hésitent pas à annuler purement et simplement les décisions des deuxièmes chambres de première instance ou alors celles-ci se refusent à l'examen de recours qui leur sont soumis, convaincues de leur inexistance.

Si le problème de la compétence des tribunaux de première instance ne se pose pas actuellement, se posera certainement celui du siège ordinaire conséquemment aux assignations fort imprécises quand au lieu où le tribunal se propose de tenir ses audiences. On imagine aisément les conséquences quand à l'exercice de la justice, à la

[Supplément du Rapport 1, mai 1995]

protection des droits inhérents à la personne et à la défense des droits reconnus aux gens.

Il était question de réviser le décret-loi n°09/80 du 7 juillet 1980, en vigueur depuis le 14 avril 1982, instituant le nouveau code d'organisation et compétence judiciaires pour parer aux conséquences du vide institutionnel, soit pour transformer les deuxièmes chambres en TPI, soit pour les supprimer.

D - Les Tribunaux de Canton

Il en existe un par commune. Ils sont au nombre de 145. Seuls une dizaine d'entre eux fonctionnent sur tout le territoire. Il s'agit des tribunaux à compétence restreinte. Les tribunaux de canton sont compétents pour connaître des infractions punissables d'une peine d'emprisonnement de sept jours à six mois et d'une amende de moins de 2.000 FRW. Les juges des tribunaux de canton ne sont pas nécessairement des juristes de formation.

E - Le Conseil Supérieur de la Magistrature

Le Conseil Supérieur de la Magistrature qui comprend

- le Président de la Cour Suprême,
- les Vice-Présidents de la Cour Suprême,
- deux Magistrats du siège de la Cour Suprême,
- un Magistrat du siège par Cour d'Appel,
- un Magistrat de siège des Tribunaux de Première Instance pour chaque ressort de Cour d'Appel,
- un Magistrat de Tribunal de Canton pour chaque ressort de Cour d'Appel,

doit, sur proposition du Ministre de la justice selon les Accords de paix d'Arusha, décider de la nomination, de la révocation et, en général, de la gestion de la carrière des magistrats de siège autres que le président et les vice-présidents de la Cour Suprême qui sont nommés par le parlement.

[Supplément du Rapport 1, mai 1995]

F - Mesures provisoires en cas d'urgence

En ce moment, ni la Cour Suprême ni le Conseil Supérieur de la Magistrature ne fonctionnent. De même, aucun des Tribunaux de Première Instance ne fonctionne pleinement. Aucun juge n'a été officiellement nommé. Mais quelques juges par exemple à Cyangugu et Kigali continuent de travailler dans la limite de leur capacité sur la base de leur ancienne nomination.

Cependant, pour des besoins urgents et par mesure provisoire, des dispositions exceptionnelles peuvent être prises. Ce sont:

- la possibilité pour le Ministre de la justice de pourvoir au remplacement des juges. Il peut désigner tout juge et assesseur des tribunaux de canton;
- la possibilité pour le Procureur de la République de nommer près des cours et tribunaux autres que la Cour Suprême concurremment un ou plusieurs agents de la police judiciaire du parquet ou de la police nationale;
- la possibilité pour le Président du Tribunal de Première Instance de commissionner par ordonnance motivée, autant de notables que de besoin pour remplir les fonctions de juges-présidents ou d'assesseurs-suppléants près les tribunaux de canton de son ressort;
- la possibilité pour le juge du tribunal de canton de remplir lui-même le rôle de greffier ou de désigner en cette qualité toute personne majeure en cas d'absence ou d'empêchement de ce dernier.

Le président ou vice-président du tribunal de canton siège avec l'assistance de deux assesseurs ayant voix délibérative, et d'un greffier. Il est important de mentionner que l'absence de greffier n'est pas une cause de nullité, pour autant que le président, le vice-président ou l'un des assesseurs ait rédigé le procès-verbal d'audience et le jugement.

Notons également que les juges-présidents des tribunaux de canton sont, de droit, juges suppléants du tribunal de première instance.

[Supplément du Rapport 1, mai 1995]

II - Du Ministère Public

Il existe trois parquets, le parquet de la République près le Tribunal de Première Instance, le parquet général près la Cour d'Appel, et le parquet général près la Cour de Cassation. Le Ministère public représente un corps de magistrats (la **magistrature debout**).

Ce corps de magistrats représente les intérêts de la société. Leur rôle consiste généralement à mener des enquêtes pour constituer le dossier pénal à transmettre à la juridiction compétente.

Sous l'autorité et le contrôle du Ministère de la justice, les officiers du Ministère public exercent leurs fonctions sous la supervision de leurs chefs hiérarchiques.

A - Le Procureur général près la Cour de Cassation

Le Procureur général est assisté d'avocats généraux dont le plus ancien en fonction est le Premier avocat général. Ils sont tous avec le Procureur général placé sous l'autorité du Ministre de la justice qui dispose à leur égard, du droit d'injonction.

Le Procureur général près la Cour de Cassation n'exerce pas l'action publique, sauf lorsqu'il intente une action dont le jugement est attribué à la Cour de Cassation.

L'Accord de paix d'Arusha prévoyant l'instauration de la Cour Suprême, il y aura un Procureur général près la Cour Suprême qui sera l'officier du Ministère public le plus élevé. Notons que ce Procureur général a été nommé il y a un mois et demi mais il n'a pas encore prêté serment.

[Supplément du Rapport 1, mai 1995]

B - Le Procureur général près la Cour d'Appel

Le Procureur général près la Cour d'Appel est assisté d'un avocat général et d'un ou plusieurs substituts.

C - Le Procureur de la République

Le Procureur de la République exerce le Ministère public près le Tribunal de 1ère Instance sous la surveillance et la direction du Procureur général près la Cour d'Appel.

Il existe 10 Parquets de la République à raison d'un par préfecture. Normalement, un substitut du Procureur de la République est affecté à la deuxième chambre du TPI. Mais le problème de l'incompétence des deuxième chambres (voir I/C p.2/3 ci-dessus) a aussi des répercussions sur le travail de ces substituts.

D - Les Inspecteurs de la Police Judiciaire (IPJ)

On appelle IPJ, l'ensemble des fonctionnaires chargés de rechercher et de constater les infractions qui ont été commises.

La police judiciaire est différente de la police administrative qui est chargée du maintien de l'ordre.

Les IPJ ont qualité d'officier de police judiciaire (OPJ) selon l'article 9 du Code d'Organisation et de Compétences Judiciaires (COCJ), l'article 21 du Code de Procédure Pénale (CPP), et le décret-loi du 23/01/1974 portant création de la gendarmerie nationale. Sont aussi OPJ:

- les Magistrats au Parquet,
- les officiers et les sous-officiers de la gendarmerie,
- les officiers de l'armée,
- les bourgmestres.

[Supplément du Rapport 1, mai 1995]

*** De la compétence des IPJ**

Les IPJ constituent un corps de police spécialisée dans la recherche des infractions, ils rassemblent les preuves et défèrent les auteurs aux officiers du Ministère public (OMP) chargés de les poursuivre.

Les IPJ représentent le Ministère public :

- d'une part, devant le tribunal de canton;
- d'autre part, devant le Tribunal de Première Instance et agissent sous l'autorité de l'OMP.

La compétence des IPJ du parquet est générale, elle s'étend à toutes les infractions et à tout le territoire. Ils sont nommés par le Ministère de la justice. Leur statut est déterminé par l'arrêté présidentiel n°222/07 du 14 avril 1982 portant statut des agents de l'ordre judiciaire.

*** De la collaboration entre les OPJ et les OMP dans la recherche des infractions**

Les principales phases de la procédure tendant à la répression des infractions sont:

- la constatation de l'infraction et les premiers devoirs suite à une dénonciation ou une plainte,
- la transmission des procès-verbaux dressés par les OPJ aux OMP,
- l'instruction préparatoire,
- la poursuite devant le tribunal.

Les OPJ doivent assister les OMP dans l'instruction préparatoire. Ils mènent l'instruction préliminaire, constatent l'infraction, font des enquêtes et peuvent procéder à des visites domiciliaires, des perquisitions et des saisis et dressent les procès-verbaux à transmettre à l'OMP. L'OMP procède à l'instruction préparatoire et

[Supplément du Rapport 1, mai 1995]

complète le dossier pénal qu'il doit transmettre à la juridiction qui doit connaître de l'affaire. L'OMP peut charger toute personne d'une mission permanente de visites, de perquisitions et d'enquêtes.

Dans l'accomplissement de ses fonctions, l'OMP peut inviter toute personne capable de lui fournir l'information, peut entendre tout témoin en vue de rassembler toutes les preuves à conviction, à charge ou à décharge de l'auteur présumé de l'infraction.

Pour ce faire, l'OMP peut décerner un mandat de comparution, un mandat d'amener ou un mandat d'arrêt dans certaines conditions fixées par le code de procédure pénale. Il représente le Ministère public à l'audience.

III - Les procédures d'arrestation et de détention

Lorsque l'OPJ constate une infraction, il relate les faits et les recherches effectués dans un procès-verbal. Le procès-verbal doit être dressée par un magistrat ou un OPJ compétent matériellement et territorialement. Dans l'accomplissement de leur mission, les OPJ procèdent aux devoirs suivants:

- Procès-verbaux de constat, de comparution, d'audition des témoins et de l'inculpé

Nous l'avons déjà dit, lorsque l'OPJ a directement connaissance d'une infraction, il consigne ses constatations dans un procès-verbal, mentionne le lieu et le temps des dites constatations et décrit les circonstances ainsi que les preuves et indices à charge du coupable présumé.

Si l'OPJ a connaissance d'une infraction, suite à la plainte de la victime ou à une dénonciation, il acte l'identité des comparants, ses déclarations, les questions posées et les réponses.

A la suite de ce procès-verbal de constat ou de comparution, l'OPJ peut interroger témoins et inculpé.

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- Procès-verbal d'arrestation (Art.4 CPP)

Les OPJ peuvent arrêter l'auteur présumé d'une infraction s'il existe des indices sérieux de culpabilité et si l'infraction est punissable de 6 mois d'emprisonnement au moins ou s'il existe des raisons sérieuses de craindre la fuite du délinquant présumé ou que son identité est inconnue ou douteuse.

L'OPJ qui use du droit d'arrestation, dresse contre l'auteur présumé de l'infraction un procès-verbal d'arrestation valable pendant le temps strictement nécessaire pour saisir l'autorité judiciaire compétente, à savoir l'OMP.

Le délai de validité du procès-verbal d'arrestation est déterminé par le Ministère de la justice. Il est actuellement de 48 heures (AM n° 221/07 du 15 avril 1982). Ce délai peut, exceptionnellement, être prolongé de 24 heures avec l'autorisation écrite du Procureur de la République.

Les officiers de police judiciaire peuvent saisir, où qu'ils se trouvent, les objets sur lesquels pourrait porter la confiscation et les pièces pouvant servir à conviction ou à décharge (Art.3 CPP).

- Pouvoirs conférés à l'OPJ en cas d'infraction flagrante ou réputée flagrante (Art.5 CPP)

Le flagrant délit est le délit ou le crime se commet actuellement ou vient de se commettre, le délai entre la commission de l'infraction et sa constatation devant être bref (Art.7 al.1 CPP).

Sont "réputés" flagrant délit:

- le cas où l'auteur présumé de l'infraction est poursuivi par la clameur publique;
- le cas où l'intéressé est trouvé en possession d'effets, d'armes, de papiers ou d'instructions qui font présumer qu'il est l'auteur, le coauteur, le complice de l'infraction, dans un temps voisin de la commission de celle ci.

En cas d'infraction flagrante ou réputée flagrante, la loi donne des pouvoirs exceptionnels à l'OPJ, notamment le pouvoir

- d'interroger toute personne présumée en état de donner des éclaircissements et les astreindre à déposer sous serment dans des

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conditions prévues aux articles 26 à 28 du CPP;

- de défendre à toute personne de s'éloigner des lieux qu'il détermine jusqu'à la clôture de son procès-verbal et, au besoin, l'y contraindre;
- de requérir toute personne de lui prêter son ministère comme interprète, traducteur, médecin ou expert dans les conditions et sous les sanctions prévues aux articles 11 à 15 du CPP;
- de délivrer contre l'auteur présumé de l'infraction, s'il est absent, un mandat d'amener valable pour trois mois renouvelable (Art.5 al. 4 du CPP); et
- de procéder à des visites et à des perquisitions en se conformant à l'article 33 du CPP.

En dehors d'une infraction flagrante ou réputée flagrante, l'OPJ à compétence générale possède les pouvoirs déterminés à l'article 5 du CPP lorsque le chef d'une habitation le requiert de constater une infraction commise à l'intérieur de cette habitation (Art.8 CPP).

L'OPJ doit transmettre directement ses procès-verbaux au Ministère public, la mission de l'OPJ consistant à réunir les informations préliminaires devant être portées directement à la connaissance de l'OMP, seul compétent pour procéder à l'instruction préparatoire.

- Droit d'arrestation conféré aux particuliers

En cas d'infraction flagrante ou réputée flagrante passible d'une peine de trois ans au moins d'emprisonnement, toute personne peut, en l'absence de l'OMP ou de l'OPJ, arrêter l'auteur présumé et le conduire immédiatement devant l'autorité compétente la plus proche (Art.6 CPP).

- Constatation d'une infraction à charge de certaines personnalités

Actuellement, certaines personnes sont arrêtées et détenues sans respect de la procédure or, la loi stipule que l'OPJ ou l'OMP qui reçoit une plainte ou une dénonciation ou qui constate une infraction à charge des personnes énoncées dans l'article 10 du CPP, doit transmettre les pièces à l'autorité compétente suivant les distinctions suivantes:

- S'il s'agit du Président de la République, d'un Ministre, d'un Secrétaire d'Etat, d'un Député, d'un Préfet, d'un Bourgmestre, les

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pièces seront transmises au Procureur général près la Cour de Cassation;

- s'il s'agit d'un magistrat de la Cour de Cassation, du Conseil d'Etat, de la Cour des Comptes ou de la Cour d'Appel, elles seront transmises au Ministère de la justice;

- s'il s'agit d'un magistrat d'une autre juridiction, elles sont transmises au Procureur général près la Cour d'Appel. Précisons que cette disposition est en contradiction avec l'Accord de paix d'Arusha et devra par conséquent être modifiée.

Car, l'article 27 de l'Accord de paix d'Arusha stipule que c'est la Cour Suprême qui juge au pénal le Président de la République, le Président de l'Assemblée Nationale, le Président de la Cour Suprême, le Premier Ministre, le Vice-Premier Ministre, les Ministres et les Secrétaires d'Etat, les Vice-Présidents de la Cour Suprême, les Députés à l'Assemblée Nationale, les Présidents des Cours d'Appel, les Procureurs et avocats généraux près la Cour Suprême et près les Cours d'Appel.

Au premier degré, ces autorités énumérées sont jugées par la Cour de Cassation.

En appel, elles sont jugées par la Cour Suprême, toutes les sections juridictionnelles réunies, avec au moins 11 magistrats, sans la participation au siège des magistrats de la Cour de Cassation qui ont jugé l'affaire en cours au premier degré.

Il est important de noter qu'une commission a été mise en place par le gouvernement il y a deux mois environ. Cette commission qui, précisons-le, n'est pas une commission d'enquête est chargée d'examiner les dossiers de personnalités et de magistrats arrêtés pour savoir:

- qui sont les personnes en cause,
- la date, le motif et l'auteur de leur arrestation.

Cet examen est assorti d'une appréciation sur le cas concernant les charges et les preuves retenues contre la personne.

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Cette commission est composée comme suit:

- Premier avocat général près la Cour de Cassation (qui préside la commission),
- représentant de la primature,
- représentant du Ministère de la défense,
- représentant du Ministère de l'intérieur.

*** Détention préventive et liberté provisoire**

L'article 37 stipule "l'inculpé ne peut être mis en détention préventive que s'il existe contre lui des indices sérieux de culpabilité et qu'en outre le fait paraisse constituer une infraction que la loi réprime d'une peine de six mois d'emprisonnement au moins. Néanmoins, l'inculpé contre qui il existe des indices sérieux de culpabilité peut être mis en état de détention préventive lorsque le fait paraît constituer une infraction que la loi punit d'une peine inférieure à six mois d'emprisonnement, mais supérieure à sept jours s'il y a lieu de craindre la fuite de l'inculpé ou si son identité est inconnue ou douteuse ou si, eu égard à des circonstances graves et exceptionnelles, la détention préventive est impérieusement réclamée par l'intérêt de la sécurité publique".

Lorsque les conditions ci-dessus sont réunies, l'OMP, après avoir interrogé l'inculpé, le place sous mandat d'arrêt provisoire et le fait conduire devant le juge le plus proche compétent pour statuer sur la mise en détention préventive.

Si le juge et l'OMP se trouve dans la même localité, la comparution devant le juge doit avoir lieu au plus tard dans les cinq jours de la délivrance du mandat d'arrêt provisoire. Ce délai est augmenté du temps nécessaire pour effectuer le voyage le cas échéant.

La mise en détention préventive est autorisée par le président de la juridiction appelée à connaître de l'infraction. L'ordonnance statuant sur la détention préventive est rendue en chambre du conseil, sur réquisition du ministère public, l'inculpé étant préalablement entendu et assisté, s'il le désire, d'un avocat de son choix. L'ordonnance rendue au plus tard le lendemain du jour où le jugement a été rendu peut-être prolongée de mois en mois aussi

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longtemps que l'intérêt public et les nécessités de l'instruction l'exigent. Lorsque l'infraction est punissable d'une peine de deux mois au plus, elle ne peut être prolongée que pour un mois seulement.

Tout en autorisant ou en prolongeant la mise en état de détention provisoire, le juge peut ordonner néanmoins la mise en liberté provisoire de l'inculpé aux conditions fixées par lui. La liberté provisoire est accordée à charge pour l'inculpé de ne pas entraver l'instruction et de ne pas occasionner de scandale par sa conduite.

Sur requête du Ministère public, le juge peut à tout moment modifier les charges imposées par l'article 42 du CPP et les adapter à des circonstances nouvelles; il peut également retirer le bénéfice de la liberté provisoire si les circonstances nouvelles et graves le rendent nécessaire.

Aussi longtemps qu'il n'a pas saisi la juridiction de jugement, l'OMP peut accorder à l'inculpé la mise en liberté provisoire.

L'OMP peut faire réincarner l'inculpé qui manque aux charges qui lui ont été imposées. Si la liberté provisoire a été accordée par le juge, l'inculpé qui conteste être en défaut peut, dans les 24 heures de sa réincarcération, adresser un recours au juge qui avait statué en premier ressort sur la mise en détention ou sur sa prolongation. La décision rendue sur ce recours n'est pas susceptible d'appel.

Le Ministère public et l'inculpé peuvent faire appel des ordonnances rendues en matière de détention préventive et de liberté provisoire.

La déclaration d'appel est faite au greffier du tribunal qui a rendu l'ordonnance, ou en son absence au Ministère public ou en cas d'absence au juge qui a dressé l'acte. L'acte d'appel et les documents y annexés sont transmis sans délai au greffier du tribunal qui doit connaître de l'appel.

Lorsque l'infraction est de celles que la loi punit d'une peine d'emprisonnement d'un an au moins, l'OMP peut dans le cas d'une ordonnance refusant d'autoriser la détention préventive, ordonner

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que l'inculpé soit replacé sous les liens du mandat d'arrêt provisoire et, dans le cas d'une ordonnance refusant de prolonger la détention, ordonner que l'inculpé soit replacé sous les liens de l'ordonnance qui l'autorisait. Dans les deux cas, l'inculpé ne sera placé sous les liens du mandat d'arrêt que pendant le délai d'appel et en cas d'appel jusqu'à la décision.

La juridiction saisie de l'appel devra statuer dans les 24 heures à partir de l'audience au cours de laquelle le Ministère public aura fait ses réquisitions.

Si l'ordonnance du premier juge refusant d'autoriser ou de prolonger la mise en détention est confirmée par la juridiction d'appel, la durée pour laquelle l'autorisation ou la prolongation serait accordée est fixée par la juridiction d'appel sans être supérieure à un mois.

L'inculpé à l'égard duquel l'autorisation de mise en état de détention préventive n'a pas été accordée, ne peut être l'objet d'un nouveau mandat d'arrêt provisoire du chef de la même infraction que si des circonstances nouvelles et graves réclament sa mise en détention préventive.

*** La question de la légalisation des détentions**

En examinant attentivement la procédure légale, on se rend compte de l'écart existant entre celle-ci et la réalité actuelle.

En effet, la plupart des personnes détenues le sont sans pièces de détention (**mandat d'arrêt, ordonnance de mise en détention préventive, procès-verbal d'arrestation**).

A titre d'exemple, sur les 398 détenus enfermés à la prison centrale de Kibuye (23/3/1995), seulement une vingtaine le sont avec un mandat d'arrêt.

Contrairement aux deux premières pièces de détention, le procès-verbal d'arrestation ne peut être fait de façon rétroactive. Dans la plupart des cas aujourd'hui, les éléments du dossier pénal (**procès-verbaux d'audition du plaignant, du prévenu, des témoins et**

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de renseignements) se font, souvent après plusieurs mois de détention.

La contribution internationale pour une assistance matérielle devrait inciter le Gouvernement à prendre les mesures nécessaires à l'amélioration des procédures d'arrestation, tout en renforçant sa capacité tant humaine que matérielle à régulariser les détentions à court terme.

IV - Le rôle de la Gendarmerie nationale

L'Accord de paix d'Arusha consacre un chapitre entier à la gendarmerie, son chapitre II. La gendarmerie y est définie comme "une force armée instituée pour maintenir l'ordre public et la sécurité et assurer l'exécution des lois". En cela, elle dépend du Ministère de la défense.

Chaque sous-préfecture, et là où il n'y a pas de sous-préfecture toutes les 3 ou 4 communes, doivent normalement être desservies par une compagnie territoriale, de même que les communes et les centres ruraux importants.

Actuellement, toutes les préfectures ont récemment été dotées d'une gendarmerie sauf celle de Kibuye. Il sont environ 200 gendarmes à avoir suivi une formation accélérée.

*** De la compétence de la gendarmerie**

L'Accord de paix d'Arusha confère à la gendarmerie, entre autres, les missions suivantes:

- maintenir et rétablir l'ordre public,
- prévenir les infractions,
- rechercher les infractions et leur auteurs,
- assurer la police administrative,
- **assurer dans les limites prévues par la loi, les missions de police judiciaire,**

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- faire respecter les lois et les règlements dont elle est directement chargée d'assurer l'exécution,
- assurer la protection des personnes et des biens,
- assurer la police des cours et tribunaux,
- participer à la défense du territoire dans le cadre fixé par la loi.

La gendarmerie doit comprendre des unités spécialisées entre autres, un service de recherche criminelle chargé des investigations criminelles et de la police technique (Art. 104 des Accords de paix d'Arusha). En cela elle exerce les mêmes compétences que les IPJ et est placée sous l'autorité du Ministère de la justice.

*** De la réalité de ses pouvoirs**

Comme stipulé ci-dessus, la gendarmerie en tant qu'institution est régie par les lois et règlements du pays. Elle est subordonnée dans son fonctionnement et dans l'exercice de ses missions, à l'esprit et la lettre de la loi fondamentale, des lois, des principes démocratiques et de ceux de l'état de droit. C'est donc dans les limites des principes énoncés ci-dessus qu'elle doit exercer ses missions.

On peut relever trois autres limitations à l'exercice de sa mission d'investigation:

- 1- La loi interprète de façon restrictive le rôle que les Accords de paix d'Arusha ont conféré à la gendarmerie. Cette limitation constitue une difficulté de compréhension du rôle que doit jouer la gendarmerie dans les investigations sur le génocide.
- 2- La gendarmerie qui a les pouvoirs de conduire les investigations n'en a pas les moyens.
- 3- L'autre difficulté concerne le manque de coordination sur le terrain de tous les agents impliqués dans les procédures de la recherche des infractions, aggravé par le flou qui existe à propos de la définition des tâches réelles de la gendarmerie.

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VI - La police communale

La police communale est une force constituée au niveau de la commune. Elle dépend du Ministre de l'intérieur. Elle est placée sous l'autorité du bourgmestre qui l'utilise dans sa tâche de maintien et de rétablissement de l'ordre public et d'exécution des lois et règlements (Art.1 de l'arrêté présidentiel n° 285/03. du 4 octobre 1977).

Selon l'article 4 de cet arrêté, le bourgmestre assume l'entière responsabilité de l'organisation, du fonctionnement et du contrôle du corps de la police communale. Il est aidé dans sa tâche par un brigadier.

Les brigadiers de la police communale sont officiers de police judiciaire.

Ils sont habilités à constater les contraventions ainsi que les infractions suivantes:

- l'ivresse publique,
 - le tapage nocturne,
 - l'homicide et lésions corporelles volontaires,
 - l'homicide volontaire non qualifié, meurtres et des lésions corporelles volontaires,
 - l'homicide, blessures et coups excusables,
 - l'homicide, blessures et coups justifiés,
 - l'homicide et lésions corporelles involontaires,
 - vols et extorsions,
 - vols commis sans violence ni menace,
 - vol commis à l'aide de violence ou menace,
 - recel des objets,
 - destruction et dégradation d'arbres, récoltes ou autres propriétés,
 - enlèvement ou déplacement des bornes,
 - destruction d'animaux
- prévues par les articles 278, 279, 310 à 338, 343 à 347, 396 à 403, 431, 432, 447 al 1, 449 et 450 du code pénal et les infractions à la législation sur la chasse et sur les parcs nationaux.

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Leur compétence territoriale s'étend à la commune où ils exercent leurs fonctions. Cependant, en cas d'infraction flagrante ou réputée flagrante commise sur le territoire de la commune, tout brigadier de la police communale est habilitéé à poursuivre l'auteur de l'infraction sur le territoire d'une commune limitrophe et à s'y saisir de sa personne.

Les brigadiers de la police communale adressent leurs procès-verbaux et toutes autres correspondances relatives aux infractions dont ils ont connaissance, sans délai et directement, au Procureur de la République près du tribunal de première instance dans le ressort duquel est situé la commune dont ils relèvent (Art.1 et 2/ arrêté ministériel n°209/07.15 avril 1982).

*** De la collaboration entre la gendarmerie nationale et la police communale (Art.146)**

La police communale relevant de l'autorité communale, outre ses fonctions exclusives, assiste la gendarmerie dans sa mission de maintien de l'ordre et de la sécurité publics.

La gendarmerie assiste le Ministère de l'intérieur et du développement communal dans la formation et le recyclage de la police communale.

Au niveau communal, le commandant du poste de gendarmerie supervise la formation et les opérations de sécurité de la police communale. Toutefois, seule la police communale exécute les opérations liées à la mise en application des règlements de police édictés par l'autorité administrative locale.

[Supplément du Rapport 1, mai 1995]

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

*Pl. nominat.
T. comm. - so.
L. G. G. G. G.*

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A l'attention de Monsieur le
Représentant Spécial du
Secrétaire Général des
Nations Unies au Rwanda

Kigali, le 28 Avril 1995

Objet: Invitation à l'ouverture et à la clôture
du séminaire sur les droits de l'Homme.

J'ai l'honneur de vous inviter à venir rehausser de votre présence l'ouverture d'un séminaire sur les droits de l'Homme organisé pour les fonctionnaires des différents Ministères par le Haut Commissaire des Droits de l'Homme communément avec tous les Ministères.

L'ouverture aura lieu, le Mardi 2 Mai 1995 à 08h30 au Centre de Recherches et de Formation Coopérative "IWACU" à Kabusunzu.

Vous êtes également attendu aux cérémonies de clôture qui auront lieu, le Vendredi 5 Mai 1995 à 12h00.

Veillez agréer, *Monsieur le Représentant*, mes salutations les plus distinguées.

A. Essaied
Chef - Adjoint de la Mission
des Droits de l'Homme au Rwanda

To Ladan

*Please represent UNAMIR (OSRSG),
both at the opening and closing ceremony,
as indicated above, and submit a brief report to OSRSG.
Many thanks. S. Bus 29/4*

*Remis à Ladan
le 1/5 à 12h00*



PRESS RELEASE

HUMAN RIGHTS FIELD OPERATION EMPLOYS EMERGENCY MEASURES TO DEAL WITH BUTARE CRISIS

"Special emergency measures have been introduced by the United Nations Human Rights Field Operation in Rwanda in response to the present crisis involving displaced persons in Butare prefecture", Mr William Clarence, Head of the Operation announced today. The measures were being introduced following the recent forcible closure of Kibeho and other camps which resulted in massive loss of life and compelled many thousands to return to their homes and areas of origin without means of support.

"Already, additional field officers have been deployed from around the country to augment the existing teams in Butare and Bugesera", Mr Clarence said. "At present there are 12 human rights field officers covering the 16 most critical communes in Butare and 4 field officers covering the Bugesera area. In addition the European Union is providing 12 field officers who have just undergone 6 days of intensive training. The training included briefings by Rwandan Government officials such as the Prefect of Kigali, the Ministry of Women's Affairs and representatives of the RPA. The European Union field officers will be deployed in Butare on 27 April".

Mr Clarence said that one of the primary objectives of the Human Rights Field Officers will be to assist local authorities by participating in committees to be set up jointly with the United Nations and other international bodies to receive the returnees and ensure their security and reintegration into the community.

Mr Clarence also announced that the Human Rights Field Operation has despatched a special coordinator to Butare to coordinate the emergency operation. The official, also provided by the European Union, will coordinate the work of the different UN Human Rights teams involved in the operation, develop appropriate strategy to respond to the needs on the ground and ensure a daily flow of factual information.

"These measures are designed to provide maximum coverage of the human rights situation in the area following the tragedy at Kibeho", Mr Clarence said. "We will continue to monitor activities and respond as the situation on the ground develops".

Kigali, 26 April 1995

For further information contact Helen McNaught
Human Rights Field Office tel: 72939

file: Human Rights

Mr Samy Bwo
A/ED
I think this guy is getting ahead of us in putting out information. We should not be beaten to it. We are doing the bulk of the work.
HFC
27/4
amw



PRESS RELEASE OF 24 APRIL 1995

**THE HIGH COMMISSIONER FOR HUMAN RIGHTS
EXPRESSES HIS SHOCK AND OUTRAGE
AT THE MASSIVE LOSS OF LIFE AT THE KIBEHO
INTERNALLY DISPLACED PERSONS CAMP IN RWANDA**



The High Commissioner for Human Rights expresses his deepest shock and outrage over the massive loss of life of approximately 2,000 men, women and children, which occurred when the RPA forcibly closed the IDP camp at Kibeho, Gikongoro Prefecture, Rwanda.

On 18 April 1995, RPA forces entered the camp in what was officially termed a "cordon and search operation".

The return of IDPs is a valid objective and the High Commissioner shares the concern of the Government of Rwanda that certain elements of former Government forces and militia have been organizing and inciting unrest, aimed at political destabilization. However, the action undertaken by the RPA on the morning of 22 April 1995 at the Kibeho camp has developed into a dramatic violation of human rights which needs to be condemned and can not be justified in any circumstances.

The HRFOR has responded immediately to the tragic events and has deployed a number of field officers from other parts of the country to augment its monitoring strength in this area and to facilitate the return of the displaced persons to their home communes.

Mr. Clarence, Head of the Human Rights Field Operation in Rwanda (HRFOR), called on the authorities to take all possible steps to avoid further bloodshed and in particular, to deal humanely with the remaining some 1000 persons who have refused to leave Kibeho. He further emphasized the need to ensure the security of persons from Kibeho at present on the road to their home communes and also of those presently quartered in the Butare Stadium. Following the tragedy, Mr. Clarence proceeded to Kibeho with the Minister of Interior and Minister of Justice and discussed measures to facilitate the return of displaced persons and refugees to their communes.

Safe return and resettlement of internally displaced persons and refugees to their homes and resumption of normal daily Rwandan life can not be brought about by the international community alone. The Government is under a clear international legal obligation to take all necessary action to prevent further outrages of this kind.

The High Commissioner calls on the Government of Rwanda to cooperate fully with all UN agencies in Rwanda and to encourage the participation of all Rwandese local authorities to receive the returnees and to ensure their security and reintegration into their communities.

Sc

ED

File: Human Rights
UNITED NATIONS HUMAN RIGHTS FIELD OPERATION IN RWANDA



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS



NATIONS UNIES
HAUT COMMISSAIRE AUX DROITS DE L'HOMME

TO THE SRSG

ATTENTION - MR. A.B.S. DAO
OIC - HUMANITARIAN AFFAIRS - UNAMIR

FROM: MR. ROLAND AMOUSSOUGA *Roland Amoussouga*
UNHRFOR - KIGALI TEAM LEADER

DATE: FEB. 1, 1995

SUBJECT: ATTACK ON JOURNALIST

AS PER YOUR REQUEST, PLEASE FIND ATTACHED A COPY OF THE
PRELIMINARY REPORT AND ATTACHMENTS ON THE ABOVE SUBJECT.

UNITED NATIONS HUMAN RIGHTS FIELD OPERATION IN RWANDA

UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS



NATIONS UNIES
HAUT COMMISSAIRE AUX DROITS DE L'HOMME



TO: MR. BILL CLARANCE
CHIEF OF MISSION

CC: MR. ESSAIED ABDERRAZAK
DEPUTY CHIEF OF MISSION

FROM: KIGALI TEAM
MR. ROLAND AMOUSSOUGA, TEAM LEADER
MS. ROXANA GARMINDIA, OIC, HOSPITAL UNIT, SPECIAL
ASSIGNMENT

DATE: 1 FEBRUARY, 1995

SUBJECT: ATTACK ON MR. EDWARD MUTSINZI, JOURNALIST,
PRELIMINARY REPORT PENDING FURTHER INVESTIGATION

ATTACHMENT: UNAMIR ENGLISH TRANSLATION OF EDITORIAL MATERIAL
FROM 'LE MESSENGER', ISSUE NO. 45 & 48

On Tuesday 31 January, the Hospital Unit of the Kigali Team of the UNHRCFOR, was informed of an attack on a well known Rwandan journalist, and director of the Bi-monthly newspaper, 'Le Messenger', Mr. Edward Mutsinzi. An officer of the Kigali Team of the UNHRCFOR immediately proceeded to the Australian Hospital to investigate the case and to interview eyewitnesses.

Dr. Black, an Australian physician, reported that the victim was beaten with a stick and the right side of his head has suffered deep, sharp wounds which have caused substantial brain damage and aphasia (inability to speak).

A UNHRCFOR Officer interviewed separately the victim's wife, Mrs. Scholastique Mukanyarwaya as well as a journalist for the same newspaper, Mr. Isaie Niyoyita, both present during the attack.

FACTS AS PRESENTED BY EYEWITNESSES

On Sunday, January 29, 1995, Mr. Edward Mutsinzi, his wife, Mr. Niyoyita and some friends,¹ were in a bar known as 'Terminus' in Nyamirambo. When the group was preparing to leave, at approx. 21:00, three armed men, dressed in civilian clothes, entered and ordered everyone to lay down on the floor. One friend of the victim, Germain, immediately ran, trying to escape.

¹ Vital Muolacumura, Ernestine Uwaroho, Germain, J.M., Tabaro, and the Director of a Tea Production Plant known as 'Pfunda' (name unknown)

He was able to escape, despite an undetermined number of rounds fired in his direction. Two additional men dressed in civilian clothes, one with an axe, then entered, saying they were looking for 'the ones in short pants' (both journalists were wearing short pants).

According to Mr. Mutsinzi's wife, one of the aggressors asked specifically for Mutsinzi. The person with the axe went straight to Mr. Mutsinzi, while the others attacked the other members of the group. The attackers, seeing substantial blood, and assuming the victims were dead, left the bar.

The gendarmerie, approximately an hour after, came to the crime scene and transferred the victims to the Central Hospital of Kigali, the victims were later transferred to the Australian Hospital.

Both eyewitnesses state that they would not be able to identify or recognize their aggressors. They remark that the attack was only directed against their group and not to other people who were present during the incident (there were 2 other people in a compartment next to them, as well as the owner of the bar, Mr. Gatete and a waitress). The victim's wife also remarks that the bar is close to her house, which is next to two houses where RPA military personnel live, and they did not come to help when the shot was fired.

BACKGROUND INCIDENTS

1) Two weeks ago, Mr. Mutsinzi, his wife and Mr. Niyoyita, were in a bar when an unidentified individual, sitting some tables away, called Mr. Niyotita and asked him to come over. Mr. Niyotita refused and the man reacted angrily; moments later, the same man came with two armed military personnel. Mutsinzi, his wife and Niyotita managed to escape.

2) Another incident happened the day before the attack, on Saturday, January 28, when a soldier and a civilian went to Mr. Mutsinzi's house, finding nobody there. The girl who works in Mutsinzi's house reported this event to the victim's wife.

3) Mr. Niyotita also reports that subsequent to an article in his and Mr. Mutsinzi's bi-monthly newspaper, 'Le Messenger' (Issue No. 47) in which the newspaper openly criticized military personnel for abuse of the property of an assassinated Rwandan businessman, Mr. Niyotita and Mr. Mutsinzi received verbal threats to their personal security through third persons. Mr. Niyotita explained that 'Le Messenger' has always been independent and on several occasions criticized the government. The newspaper often reports on cases of disappearances and killings.

4) Mrs. Mukanyarwaya reported that the day of the general inspection for arms and weapons that took place in Kigali some weeks ago, (Jan. 12) military personnel thoroughly searched the Mutsinzi house for three hours.

IDENTIFICATION OF EYEWITNESSES, 2

Person interviewed: Isaie Niyotita
Sex: male
Age: 31
Place of birth: Gitarama, Sector Nyabikenke, Mahembe Sector,
Mugeyo Cell
Profession: journalist
Status: married, 2 children
Address: B.P. 2433 Kigali, tel. 75690
Political affil.: None

Person interviewed: Scholastique Mukanyarwaya
Sex: female
Profession: housewife
Status: married, 1 child
Address: B.P. 2433 Kigali, tel 75690
Political affil.: None

INFORMATION BULLETIN FROM UN RADIO/RWANDA

Below are excerpts from an editorial published in the Rwandese weekly "Le Messenger" in the issue No 45 of 24 November 1994.

"When you analyse closely the fear that is haunting people at present, you conclude that there is no difference between this period and the period of the months preceding the death of Ikinani (the Unbeatable, ironical nickname for President Habyarimana). The fishermen of men (kidnappers) are alienating people from the RPF. Normally, the main characteristic of a new regime, especially after the fall of a dictatorial regime, is to do what is good. The new leaders are expected to forget about their private interests and to work first for the interests of the people, to give them what they had been deprived of before."

"After Ikinani had toppled President Kayibanda, he restored security to the population and treated the ethnic Tutsis in a satisfactory way, as it was the habit so far for anyone who wanted to study politics and to become a political leader to do so by killing Tutsis and make them to be the foundation of his new rule. Thus a man came and said "I restore peace to you, if I had not been here, you would all have been killed." Ikinani massacred them and when he took power on July 5, 1973, he said "I bring you back peace and unity." The Tutsis really lived in peace but none of their children went to school, and this was the reason why private schools such as APACOPE were created, and Ikinani even interfered in the business activities of Tutsis and forced them to share with him their benefits."

"According to the prophecy of Magayane (a now-dead very known popular inmate of Kigali prison who is widely believed to have prophesied the bloody massacres in Rwanda and the assassination of President Habyarimana), anyone who could survive the killings predicted to take place after the death of Ikinani, would live in a paradisiacal way. People are now asking one another: When is the prophecy of Magayane coming true? Tell me if the terrible things he predicted are still coming for me to flee on time. Very few of the rich people in Rwanda live with their wives. Whether it is political leaders, or business men, they live here but their wives and children live abroad. When you ask the reason for it to one of them, he tells you that the children are studying abroad. When he accepts to tell you the truth, he says "I am ready to die, but I want my wife and children to stay alive."

"The fear is caused by what they see: somebody with whom you have a conflict, or when there is no conflict at all, comes anytime he wants with soldiers who kidnap you and treat you as they like or even kill you. No one has been so far prosecuted or punished for it, as people can see. The people being arrested are not detained in police stations or prisons. They put them in the back yards of those houses in Kigali where soldiers live. The latest to be kidnapped that way, whose news even reached the senior officials,

are people called Hakizimana Matiyasi (a business man) and Semunyana (a senior official in ELECTROGAZ). So many people have disappeared, and even many more people are afraid of searching for their relatives for fear of being kidnapped themselves."

"Defense Minister Kagame is used to warning the soldiers against such behaviour, but nobody listens to him. Prime Minister Twagiramungu said on his part that a Government that cannot restore houses and farms to the owners, cannot be expected to address any other problem! When you try to analyse the situation, you get the impression that the RPF has no intention to compete in multiparty politics. If multiparty competition were accepted, I think that the acts of some of the RPF soldiers would bring us to deny our votes to the movement that we once supported with all of our strength."

"People are wondering, where is friendship? Is tying your arms together with a rope behind your back friendship? We have no answer. When a motorbike passes by at night, the owner is shot dead and the motorbike disappears. When they kidnap you, they first deprive you of everything you have on you, and what comes afterwards is even worse..... The other unexplained thing is that people who were living in the country before the war, Hutus as well as Tutsis, we are not trusted by those who came from outside the country. They say that even the Tutsi one who survived massacres is an Interahamwe. This was repeated to me by women with whom we were travelling together recently on my way to Kampala. How are unity and reconciliation possible? Your whole family was massacred because they suspected you to be supporters of the RPF and now they say you are an Interahamwe! However, those people who came from outside the country came with their parents and their children."

"You Inkotanyi (Pitiless Fighters, self-called name for RPA soldiers) must know that you are responsible for everything bad or good this time in the country. Those acts will not be blamed on Amajyogi (Cannabis Seeds, supporters of Prime Minister Twagiramungu) or Abakombozi (Liberators, supporters of PSD party). You are the ones to be blamed because you saved us from the killers and you are now encouraging people to support the exiled Government of Prime Minister Kambanda. Do not ask people whose relatives were killed or are in jail for no reason not to support the Abatabazi (Saviours, Government of Kambanda in exile). The Cyangugu-based business man, Nkubito, was recently detained and this caused hundreds and hundreds of people to flee the country to the Zairian town of Bukavu. He has been now released but the exiled people did not return. What are they now saying about our Government, where they are, around Kambanda? ...We do not want lies, we want a Government that is really committed to restore security in the country. We want lasting peace, we want a Government that can punish wrong-doers. You soldier, give security to the people, and the people will not touch either your money or your Government."

Translation by Manasse Mugabo



INFORMATION BULLETIN FROM UN RADIO/RWANDA

Below are excerpts from an editorial published in the Rwandese Weekly "Le Messenger" in the issue No 48 of 19 January 1995.

Title: "What is the use of the penalisation policy?"

"As we are waiting for details on what is known as the armed attack on Nyamasheke commune, and when we are still expecting clarifications on the regrettable incidents that occurred at Nshili, in Gikongoro prefecture, where so-called Interahamwe are reported to have massacred people, and this strangely leading to the arrest of the military commander in charge of that area, Major Philbert Rwigamba, we certainly believe without doubts that the other acts of killings of people attributed to ordinary Interahamwe may have been carried out by the "New Interahamwe". The ordinary Interahamwe were accused, but UNAMIR and eyewitnesses in Gikongoro were shocked to see the RPF soldiers massacring people in broad daylight. Those killings would be still attributed to Interahamwe if the UNAMIR had failed to issue a report incriminating those soldiers for the massacre, because UNAMIR was there this time. We heard that Major Rwigamba was arrested just because when they came to ask for his help, he was flirting in Butare town."

"On the day following the Nyamasheke attack, which left only fishermen killed, a search for collaborators, soldiers and weapons, took place in Kigali since early in the morning. Soldiers prevented us from leaving our homes, and many of us suspected that a Government dignitary had been assassinated and some of us were going to pay for it as it happened following the death of President Habyarimana. After the Nyamasheke attack, Radio Rwanda reported that it was just an act of banditry, while the foreign media reported that it was an attack by the soldiers of President Habyarimana. Which of them is lying and what is his interest in so doing? On the following day, they started searching everything, every piece of paper, the roofs, under the mattresses, causing panic among the population. They had no legal paper attesting that they were mandated by the Government and even the Interior Minister Seth Sendashonga knew the news of the search operation when he arrived at the Ministry headquarters at 8 hours. What sort of search operation is that, that the Ministry of Interior is not informed about? The Minister for Public service as well as private citizens were not informed about the operation."

"It is strange that the international community was told that the operation aimed at arresting deserting soldiers and that weapons were seized. Were soldiers hiding in those pieces of paper soldiers searched and read? "

"If it is true that the soldiers of Habyarimana attacked, what strategies do we have? Are we going to fight to the last man? What strategies do we have to ensure that nobody will be wrongly accused of being a collaborator? "

"Who has the solution to the problem of security and refuses to reveal it? Our leaders will have no profit in that war even if they can win it. Except for the defense of the country's sovereignty? The defense of the country's sovereignty requires first the insurance of the people's security. What is the use of such hasty decisions as impoverishing the population by refusing to exchange their old banknotes for new banknotes on the pretext of penalising the Rwandese refugees in Zaire, or elsewhere? What is the use of the policy of penalisation? Much money was lost and it is unfortunate that people worked hard for years to save money, and you come and say that you will exchange banknotes in two days time and beyond that period, no more."

"With the exception of the military operations, such operation of banknote exchange cannot succeed anywhere else in two days time. The banks have not yet opened in areas other than the capital Kigali. In some prefectures of the country, the banknotes that were not exchanged are as many as the exchanged banknotes. I visited the Cyangugu area. The population lost everything. And that meant that the former Rwandese Government members were penalized. Who was silly enough to keep Rwandese banknotes in Zaire or elsewhere? The members of the exiled Government exchanged their banknotes for US dollars and it was only the population inside the country that was penalised. What is the aim of this policy? "

"What do you plan to make justice for those people and business men whose banknotes were not exchanged? Saying that all is over is not enough. People normally have the right to accuse the Government. ..How can you govern the population this way? You should try to be fair with the population because some time you will need them, and I hope that you will not ask something to anybody you denied his due."

Translation by Manasse
Broadcast Journalist
UN Radio/ Rwanda

CC: SRSG
FC
ED.
Spokesman
MPIO
PA
CPO
SPAO
HAO
LA



UNAMIR - MINUAR

TO: H.E. M. Shaharyar Khan
A: SRSG

Date: Kigali, 1 February 1995

FROM: C.O. Diarra, Colonel
DE: CIVPOL Commissioner

Ref: CIVPOL/MEMO/95/94

Info: Mr. Dao, OSRSG/CIVPOL Liaison Officer

Subject: Information on the alleged assault occasioning harm
Objet: of Mr. Edward Mutsinzi, a senior staff writer with
"The Messenger" A Local Newspaper in Kigali.

-
1. Please find attached information notes on the attack against Mr. Mutsinzi Edward, A journalist with a local newspaper here in Kigali.
 2. Regards.

**INFORMATION ON THE ALLEGED ASSAULT OCCASIONING HARM
OF MR.EDWARD MUTSINZI, A SENIOR STAFF WRITER WITH
" THE MESSENGER" A LOCAL NEWSPAPER IN KIGALI.**

*
On 28/1/95 at about 2000 hours the above named journalist in company of his wife and some friends went to a drinking Bar called "Terminus" in the Nyamirambo area of Kigali.

While in the Bar, some men in plain clothes but strongly believed be RPA personal came in and ordered everyone to lie down on the floor. The men numbering about 5, who were armed with military weapons and a local axe went straight for MR.MUTSINZI and started assaulting him, at the end of which he was left in a state of unconsciousness with extensive head injuries, deep cut on the nose and a severe eye injury. The incident was later reported at Brigade Nyamirambo after MR.MUTSINZI had been admitted at Kigali Central Hospital.

PMT KIGALI Sector 6 A, further gathered that the journalist has in the past been at the Vanguard of those critical of Government human rights violations. He was so critical of the government of General Juvenal Habyarimana that he was branded an INKOTANYI, a group favourable to the course of Rwandese Patriotic Front (RPF).

In his usual believes as a social activist and commentator on public affairs, MR. MUTSINZI in recent editorials criticised the RPF controlled government of being responsible for the general insecurity that prevails across the country. Only recently it was gathered that MR. MUTSINZI has again been branded an INTERAHAMWE, a group favourable to the former Rwandese Government and policies.

Some time ago, PMT gathered that some journalists accosted the Rwandese Vice President on his return from overseas trip with the issue of his ministry's in-ability to halt the new massacre juxtapose arbitrary arrests and summary executions being perpetrated by RPA soldiers.

The VP, PMT gathered retorted severally before he could provide an answer, a situation MR MUTSINZI caught in as indicating that the VP was aware of the situation and wondered how they journalists could ever contemplate that those who risked their lives fighting for the past four years to save Rwanda, can also be accused of perpetrating what they have come to stop.

This MUTSINZI, PMT gathered that was not the expected response to the issue of the new massacre and security situations in Rwanda.

Some of the locals PMT had contact with in respect of this matter believe this gruesome attack on MR MUTSINZI was informed by his position or stance on the present government inaction on national Security issues and policies.

MR MUTSINZI is presently in AUSMED and his condition appears very bad. Warrant Officer DAY of AUSMED disclosed that he might remain in his present state of unconsciousness for the next few days. Rwandese Ministry of information through its Director of Cabinet disclosed that the Nations government had instituted a full investigation into the matter with a view to determining the cause of attack and those responsible for it.

Central intelligence Service of Rwanda has been mandated to go into the mater and submit a report to the office of the Prime Minister.

This investigation will be supervised by the Rwandese Ministry of Justice until the close of it.

The Director of Cabinet Summed up his comments by saying that details of Rwandese Government's reaction has been made known to journalists and this will be an air at 1200 in Kmyarwanda and 1345 in french via radio Rwanda.

This is for your information, sir.

19-20 January 1995 file: Human Rights

GENOCIDE: A COLLECTIVE MEMORY - LIST OF RESOURCE PERSONS

NAME	ORGANIZATION	BACKGROUND
CHARLES PETRIE	UNITED NATIONS RWANDA EMERGENCY OPERATION	DEPUTY UN HUMANITARIAN COORDINATOR DURING THE WAR
ALPHONSE MARIE NKUBITO	MINISTER OF JUSTICE	HUMAN RIGHTS ACTIVIST
LAZARE NAAZARO	MINISTRY OF REHABILITATION	RPF MEMBER OF THE ARUSHA NEGOTIATING TEAM IN KIGALI
TOMAS METSUHINA	JOURNALIST	PREVIOUSLY WITH RADIO RWANDA
LEIUTENANT JEAN-MARIE CAMERON	RPA LIAISON OFFICER	PLATOON COMMANDER DURING THE WAR
BONAVENTURE NIYIBIZI	USAID	EVACUATED FROM EGLISE ST FAMILLE
EMMANUEL NGOMIRARONKA	DIRECTOR OF HOPE UNLIMITED	PROTECTED OVER ONE HUNDRED ORPHANS DURING THE WAR
BENOIT NDIRIKIYE	JOURNALIST	WITH RADIO RWANDA DURING THE WAR
ALAIN SIGG	UN HUMAN RIGHTS	PROFESSOR OF LITERATURE
JOHN BERRY AND CAROL POTT BERRY	TRAINING CONSULTANTS, GENOCIDE: A COLLECTIVE MEMORY	LIVED IN KIGALI BEFORE THE WAR. EVACUATED ON 9 APRIL 1994.
FRERE JEAN NDAYAMBAJE	FRERE SUPERIEUR CONVENT DES JOSEPHITES	PROFESSOR AT THE UNIVERSITY OF BUTARE
MONSEIGNEUR ANDRE SIBOUMANA	ADMINISTRATOR EVECHE DE KABGAYE	
PROF. PAULAN MUSWAHILI		PROFESSOR AT THE UNIVERSITY OF BUTARE
FAUSTIN KAGAME	JOURNALIST	

DR. MAURICE BUCAGU	DIRECTOR ONAPO	
FRANCOIS BYAHARUMWANZI	CLADHO, ORGANIZATION DROITS DE L'HOMME RWANDA	
ANDREAS SCHIESS	UN HUMAN RIGHTS SPECIAL INVESTIGATIVE UNIT	PROSECUTOR
MAURICE NYBERG	UN HUMAN RIGHTS SPECIAL INVESTIGATIVE UNIT	
CHRISTINE UMOTONI	MINISTER OF REHABILITATION	
MAJOR FRANK RUSAGARA	RPA SENIOR HUMANITARIAN LIAISON OFFICER	MEMBER OF GENERAL KAGAME'S STAFF DURING THE WAR
CLAIRE BOULANGER	MEDECINS DU MONDE	
MAJOR DON MCNEAL	UNAMIR	UNOMIR I, II



Conseil Economique
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11 novembre 1994

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COMMISSION DES DROITS DE L'HOMME
Cinquante et unième session
Point 12 de l'ordre du jour provisoire

QUESTION DE LA VIOLATION DES DROITS DE L'HOMME ET DES LIBERTES FONDAMENTALES,
OU QU'ELLE SE PRODUISE DANS LE MONDE, EN PARTICULIER DANS
LES PAYS ET TERRITOIRES COLONIAUX ET DEPENDANTS

Rapport sur la situation des droits de l'homme au Rwanda soumis par
M. René Degni-Séqui, Rapporteur spécial de la Commission des droits de
l'homme, en application du paragraphe 20 de la résolution S-3/1
du 25 mai 1994

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INTRODUCTION

1. Conformément au mandat qui lui a été confié par la Commission des droits de l'homme dans sa résolution S-3/1 du 25 mai 1994, le Rapporteur spécial s'est rendu au Rwanda pour une troisième visite, du 14 au 25 octobre 1994. Le but de cette visite était d'actualiser, de compléter et de préciser les renseignements contenus dans les deux premiers rapports publiés respectivement le 28 juin 1994 (E/CN.4/1995/7 et Corr.1) et le 12 août 1994 (E/CN.4/1995/12).

2. Au cours de cette visite, le Rapporteur spécial a pu :

- a) Se rendre à Kigali, à Kibungu, à Butaré, à Gisenyi et à Cyangugu (Rwanda); à Goma et à Bukavu (Zaïre); à Benaco (République-unie de Tanzanie); à Bruxelles et à Paris;
- b) Visiter les camps de réfugiés à Goma, à Bukavu et à Benaco, les camps des personnes déplacées à Kibeho, dans l'ex-zone turquoise, la paroisse de Nyarubuye, l'évêché, la paroisse et le petit séminaire de Nyundo, le cimetière de Gisenyi, le village de Chamvuzo et la prison de Kigali;
- c) S'entretenir avec :
 - i) Des personnalités politiques du Rwanda : M. Paul Kagamé, Vice-Président de la République et Ministre de la défense, M. Faustin Twagiramungu, Premier Ministre, M. Seth Sendashonga, Ministre de l'intérieur, et M. Alphonse-Marie Nkubito, Garde des Sceaux, Ministre de la justice;
 - ii) Des personnalités des organismes du système des Nations Unies : M. Shahryar Khan, Représentant spécial du Secrétaire général au Rwanda, le Général-Major Claude Toussignant, Commandant de la Mission des Nations Unies pour l'Assistance au Rwanda (MINUAR), des représentants du Haut Commissaire des Nations Unies pour les Réfugiés (HCR), du Programme des Nations Unies pour le développement (PNUD), et du Bureau des Nations Unies pour la situation d'urgence au Rwanda (UNREO);
 - iii) Des personnalités étrangères : M. Vandenbroecke, Ministre des affaires étrangères de la Belgique; le Nonce Apostolique; l'Ambassadeur des Etats-Unis à Kigali; le Conseil permanent de la Francophonie, organe de l'Agence de Coopération culturelle et technique, le Chargé d'affaires de Suisse au Rwanda, M. Jean Gol, ancien Ministre d'Etat belge, le professeur Filip Reyntjens, de l'Université d'Anvers (Belgique), maîtres Eric Gillet et Bavo Cool, avocats en Belgique ;
 - iv) Des représentants des organisations non gouvernementales et des journalistes rwandais et étrangers (conférence de presse).

3. Le Rapporteur spécial voudrait ici adresser ses sincères remerciements à ces éminentes personnalités. Il voudrait exprimer tout particulièrement sa gratitude au Représentant spécial du Secrétaire général et au Commandant de la MINUAR qui lui ont fourni toute l'assistance nécessaire et facilité ainsi sa visite grâce à leur appui logistique. Il associe à ces remerciements M. William Clarence, Chef de l'Opération droits de l'homme au Rwanda et son équipe d'observateurs des droits de l'homme qui, en dépit des contradictions internes et des difficultés, ont fait preuve de dévouement et de dynamisme.

4. Cette visite sur le terrain a permis au Rapporteur spécial de faire à nouveau le point sur la situation qui prévaut au Rwanda. Il en ressort que ce pays connaît trois préoccupations fondamentales se rapportant au problème du génocide, à celui de l'insécurité et à la question du retour des réfugiés et des déplacés.

I. LE GENOCIDE

5. Les villes du Rwanda retrouvent progressivement, et assez rapidement leurs populations. Elles recouvrent également leurs activités. On pleure les morts, tout en se réjouissant de retrouver un parent, un frère, une soeur, un enfant. La première préoccupation des Rwandais semble être de loin celle de savoir si les auteurs du génocide, ceux qu'on appelle là-bas les "génocidaires", seront jugés et punis. L'on se demande ce que l'Organisation des Nations Unies attend pour mettre sur pied le Tribunal international. Dans cette logique, les langues se délient. Mais si le génocide se confirme, l'enquête, elle, accuse un retard considérable.

A. La confirmation des faits

6. L'enquête effectuée sur le terrain semble de plus en plus confirmer les éléments constitutifs du génocide. Il en va ainsi de la découverte de fosses communes, de l'existence d'indices et de preuves attestant la programmation du massacre des Tutsis et l'identification des principaux responsables.

1. La découverte de fosses communes

7. Les différentes enquêtes ont permis de découvrir plusieurs sites de fosses communes à travers tout le pays. On en trouve une ou deux dans chaque commune. On a pu ainsi dresser une liste provisoire de près d'une cinquantaine de fosses communes. Des villes comme Gitarama et Cyangungu en comptent plus de six. Le Rapporteur spécial et quelques membres de l'équipe d'observateurs ont pu ainsi identifier eux-mêmes plusieurs fosses communes, notamment à Chamvuzo, à Nyundo, au cimetière communal de Gisenyi et à Cyangungu. A Nyundo, ce sont plus tard trois fosses septiques qui ont servi de tombes aux victimes des massacres, au nombre de plus de 300. Quant aux habitants de Nyarubuye et des environs, ils n'ont eu droit à aucune sépulture. Leurs corps, pour certains, jonchent la cour et les allées de la paroisse et, pour d'autres, gisent entassés les uns sur les autres dans les salles de l'école paroissiale et dans l'église, sans compter ceux découverts dans le village voisin, dont certains ont eu les mains liées au dos avant d'être exécutés. On y trouve des squelettes de personnes de tout âge : femmes, hommes, vieillards, voire des bébés. Le spectacle est intenable pour les sens : autant pour la vue, l'odorat que pour le toucher.

2. Les preuves ou indices attestant la programmation du génocide des Tutsis

8. Dans le rapport préliminaire, la question du génocide a été suffisamment traitée pour qu'on s'y attarde. On se bornera simplement à indiquer ici :

a) L'existence de plusieurs cassettes audios portant sur les émissions de Radio Rwanda et de la Radio Télévision des Mille Collines, qui sont disponibles et seront mises à la disposition des cours et tribunaux en vue de démontrer l'incitation à l'extermination des Tutsis;

b) L'émission par les pouvoirs publics d'ordres non équivoques pour la perpétration des massacres des Tutsis.

9. Des témoignages concordants et dignes de foi font remonter ces ordres, exécutés par les interahamwe ("ceux qui attaquent ensemble") et les populations, jusqu'au gouvernement en passant par les autorités politico-administratives locales. Un milicien de Kibungo déclare à un prêtre venu le dissuader de participer aux massacres qu'il aime son métier de conducteur de taxi (moto) et ne veut pas être soldat. Mais, ajoute-t-il, "si on me dit de tuer, je tue les ennemis du peuple, ils sont mauvais". Un autre, catholique de la paroisse de Kabgayi, qui s'apprêtait à tuer dans une église et à qui le curé demandait ce qu'il faisait de sa "vie de chrétien", répond : "Mon père, vous êtes déphasé. Nous sommes en train de réaliser un programme". Et à la question de savoir ce que lui apportera le programme, il répond sans ambages : "le salut". Le préfet de Cyangungu, qui n'arrivait pas à assurer la protection des Tutsis et à qui l'évêque du diocèse demandait d'ouvrir les frontières, répond qu'il ne peut laisser les Tutsis fuir vers la frontière du Zaïre, ayant reçu "les ordres d'en-haut". Le lieutenant qui dirigeait l'attaque de l'évêché de Kibungo le 15 avril 1994, après le massacre de plus de 1 200 Tutsis par des miliciens et des soldats, rassure l'évêque et quelques prêtres par lui épargnés en ces termes : "C'est terminé. Nous avons envoyé un message à Kigali pour signaler que l'opération a été réussie". Il faut entendre par là qu'il a informé Kigali de ce que tout le monde avait été exterminé à Kibungo.

10. L'exemple de loin le plus topique nous est fourni par le discours du Président de la République intérimaire du Rwanda, M. Sindikubwabo, lors de l'installation du préfet de Butaré le 19 avril 1994. Dans ce discours confirmé par plusieurs sources dignes de foi, il lance un appel en direction des populations de Butaré en leur signifiant de ne pas agir comme par le passé, passé d'apathie, et les exhorte à se livrer à la chasse à l'homme. "Vous, gens de Butaré, vous faites "les ça ne vous regarde pas"; les ennemis sont parmi vous, débarrassez-nous en", aurait-il déclaré en kinyarwanda. Et plus loin, il ajoutait : "Si vous cultivez un champ et que vous n'y retournez pas après pour enlever les mauvaises herbes, vous n'avez rien fait". Il aurait conclu en ces termes : "Analysez chacun de mes mots et vous trouverez vous-mêmes le sens de ce message que je vous donne".

3. L'identification et la poursuite des principaux responsables du génocide

11. Si l'identification et même la poursuite des exécutants soulèvent des difficultés en raison de leur nombre, il en va différemment des commanditaires, des principaux responsables sur qui pèsent des "charges suffisantes". Les témoignages sont nombreux et concordants sur leur rôle et chaque témoin possède une liste quelquefois avec un classement par ordre de hiérarchie dans la perpétration du génocide. Des preuves existent également. Ce qui en revanche pose problème vis-à-vis de ces principaux responsables, c'est leur poursuite. Et, dans ce sens, la grande question est celle relative aux tribunaux devant lesquels ils devraient comparaître, tout particulièrement le Tribunal international. Les victimes, blessés et ayant-droits, s'impatientent. Au-delà de la création du Tribunal international, des divergences risquent de surgir entre l'ONU et le Gouvernement rwandais relativement à son siège, à la détention des prévenus ou des condamnés et à la sanction prononcée.

12. Le Gouvernement rwandais souhaiterait voir le Tribunal siéger au lieu des massacres, c'est-à-dire à Kigali au Rwanda. L'ONU répondra-t-elle favorablement à ce vœu?

13. Il en va de même de la détention qui, pour les exécutants, aurait probablement lieu au Rwanda et, pour les commanditaires, en dehors du territoire national. Le Gouvernement rwandais s'interroge sur le fondement d'une telle politique discriminatoire dite de "deux poids, deux mesures".

14. Enfin, s'agissant de la sanction, le Gouvernement rwandais, poussé par l'opinion publique nationale, opte pour l'application stricte du Code pénal rwandais qui prévoit la peine capitale, alors que, l'ONU, à l'instar du Statut du Tribunal pénal international pour l'ex-Yougoslavie (S/25704) adopté par le Conseil de sécurité dans sa résolution 827 (1993) du 25 mai 1993 et conformément au Statut du Tribunal international pour le Rwanda (S/1994/1168), contenu dans la résolution 955 (1994) du 8 novembre du Conseil, prescrit la détention perpétuelle comme sanction suprême. Dans cette hypothèse, au delà de la discrimination établie entre les deux catégories de personnes, on déplore le paradoxe qui consisterait à punir plus sévèrement les exécutants que les commanditaires. Il n'est d'ailleurs pas exclu, fait-on remarquer, qu'à la faveur de certains événements, les commanditaires recouvrent la liberté quelques années plus tard. C'est sans doute faute d'avoir résolu toutes ces divergences et contradictions que le Gouvernement rwandais a proposé au Conseil de sécurité, comme le rapporte Le Monde du mardi 1er novembre 1994, que la juridiction internationale soit remplacée par un tribunal national "avec l'assistance internationale et l'instauration de la peine de mort et non pas la prison à vie...".

B. Le retard accusé par l'enquête

15. L'enquête, qui doit être menée sur le terrain par les observateurs des droits de l'homme, conformément au paragraphe 21 de la résolution S-3/1 du 25 mai 1994 de la Commission des droits de l'homme, n'a pas, à ce jour, véritablement commencé. Il importe cependant, pour s'en rendre compte, de distinguer deux périodes. La première se caractérise par l'absence d'observateurs et la seconde par la présence d'observateurs non déployés.

1. L'absence d'observateurs sur le terrain

16. Les deux premières visites du Rapporteur spécial, qui ont eu lieu respectivement du 9 au 20 juin 1994, et du 29 au 31 juillet 1994, n'appellent pas de commentaires particuliers, en raison de ce qu'à cette époque, l'enquête à proprement parler n'avait pas commencé. Les deux premiers rapports ont été établis sur la base des documents et des témoignages reçus des responsables des organisations intergouvernementales et non gouvernementales, ainsi que de quelques rescapés des massacres. Le Rapporteur spécial s'est d'ailleurs interdit d'interroger des déplacés ou des réfugiés dans les camps, de peur qu'ils ne fassent l'objet de représailles. Cette période est celle de la guerre et du cessez-le-feu. Elle s'étend sur deux mois (juin et juillet 1994) et ne connaît pas encore de déploiement des observateurs. Cela s'explique en grande partie par le fait que la guerre sévissait encore. C'est à la fin du conflit armé que l'on envisagera le déploiement des observateurs.

2. La présence d'observateurs non déployés

17. A la suite de sa seconde visite, le Rapporteur spécial a proposé, selon une stratégie contenue dans le deuxième rapport, un déploiement de 150 à 200 observateurs pour la période de reconstruction nationale. L'ONU en a retenu 147, chiffre arrêté d'un commun accord avec le gouvernement et qui correspondrait au nombre des communes existant dans le pays.

18. A la date du samedi 22 octobre 1994, les observateurs en poste à Kigali étaient au nombre de 37 sur les 147 prévus. Si on retient que les observateurs ont commencé à arriver à Kigali, pour les premiers au nombre de 4 à partir du début du mois d'août 1994, l'on prendra la mesure des difficultés rencontrées pour la mise sur pied de cette mission. A cette même date, les observateurs sur place n'étaient pas encore déployés sur le terrain.

19. Il importe cependant de souligner que des enquêtes ponctuelles ont été effectuées par les observateurs des droits de l'homme autant que par l'unité spécialisée dans les enquêtes. Mais le plan d'ensemble du déploiement ne connaîtra un début d'exécution qu'à compter du 22 octobre.

20. La raison, principalement invoquée, se ramène à l'absence de moyens matériels et logistiques, notamment le manque de véhicules de liaison et surtout de radios de communications indispensables à la sécurité des observateurs. L'on relève en plus que, d'après le Centre des Nations Unies pour les droits de l'homme, "l'Opération sur le terrain n'a reçu que des instructions provisoires, durant la phase initiale, inspirées de directives similaires appliquées dans les opérations des Nations Unies en ex-Yougoslavie, en El Salvador et en Haïti". Et c'est seulement à la suite de l'arrivée du Chef de l'Opération à Kigali, en date du 10 septembre 1994 et à l'entrée en service du Chef de l'Unité spécialisée dans les enquêtes que l'on élaborera "des directives complètes à l'attention du personnel engagé sur le terrain, inspirées étroitement de l'expérience accumulée durant les premières semaines de l'Opération". Mais il faut ajouter à ces raisons d'autres tenant à des conflits de personnes et au flottement dans les instructions données.

21. Ces différentes raisons peuvent expliquer les démissions au nombre de deux et en partie le non-renouvellement par deux autres observateurs de leurs contrats. La mission n'est pas à l'abri d'autres démissions d'observateurs, que le Rapporteur spécial a tenté de dissuader, lors de sa troisième visite. Le retard dans le déploiement des observateurs est d'autant plus à déplorer que l'insécurité sévit de plus en plus au Rwanda.

II. L'INSECURITE

22. L'insécurité, déjà stigmatisée dans le deuxième rapport, connaît une recrudescence. Conséquence du conflit armé et surtout des massacres, elle est source des violations des droits de l'homme. Celles-ci s'analysent en des atteintes graves au droit de propriété, à la sûreté personnelle et au droit à la vie.

A. Les atteintes au droit de propriété

23. Les atteintes au droit de propriété consistent en des occupations illégales de propriétés, auxquelles le gouvernement tente vainement de trouver une solution.

1. Les occupations illégales de propriétés

24. De retour au Rwanda, de nombreux réfugiés occupent illégalement des maisons, d'habitation ou de commerce, et des terres abandonnées par leurs propriétaires ou leurs locataires en fuite. La situation est d'autant plus complexe que ce retour est anarchique et que la majorité de ces réfugiés appartiennent à la diaspora de la décennie soixante. De sources bien informées, il semble que plus de la moitié des propriétés des Hutus sont occupées par des nouveaux rapatriés. Cela est vrai pour Kigali comme pour la commune de Rusumo. L'exemple le plus illustratif est celui du secteur de Massaka, aux environs de Kigali, où sur les 5 000 habitants, 4 000 sont de nouveaux arrivants, soit 80 % de la population totale.

25. Les nouveaux arrivants s'installent sans idée de retour des propriétaires. Et, lorsque ceux-ci reviennent et revendiquent leur droit de propriété, un conflit naît qui prend souvent des proportions inattendues. En raison de leur appartenance à l'ethnie hutue, ils font en effet l'objet soit de dénonciations aux militaires comme ayant participé au génocide soit de traitements cruels et inhumains ou d'exécutions sommaires. Le gouvernement a dit au Rapporteur spécial être préoccupé par ce délicat problème. C'est ainsi

que le Premier Ministre, qui fait observer qu'il est difficile de déguerpir et de reloger les réfugiés, reconnaît que les conflits se "résolvent de plus en plus violemment".

2. Les solutions au problème

26. Pour résoudre le délicat problème des occupations illégales des propriétés des fugitifs par les rapatriés, occupations provoquées notamment par l'absence de logements et le retour massif et spontané des réfugiés, le Gouvernement rwandais a pris un certain nombre de mesures dont les suivantes :

a) Ne peuvent rentrer dans leur droit de propriété que les réfugiés exilés depuis moins de 10 ans. Ceux-ci sont les véritables propriétaires de leurs biens abandonnés pendant le conflit armé et les massacres. Ce principe, souligne-t-on, est conforme aux Accords d'Arusha;

b) Les réfugiés ayant vécu plus de 10 ans en exil peuvent occuper provisoirement les maisons abandonnées et vacantes, étant informés de ce que cette occupation ne peut faire l'objet d'un quelconque droit de propriété. Ils sont dans une situation précaire et révocable;

c) Les biens des auteurs du génocide seront saisis et vendus pour constituer un Fonds destiné à l'indemnisation des victimes;

d) Il est créé un comité interministériel présidé par le Ministre de l'intérieur et chargé de l'exécution des mesures précédentes.

27. Le Ministre de l'intérieur reconnaît que le comité se heurte à la résistance de beaucoup de personnes frappées par des mesures de déguerpissement. Cette résistance est d'autant plus forte qu'elle émane quelquefois d'officiers de l'Armée Patriotique Rwandaise (APR). Elle explique le fait que le comité ne puisse réussir, précise le Ministre, que dans 30 % des cas. Aussi envisage-t-il de s'appuyer désormais sur une section de la gendarmerie pour faire "exécuter de force les ordonnances, là où les occupants ont démontré des signes évidents de mauvaise foi".

28. Les mesures prises en vue de régler les problèmes restent encore insuffisantes, car loin de résoudre ceux-ci, elles ne font que les déplacer. Les occupants illégaux délogés, de gré ou de force, sont en effet invités à réintégrer d'autres maisons, commerces ou plantations inoccupés. Ils doivent en conséquence s'attendre à la même opération. C'est pour mettre fin à cette situation inconfortable et incertaine que le Rapporteur spécial a proposé qu'une politique nationale de prise en charge des anciens réfugiés soit adoptée et mise en oeuvre, tout en tenant dûment compte des Accords d'Arusha, sous les auspices du Gouvernement rwandais, du Haut Commissaire des Nations Unies pour les réfugiés et de l'Organisation de l'unité africaine. La mise en place d'un tel plan suppose l'appui de la communauté internationale et ce dans les plus brefs délais, en vue de mettre fin aux autres violations des droits de l'homme.

B. Les atteintes à la sûreté personnelle

29. Les arrestations et détentions arbitraires commises sur le territoire rwandais sont justifiées par le manque de moyens.

1. Les arrestations et détentions arbitraires

30. L'insécurité se traduit également par les atteintes à la sûreté personnelle, se manifestant principalement par des arrestations et des détentions arbitraires. Le Rapporteur spécial a été informé de plusieurs cas de perquisitions et surtout d'arrestations et de détentions arbitraires. Il a

pu lui-même s'en rendre compte lorsqu'il a visité la prison de Kigali où il a pu rencontrer plusieurs milliers de prisonniers comprenant des hommes, des femmes, des enfants et des vieillards. Il a pu dénombrer une quarantaine d'enfants de moins de 15 ans dont plusieurs de 12 ans.

31. Ces personnes sont arrêtées et détenues en violation des règles élémentaires de procédure. Il n'est pas décerné de mandat d'arrêt ou d'amener et les personnes restent dans les lieux de détention, tout particulièrement dans les brigades, au-delà du délai légal de la garde à vue, qui est de 48 heures renouvelable une seule fois. Pis encore, des personnes élargies par l'autorité judiciaire, faute de preuves suffisantes, sont arrêtées de nouveau par des militaires et détenues dans les brigades ou casernes.

32. Les conditions de détention sont des plus précaires. Les prisonniers vivent entassés presque les uns sur les autres. La chasse aux "génocidaires" a rempli les prisons du Rwanda. Le 18 octobre 1994, le CICR en dénombrait plus de 7 000 dont 800 à Gitarama, 2 000 à Butaré et 4 200 à Kigali. Il s'ensuit une surpopulation carcérale. Pour ne citer qu'un exemple, la prison de Kigali, qui a une capacité de 1 500 places, comptait, le vendredi 21 octobre 1994, 4 305 prisonniers. La situation risque d'autant plus de s'aggraver que les entrées en prison sont massives alors que les sorties sont rares, sinon inexistantes. A Kigali, les entrées journalières oscillent en moyenne entre 50 et 100 personnes. Par ailleurs, la prison ne dispose pas d'assez de lits de sorte qu'un grand nombre de personnes dorment à même le sol, sur le pavé. Il n'y a aucun espace aéré. Ils n'ont qu'un maigre repas par jour, composé uniquement de maïs et de haricots.

2. Le manque de moyens

33. Le Gouvernement rwandais invoque à la vérité des raisons plus ou moins liées à la fois pour justifier les arrestations et les détentions et pour expliquer les irrégularités qui les entachent. Les raisons sont au nombre de trois.

34. La première, c'est la nécessité de poursuivre les auteurs du génocide afin qu'ils n'échappent pas à la justice. Le gouvernement et les populations des villes, nous dit-on, sont animés d'une volonté déterminée de poursuivre les coupables. Le premier tient à tout prix à châtier les auteurs des massacres et ne veut en aucune manière consacrer l'impunité, qui est une cause rémanente des vagues successives de massacres au Rwanda. C'est la raison pour laquelle il a été répété à plusieurs reprises au Rapporteur spécial que les "génocidaires" sont arrêtés dans l'attente du Tribunal international et de la reconstitution de l'appareil judiciaire rwandais. Les secondes exercent une forte pression sur les pouvoirs publics pour que les différents crimes du droit des gens ne restent pas impunis, faute de quoi elles se verraient dans l'obligation de se venger elles-mêmes.

35. La seconde, c'est précisément la nécessité d'assurer la protection des intéressés eux-mêmes contre les représailles que pourraient exercer les victimes. La prison et les autres lieux de détention, nous dit-on, sont des lieux sûrs pour la préservation de la vie des personnes dénoncées comme auteurs des massacres. Mais celles-ci ne semblent pas informées de l'objectif visé et n'ont visiblement pas le choix.

36. La troisième se ramène au manque de structures administratives et de personnel judiciaire. Le gouvernement se dit conscient des violations du droit à la sûreté et se plaint de manquer cruellement du minimum nécessaire au bon fonctionnement de la police judiciaire et de la justice. Il souligne, à titre d'exemple, que sur plus de 150 agents du Ministère de la justice, seuls 27 sont en place, ayant échappé à la mort ou à l'exil. Par ailleurs, il met en avant l'absence de formation des militaires voire leur ignorance de la

procédure judiciaire comme causes des violations des droits de l'homme. Ces raisons expliquent également les atteintes au droit à la vie.

C. Les atteintes au droit à la vie

37. Les atteintes au droit à la vie procèdent des exécutions sommaires, que l'on tente de justifier par la vengeance des victimes.

1. Les exécutions sommaires

38. Le Rapporteur spécial a été également saisi de plusieurs cas d'exécutions sommaires voire de massacres et de disparitions involontaires de personnes, dont des civils et surtout des soldats de l'APR seraient responsables. Ces informations lui sont parvenues aussi bien des parents des victimes que des organisations non gouvernementales humanitaires. Elles font tantôt état de milliers de morts anonymes tantôt de listes de personnes en nombre limité mais nommément désignées.

39. Le Rapporteur spécial a pu lui-même se rendre à Chamvuzo (préfecture de Butaré) pour identifier une fosse commune de près d'une cinquantaine de personnes, dont l'APR serait à l'origine. Certes, beaucoup de rumeurs tendant à la désinformation circulent dans les camps des réfugiés, faisant état de massacres des milliers de Hutus. Mais des soldats de l'APR et des populations civiles se sont bel et bien rendus coupables de massacres de Hutus à différents endroits du Rwanda. Les enquêtes sur ce point sont en cours.

40. Des personnes soupçonnées d'avoir participé aux massacres sont exécutées soit par des populations civiles elles-mêmes soit par des militaires à la demande de celles-ci ou à leur propre initiative. Des témoignages concordants et dignes de foi révèlent presque le même scénario. C'est à la suite des réunions dites d'information, convoquées par les éléments de l'APR, que des hommes, des enfants et des vieillards sont pris en traîtres et massacrés. Des massacres auraient eu lieu en différents endroits du pays, plus particulièrement dans le sud. Il s'ensuit qu'aux fosses communes déjà nombreuses dues aux miliciens et aux Forces armées rwandaises sont venues s'ajouter celles de l'APR, de sorte qu'il paraît à l'heure actuelle difficile de les distinguer. Les enquêtes sont en cours, destinées à clarifier la situation et à établir les responsabilités.

2. La vengeance privée

41. Pour expliquer les massacres récemment dénoncés et dégager ainsi sa responsabilité, le gouvernement avance des raisons et énonce des mesures qu'il a prises. Les raisons invoquées sont en réalité au nombre de deux.

42. La raison principale, c'est la vengeance privée des civils Tutsis autant que des militaires. Au Rwanda, nous dit-on, tous ceux qui habitent la même colline se connaissent et, très souvent, les bourreaux ont agi à découvert et ont exécuté au vu et au su de tous, assurés qu'ils étaient de l'impunité, devenue une tradition. De même, des soldats qui avaient rejoint les rangs du Front patriotique rwandais (FPR), du fait même de leur engagement, ont vu leurs parents exécutés. Ils se livrent, à leur tour, à des actes de représailles.

43. La seconde, subsidiaire, se ramène au fait que le FPR a procédé, dans la dernière phase de la guerre, à des recrutements hâtifs et peu sélectifs de jeunes délinquants et même d'anciens miliciens. La tentation est grande pour ces jeunes qui viennent d'obtenir la victoire et qui ne disposent d'aucun salaire, de s'emparer du bien d'autrui, au besoin en recourant au meurtre. Il faut ajouter à cela l'abus de pouvoir des officiers qui occupent

illégalement des maisons en s'appuyant sur la force des armes. Le problème se pose alors de savoir si le FPR contrôle vraiment tous ses éléments de l'APR.

44. Face à cette situation, le Gouvernement a adopté un certain nombre de mesures dont les suivantes :

- a) La création d'une police militaire, placée sous le commandement d'un colonel. Celle-ci est chargée de surveiller et d'arrêter les militaires délinquants;
- b) Le casernement des militaires indisciplinés dans un camp d'entraînement;
- c) L'adoption d'un décret portant code de justice militaire. Celui-ci prescrit la création de deux juridictions compétentes pour juger les militaires : le Conseil de guerre et la Cour militaire. Les décisions de cette dernière sont susceptibles de pourvoi en cassation dans les conditions prévues par la loi rwandaise. D'ores et déjà, le Gouvernement rwandais a procédé à l'arrestation de militaires dont des officiers (majors et lieutenants). Dans un fax adressé au Rapporteur spécial par le Ministre de la justice, il est fait état de 100 militaires arrêtés avec une liste de 20 cas dont "l'instruction est terminée".

45. Il convient d'ajouter que l'ONU assiste le Gouvernement rwandais pour la mise en place d'une nouvelle police nationale destinée à assurer la sécurité au Rwanda. C'est dans ce cadre que, répondant favorablement à une demande urgente du Gouvernement rwandais, la MINUAR a commencé un programme de formation de 103 étudiants policiers choisis par ce dernier. Ces jeunes auront pour rôle de se familiariser avec les tâches courantes et le travail d'enquête de la police. Il existe un programme développé par le Secrétaire général dans son rapport intérimaire du 6 octobre 1994 sur la Mission d'assistance des Nations Unies au Rwanda (S/1994/1133).

46. Il est évident que ces solutions ne suffisent pas pour établir la sécurité au Rwanda. Aussi convient-il de les élargir en une assistance globale qui comprendrait aussi bien la reconstruction nationale que l'assistance juridique *lato sensu*. L'ensemble de ces mesures peuvent également contribuer au retour des réfugiés.

III. LE RETOUR DES REFUGIES ET DES DEPLACES

47. Le retour au Rwanda et dans leurs collines respectives des personnes réfugiées et déplacées continue également d'être la grande préoccupation de la communauté internationale. Mais ce mouvement de retour, ralenti par une forte pression des anciennes autorités, semble s'orienter vers des solutions nouvelles.

A. Le ralentissement du mouvement de retour

48. La situation des réfugiés n'a que trop duré. Le provisoire tend à s'éterniser malgré les conditions pénibles d'existence, qui n'ont connu qu'une légère amélioration (notamment sanitaire et alimentaire).

49. En dépit d'efforts inlassables fournis par la communauté internationale pour assurer le rapatriement des réfugiés et des déplacés, la situation n'a guère évolué. Au mois d'octobre 1994, le HCR estimait approximativement à plus d'un million et demi le nombre de réfugiés rwandais dans les pays voisins, dont 850 000 au Nord-Kivu, 300 000 au Sud-Kivu (Zaïre) et 460 000 en République-unie de Tanzanie. Il convient de mentionner qu'au moins 50 000 réfugiés sont morts de maladies, en particulier à la suite de l'épidémie de choléra qui a sévi dans les camps. A la même époque, on comptait un nombre

similaire de personnes déplacées à l'intérieur du Rwanda. Les deux camps de déplacés de Kibeho et de N'Dago abritaient respectivement 60 000 et 40 000 déplacés.

50. Ces chiffres tendent à se stabiliser, eu égard au ralentissement des rapatriements qui contraste avec les mouvements massifs de rapatriements observés immédiatement après l'instauration du cessez-le-feu. A titre d'exemple, dans la préfecture de Gisenyi se trouvant dans le secteur 5 de la MINUAR, on a enregistré dès le 27 juillet 1994, 3 368 rapatriés de retour du Zaïre. Le 28, le nombre de ceux qui retournaient par les mêmes postes-frontières était de 4 233. Mais dès le 29, on enregistre une chute brutale des rapatriements avec un chiffre de 1 592 et le 18 août un chiffre de 922 pour tomber ensuite à 268 le 6 octobre. Ainsi, alors que le nombre des rapatriements était, dans ce secteur, de 12 433 sur les cinq derniers jours de juillet (soit une moyenne de 2 486 par jour), il s'élevait pour le mois d'août à 36 600 (soit une moyenne de 1 180 par jour), pour le mois de septembre à 32 925 (une moyenne de 1 097 par jour) et pour la première moitié d'octobre à 10 337 (une moyenne quotidienne de 607). Cette baisse dans le mouvement de retour des réfugiés est devenue sensible et significative à partir du 17 septembre pour s'aggraver durant le mois d'octobre.

51. Il importe de souligner deux paramètres agissant en sens contraires. Le premier, c'est que la plupart des réfugiés qui sont rentrés dans la même période au Rwanda appartiennent à l'ancienne diaspora des Tutsis et ne sont probablement pas pris en compte dans le calcul des réfugiés. Le second, c'est que les chiffres n'incluent pas les entrées par pirogues ou par d'autres moyens clandestins.

52. Par ailleurs, les entrées sont de loin moins importantes que les sorties. Ainsi le HCR rapporte que dans la zone de Goma, il y a eu, du 8 au 14 septembre 1994, 15 662 rapatriés et aucune rentrée dans les camps; du 15 au 21 septembre, 11 728 rapatriés contre 1 868 rentrées; du 22 au 30 septembre, 6 477 rapatriés contre 1 868 rentrées; du 1er au 17 octobre, 12 106 rapatriés contre 1 731 rentrées. Dans l'ensemble, on constate sinon un blocage, du moins un ralentissement des sorties des camps. Celui-ci est en grande partie dû à l'action des anciens dirigeants.

B. La prise en otage des réfugiés

53. Le ralentissement des rapatriements des réfugiés et déplacés peut s'expliquer par diverses raisons. La première, immédiatement perceptible, c'est l'insécurité qui prévaut au Rwanda et tout particulièrement la crainte de représailles des Tutsis. La seconde, qui lui est étroitement liée, c'est la peur pour ceux qui ont participé aux massacres de se voir exécutés par le gouvernement du FPR. Il en existe d'autres, telles que la présence sécurisante des observateurs ou de militaires des Nations Unies, l'amélioration des conditions alimentaires et sanitaires.

54. Mais la raison déterminante, à tout le moins la plus importante, c'est que les réfugiés et les déplacés sont retenus en otage par les anciennes autorités politiques, à en juger par la forte pression exercée sur eux "dans un cadre approprié".

1. La forte pression

55. L'ancienne équipe dirigeante, aidée par ses agents locaux ainsi que par des militaires et des miliciens, continue de mener une forte campagne contre le retour des réfugiés et des déplacés au Rwanda ou dans leurs collines. Ces différentes autorités n'hésitent pas à parcourir les camps afin d'y tenir des discours politiques. Les messages contenus dans ces discours sont au nombre de deux : la désinformation et la menace.

56. La première consiste à inviter les réfugiés et les déplacés à demeurer dans les camps et à ne pas se rendre au Rwanda de peur de se faire massacrer par les Tutsis et le gouvernement du FPR. Il est alors fait état de milliers de Hutus massacrés par ceux-ci. Et de nombreuses personnes sont prêtes à témoigner en ce sens. Cette campagne de désinformation est si forte que l'on ne parvient plus à établir la vérité quand on sait, par ailleurs, qu'effectivement l'insécurité règne au Rwanda.

57. La seconde, c'est la menace permanente qui pèse sur les réfugiés ou déplacés qui expriment expressément ou tacitement le désir de se faire rapatrier. Il ressort en effet de cette campagne que le retour ne pourra se faire que seulement à la suite d'une négociation politique, impliquant l'amnistie générale ou, à défaut, la reprise de la guerre civile pour reconquérir le pouvoir. Ceux qui ne respecteraient pas les consignes données et qui rentreraient, prendraient le risque d'être les premières cibles en cas de reconquête du pouvoir.

58. Ces campagnes sont organisées grâce à la liberté d'action dont bénéficient les membres de l'ancienne équipe gouvernementale pour mener, sur le territoire zaïrois, des activités politiques contraires aux normes internationales. C'est ainsi que le 18 octobre 1994, l'ex-premier ministre de l'ancien Gouvernement rwandais, M. Jean Kambanda, a rendu visite aux réfugiés du camp de Mugunga (Goma). Il a discuté plus d'une heure trente successivement avec les représentants des réfugiés et les réfugiés eux-mêmes, regroupés en grand nombre pour l'écouter. Le message adressé était en substance le suivant : le gouvernement rwandais en exil va entamer très rapidement des pourparlers avec le gouvernement de Kigali. Si ce dernier refuse ou empêche de trouver une solution rapide, alors une action sur le plan militaire sera entreprise. Faisant écho au "premier ministre", le général Bizimungu devait déclarer le samedi 22 octobre 1994 que, s'il n'y avait pas de négociation entre le nouveau et l'ancien gouvernements en vue du partage du pouvoir, ses troupes allaient attaquer le Rwanda. Ces menaces ne sont pas hélas vaines car, l'ancien gouvernement a conservé les moyens de sa politique.

2. Un cadre approprié

59. L'ancienne équipe gouvernementale a pu concevoir et mettre en place dans les différents camps de réfugiés un cadre tout à fait approprié pour maintenir sa pression sur les réfugiés et les déplacés. Ce cadre est à la fois institutionnel, politique et administratif.

60. Le cadre institutionnel se ramène à la reconstitution telles quelles des structures politiques et administratives du Rwanda dans les camps. Ces structures sont principalement les préfectures et les communes. D'autres camps y ajoutent même les secteurs. C'est ainsi que dans le camp de Kibumba à Goma, huit des dix préfectures rwandaises sont représentées avec plusieurs communes et quelques secteurs. Quelquefois, à la tête des collectivités locales ainsi reconstituées, on retrouve les mêmes autorités locales, préfets ou chefs de préfecture et bourgmestres. C'est ainsi qu'à Benaco en République-unie de Tanzanie, l'on signale que le préfet de Kibungo a repris ses fonctions à la tête de la préfecture.

61. Ces préfectures, secteurs et communes reconstitués sont incontestablement des structures d'encadrement des populations civiles par les anciennes autorités rwandaises. Ce contrôle est d'autant plus efficace que dans plusieurs camps, c'est pratiquement à elles qu'incombe le recensement des réfugiés.

62. L'encadrement ainsi conçu et réalisé confère à l'ancienne équipe gouvernementale, par l'intermédiaire des préfets ou chefs de préfectures, des bourgmestres et des miliciens, d'importants pouvoirs politiques et administratifs. Parmi ceux-ci l'on retiendra essentiellement le pouvoir alimentaire et le pouvoir de sanction.

63. Le premier est tacitement reconnu à ces autorités locales par les organismes d'aide qui s'abandonnent à elles en leur confiant le soin d'assurer la distribution des vivres et autres secours. Ces autorités n'hésitent pas à user et à abuser du pouvoir alimentaire ainsi reconnu pour punir ceux qui ne se conforment pas à leur politique et détourner des stocks d'aliments que l'on retrouve en vente sur les marchés du pays d'accueil.

64. Le second pouvoir, très tôt conquis de force par elles, consiste à exécuter tous ceux qui ne se conforment pas à leur politique de maintien dans les camps. Mais la sanction capitale va au-delà du politique pour s'étendre aux simples affaires domestiques voire aux actes de vandalisme. L'insécurité règne en permanence dans les camps. Il ne se passe pas un jour sans qu'un réfugié se fasse tuer. Les miliciens et des bandits armés y font la loi, celle des armes. Des rumeurs persistantes font même état d'entraînements de soldats et de miliciens en vue d'attaquer l'Etat rwandais et d'y reconquérir le pouvoir. L'insécurité croissante dans les camps explique que le personnel du HCR et des organismes humanitaires n'y dort plus et que certains d'entre eux menacent de se retirer. Il s'ensuit la nécessité de mesures nouvelles destinées à assurer la sécurité dans lesdits camps.

C. Les nouvelles solutions

65. Face à la situation qui prévaut dans les camps de réfugiés et de déplacés autant qu'à l'intérieur du Rwanda, les Nations Unies et les différents partenaires ont envisagé de nouvelles solutions qui viendront s'adjoindre à celles déjà existantes. Parmi ces solutions, les deux principales à retenir sont la séparation des réfugiés des politiques et leur rapatriement.

1. La séparation des réfugiés et des politiques

66. La politique de la séparation des réfugiés ou des déplacés et des politiques est préconisée par le Secrétaire général des Nations Unies dans son rapport S/1994/1133 du 6 octobre 1994. Le rapport final de la mission technique des Nations Unies sur l'état de la sécurité dans les camps donne les détails de cette opération. Pour en faire l'économie, l'on retiendra essentiellement deux points :

a) La distinction opérée par le rapport du Secrétaire général parmi les réfugiés rwandais, en particulier au Zaïre :

- i) Les anciens dirigeants comptant une cinquantaine de familles, logées dans des villas à Bukavu;
- ii) Les militaires des ex-FAR, évalués à 16 000 et qui forment, avec leurs familles, un groupe de 80 000 personnes;
- iii) Les miliciens, difficiles à compter, tant ils se confondent avec les réfugiés ordinaires; et
- iv) Les réfugiés ordinaires, dont le nombre est évalué à plus d'un million.

b) Le but de l'opération consiste à séparer la grande masse des réfugiés de ceux qui, hier, avaient commandité ou participé aux massacres et aujourd'hui prennent les survivants hutus en otage. Ces derniers sont ceux qui rentrent dans les trois premières catégories. Il existe néanmoins une difficulté résidant dans la possibilité d'identifier la troisième catégorie, les miliciens, pour parvenir à la séparer des populations. Cette opération se réalisera par la mise en place d'une force internationale d'isolement ou d'interposition, qui est évaluée à environ 2 000 à 3 000 policiers, et dont le Secrétaire général a annoncé la création imminente. Mais celle-ci devra sans doute commencer par des solutions pacifiques d'explication pour encourager le rapatriement, le recours à la force n'intervenant qu'en cas d'extrême urgence.

2. Le rapatriement

67. Le rapatriement librement consenti des réfugiés se réfère aux dispositions pertinentes des différentes Conventions des Nations Unies et du Protocole d'accord conclu à Arusha le 9 juin 1993, entre le Gouvernement de la République rwandaise et le Front patriotique rwandais sur le rapatriement des réfugiés rwandais et la réinstallation des personnes déplacées. C'est sur cette base qu'a été conclu le 24 octobre 1994 à Kinshasa, au Zaïre, l'Accord tripartite sur le rapatriement des réfugiés rwandais du Zaïre par le Gouvernement de la République rwandaise, le Gouvernement de la République du Zaïre et le Haut Commissariat des Nations Unies pour les réfugiés.

68. L'Accord définit, aux termes de son préambule, "les procédures et les modalités spécifiques du rapatriement librement consenti et de la réintégration définitive au Rwanda des réfugiés rwandais au Zaïre avec l'assistance de la communauté internationale par le biais du HCR, ce dernier pouvant recevoir, le cas échéant, l'appui d'autres institutions des Nations Unies et des organisations intergouvernementales et non gouvernementales".

69. Il met en effet à la charge des parties contractantes un certain nombre d'obligations. Celles-ci s'engagent :

a) Le Zaïre, pays d'asile, à respecter les clauses pertinentes des différentes Conventions de l'ONU et de l'OUA sur les réfugiés et à prendre les mesures appropriées afin que ceux-ci ne soient pas indûment influencés dans leurs décisions;

b) Le Rwanda, pays d'origine, à prendre des mesures politiques, administratives, voire douanières pour assurer et faciliter, dans la dignité et la sécurité, le retour et la réintégration des réfugiés ainsi que la paix sociale et la réconciliation nationale;

c) Le Haut Commissariat des Nations Unies pour les réfugiés, à surveiller et superviser toute l'opération de rapatriement du départ à l'arrivée en mettant tout particulièrement l'accent sur le caractère volontaire de la décision des personnes ainsi que leur sécurité et leur dignité.

70. Il convient d'espérer que cette Convention, qui se réfère au communiqué du 26 juillet 1994 sanctionnant la rencontre entre le Président de la République rwandaise et le Président de la République zaïroise, ne connaîtra pas le même sort que celui-ci et sera respectée.

IV. RECOMMANDATIONS

71. Le Rapporteur spécial déplore la tendance à prendre prétexte de l'insécurité actuelle au Rwanda pour "banaliser" le génocide et justifier l'inaction. Se comporter ainsi, c'est prendre l'effet pour la cause. C'est oublier que le génocide est, en grande partie, la cause de l'insécurité.

Pour apporter la médication appropriée au mal rwandais, il paraît indispensable d'établir un diagnostic correct. Sans négliger, loin s'en faut, les violations des droits de l'homme actuelles, il importe de les situer dans leur contexte et de rechercher leurs sources pour tenter de les "tarir" avant qu'il ne soit trop tard. Il convient, en effet, d'agir vite et même très vite, faute de quoi, l'on risque d'assister impuissant à une seconde guerre et à de nouveaux massacres. C'est pour éviter une telle catastrophe que les recommandations sont formulées, s'adressant respectivement au Gouvernement rwandais, aux gouvernements d'accueil des réfugiés et aux Nations Unies.

A. La cessation des violations des droits de l'homme

72. L'Organisation des Nations Unies devrait exiger du Gouvernement rwandais que cessent les violations graves des droits de l'homme qui sont perpétrées sur le territoire et qui s'analysent en des perquisitions, arrestations et détentions arbitraires; des disparitions et exécutions sommaires.

73. L'ONU devrait recommander au Gouvernement rwandais que soient :

a) Organisées de vastes campagnes de sensibilisation des populations au respect de la personne humaine et des biens d'autrui, ainsi que de préparation à une vie commune et en bonne intelligence;

b) Adoptées, comme préconisé dans le second rapport du Rapporteur spécial, des mesures administratives énergiques de nature à dissuader les actes de représailles tout en respectant les droits fondamentaux des auteurs desdits actes;

c) Respecter les prérogatives et les décisions de l'autorité judiciaire, condition indispensable à une bonne administration de la justice.

B. La situation des réfugiés

74. L'ONU devrait recommander aux gouvernements sur les territoires desquels sont réfugiés les rwandais, tout particulièrement le Gouvernement zaïrois, qui a accueilli le plus grand nombre, qu'ils prennent les mesures appropriées pour que :

a) Le rapatriement librement consenti des réfugiés soit effectivement assuré et facilité;

b) Les réfugiés ne soient indûment influencés dans un sens comme dans l'autre, c'est-à-dire à quitter le territoire d'accueil ou à y demeurer;

c) Des campagnes d'information systématiques soient organisées à cet effet afin que les intéressés puissent décider en pleine connaissance de cause;

d) Ils respectent leurs engagements internationaux, tout particulièrement ceux découlant des dispositions pertinentes des Conventions internationales relatives à l'asile et aux réfugiés;

e) Leurs territoires ne soient pas utilisés comme base de déstabilisation du Rwanda ou d'agression contre cet Etat.

75. L'ONU devrait aider à :

a) L'indemnisation de ces Etats pour le préjudice par eux subi du fait de l'installation des réfugiés et de la détérioration de leurs cultures et de leur sol;

- b) Financer les opérations de rapatriement des réfugiés.

C. L'aide internationale au Rwanda

76. L'ONU devrait lancer un appel solennel aux Etats Membres, tout particulièrement aux grandes puissances et aux Etats africains, pour qu'ils apportent une aide substantielle et urgente à la reconstruction de l'Etat rwandais.

77. L'aide, qui doit revêtir diverses formes et intervenir dans tous les secteurs de l'activité économique, politique, sociale et culturelle, suppose que soit préalablement effectuée une évaluation globale des besoins.

78. Dans l'immédiat, il apparaît plus qu'urgent d'apporter aux populations l'aide alimentaire et sanitaire destinée à leur permettre de survivre d'une part et d'autre part, les moyens de sauver leurs récoltes, leurs cheptels et leur sol et de produire le minimum nécessaire pour vivre.

79. L'ONU devrait prendre une part active à l'aide et contribuer à son organisation. Elle devrait notamment apporter à l'Etat rwandais :

a) L'aide pécuniaire ou matérielle en vue de reconstituer les infrastructures de la police administrative, de la police judiciaire, de la gendarmerie et de la justice;

b) L'assistance en personnel de justice et de maintien de l'ordre qui comportera la formation des policiers, gendarmes et magistrats, tout en aidant les magistrats locaux à rendre la justice. Les Nations Unies pourraient, à cet effet, élargir le mandat du Rapporteur spécial à l'assistance technique. Ainsi, une équipe spécialisée d'observateurs aurait en charge la formation des policiers, des magistrats, des avocats et autres auxiliaires de justice et la création d'un barreau en vue de garantir l'indépendance de la magistrature.

80. L'ONU devrait prendre l'initiative d'assurer une meilleure coordination des actions menées sur le territoire rwandais, que ce soient les actions en faveur des droits de l'homme ou du droit humanitaire ou les autres actions telles que alimentaires ou militaires. Une telle coordination s'avère indispensable eu égard à la multiplicité et à la diversité des actions engagées sur le terrain. Elle aurait l'avantage d'envisager une conception intégrée des problèmes et éviter les doubles emplois, la duplication des efforts et le gaspillage de l'aide.

81. L'ONU devrait procéder, dans les meilleurs délais à :

a) L'augmentation du nombre des spécialistes des droits de l'homme et à leur déploiement effectif sur le terrain, avec la triple qualité, pour certains, d'observateurs, d'enquêteurs et de formateurs;

b) L'entrée en exercice du tribunal international qui vient d'être institué, ainsi que des tribunaux locaux à créer pour juger les auteurs du génocide afin d'arrêter, à tout le moins réduire, les actes de représailles;

c) La mise sur pied d'un cadre juridique approprié pour assurer la protection des veuves et des enfants non accompagnés et les garantir dans leurs droits fondamentaux. Il conviendrait, à cet effet, de prévoir l'indemnisation des préjudices subis et imputables au fait des auteurs des massacres autant que de leurs complices;

d) La mise sur pied d'une force internationale chargée d'assurer la sécurité dans les camps des réfugiés et des déplacés, ainsi que des

dispositifs de leur rapatriement dans des conditions idoines de sécurité et de dignité.

82. L'ONU devrait, en collaboration avec l'OUA, prendre des initiatives en vue de :

a) Créer les conditions et le cadre d'un dialogue entre les différentes composantes politiques rwandaises de l'intérieur et de l'extérieur. Ce dialogue pourrait jeter les bases d'un règlement politique du conflit qui viendrait se substituer au règlement militaire;

b) Convoquer une conférence internationale sur le Rwanda qui aurait pour but, comme initialement recommandé dans le rapport préliminaire, d'amener les parties au conflit à négocier, de bonne foi et en tenant dûment compte des Accords d'Arusha du 4 août 1993, les conditions de la paix, de la transition démocratique, de la réconciliation et de l'unité nationales.

NOTE FOR THE FILE

On 29 October 1994, the SRSG held a meeting with the Commission of Experts appointed by the U.N. Secretary General to investigate human rights abuses in Rwanda. This meeting was attended by the following members of the Commission: Mr. Atsu-Koffi Amega (Chairman), Mrs. Habi Dieng and Mr. Salifou Fomba. Also present were Mr. Sammy Buo (Political Adviser to the SRSG), Mr. Jose Gomez del Prado (Senior Human Rights Officer, U.N. Centre for Human Rights), Mr. William Clarence (Chief of Operations in Rwanda, U.N. Centre for Human Rights), Mr. Oriano Micaletti (Human Rights Field Monitor), Mr. Lyal Sunga (a Commission staff-member), Ms. Ladan M. Rafii (Political/Legal Officer for UNAMIR), and Ms. Sylvie Noissereau (interpreter).

In his introduction, the SRSG expressed his appreciation for the work of the Commission performed thus far, and then proceeded with a general overview of the current political climate in Rwanda. His focus was on the following areas of concern:

- the reasons for the refugees' refusal to return to their country
- the nature of the immediate aid required for Rwanda, and its effect on the Rwandan Government's ability to operate should it not be forthcoming

With regard to the reluctance of refugees to return to Rwanda, the SRSG stated that problems exist in the refugee camps in neighbouring countries, as well as in the displaced persons camps situated within Rwanda. In particular, the refugee camps in Zaire were gradually being controlled by extremist elements, through intimidation of the refugee population and killings preventing their return home. Furthermore, due to the fact that the militia now controlled the distribution of food and water in these camps, the U.N. agencies and non-governmental organisations were obliged to deal with them. The problem of neutralising this atmosphere of intimidation was of paramount importance.

He added that in order to attract refugees back to Rwanda, the psychological barrier in their minds due to the fear of a denial of their basic human rights had to be overcome. The Rwandan Government, he stated, must take measures to reassure refugees genuinely that they would not face harassment upon their return. What remained to be determined was the methodology to be used in this regard. The issues of habitation and shelter involving the questions of land tenure and property rights had yet to be resolved, despite the Government's expressed policy of encouraging the return of refugees.

He remarked that although the private sector was gradually beginning to recover in Rwanda, a commensurate development in the public sector had not occurred, due mainly to the lack of funds at the disposal of the Rwandan Government. The SRSG expressed his concern over the non-payment of Government salaries, and warned that this could lead to a potentially explosive situation for the present Government with increasing tension being manifested throughout the country and particularly in Sector 4.

The Chairman of the Commission thanked the SRSG for his efforts in resolving the crisis situation in Rwanda. The focus of the Chairman's comments pertained to the UNHCR report which, in his view, had assumed tremendous importance in the eyes of the public and the media. He also expressed concern with the general security situation in Sector 4.

In response, the SRSG stated that although he may not agree with Mr. Gersony's findings, his main criticism was directed towards the manner in which this report was allowed to surface. Also, he disagreed with the conclusions drawn by Mr. Gersony. That is, although the findings refer to atrocities committed by the RPA against Hutus living near the Burundi-Tanzania border, his conclusions that they were of such gravity to be considered systematic and sanctioned by the top echelons of Government were not justified. He noted that although summary justice, murders and revenge killings have occurred in Rwanda, these acts did not appear to be preordained nor commissioned by high levels of the Government. He informed the Commission that despite the accusations made by Mr. Gersony, the Rwandan Government's response to the report had been very positive and bona fide. They had been most cooperative in investigating the allegations before the investigation was terminated at the request of Mr. Jose Ayala Lasso, the U.N. High Commissioner for Human Rights.

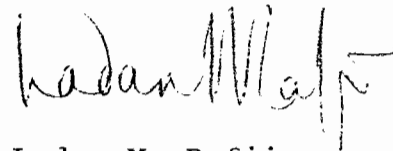
The SRSG was pleased to announce that the takeover of Sector 4 from Operation Turquoise by UNAMIR had been conducted successfully with no incidents of violence being reported, as some had anticipated. He added that the Rwandan Government's cooperation and coordination with UNAMIR had been instrumental in the successful changeover of administration in this sector. He concluded that any increased tension being manifested in Sector 4 was not due to the transfer in administration, but rather, it was a result of the inability of the army to pay its forces' salaries for the past four months due to insufficient funds.

Mrs. Dieng also criticised the UNHCR report and admitted that it had surprised them, because the information it contained had not been made available to the Commission. She was also concerned with the refugee problem in Zaire having recently visited the country. The issues of property misappropriated in Rwanda by the refugees entering Zaire, and the impact of the refugee population on Zaire's economy and environment were of particular concern to her.

Both she and Mr. Fomba expressed their indignation at certain members of the Rwandan Government for questioning their credentials to serve on the Commission of Experts. The SRSG assured them that any misgivings which may have been held by some Government officials had disappeared since the publication of the Commission's interim report.

The focus of the meeting then shifted to the subject of the International Tribunal for Rwanda. The SRSG stated that progress on the establishment of the tribunal had slowed due to disagreement on several outstanding issues. Among the problems yet to be resolved were: the location of the tribunal; institution of the death penalty; sentencing of criminals and their conditions of imprisonment; the possibility of concurrent jurisdiction between the international tribunal and Rwandan domestic courts; as well as the period for the international tribunal's temporal jurisdiction.

In an effort to resolve the above-noted problems, the SRSG urged members of the Commission to use the opportunity of visiting Rwanda to persuade governmental authorities to modify their position on these issues, as they did not appear to him to be intransigent on these points. Despite reservations raised by some participants, the Chairman affirmed his belief that the Commission of Experts could play a positive role in the current debate over creation of the international tribunal, even if it was not strictly within its mandate to do so.



Ladan M. Rafii
Political/Legal Officer
2 November 1994

COLLECTIF DES LIGUES ET
ASSOCIATIONS DE DEFENSE
DES DROITS DE L'HOMME
AU RWANDA

B.P. 3060 KIGALI
Tél./Fax.: 74292

DECLARATION SUR LES VIOLATIONS SYSTEMATIQUES ET
FLAGRANTES DES DROITS DE L'HOMME EN COURS DANS LE PAYS DEPUIS
LES TENTATIVES DE MISE EN PLACE DES INSTITUTIONS DE TRANSITION.

En date du 24 mars 1994, le Collectif des Ligues et Associations de Défense des Droits de l'Homme au Rwanda "CLADHO" a adressé une lettre au Ministre de la Défense Nationale avec copies pour information au Président de la République, au Premier Ministre, aux Ministres de l'Intérieur et du Développement Communal ainsi qu'à celui de la Justice, chargés de la sécurité du Pays. La précitée portait sur les cas d'enlèvement et exécution de Monsieur MUNYANEZA Christian, disparitions des Messieurs MUSABIMANA Obed et GATERA et les enlèvements des Messieurs NIYITEGEKA Phocas, RWANJUNGA Norbert, Mademoiselle IREBE Illuminée et d'un jeune garçon non encore identifié. Il faut préciser que RWANJUNGA et IREBE avaient été enlevés le 19.03.1994.

Aujourd'hui, nous apprenons que Monsieur GATERA qui avait été enlevé par deux militaires dont le Sergent Abasi et qui l'ont par la suite transporté à bord du véhicule SUZUKI AB.9476 (et non A.9476 comme nous l'avions écrit) est détenu au Camp Militaire de KIGALI. Cependant, avec sa mère nous avons essayé sans succès de le rejoindre en date du 28/03/1994.

Le CLADHO regrette que malgré sa prévention rien n'a été fait pour éradiquer ces violations systématiques et flagrantes des droits fondamentaux de la personne humaine dans le Pays et surtout dans la Ville de KIGALI:

- Le 23/03/1994, les nommés NKONGOLI et Noël de GATSATA ont disparu alors qu'ils empruntaient la route du Rond Point de KIMIHURURA vers l'Hôtel "Chez Lando"
- Le 23/03/1994, Messieurs NSHINYIMANA et Antoine, convoyeurs de taxis ont été enlevés de la Gare routière et seraient détenus par le Centre de Recherche Criminelle et de Documentation.
- Plusieurs personnes reçoivent régulièrement des menaces formulées contre eux dans certains média et par des groupes armés. C'est le cas du Notaire KABALIRA Clément, SAGAHUTU Augustin et KALISA Evariste. Les 2 premiers résident habituellement à GATSATA, le 3ème réside dans la Commune KICUKIRO,

.../...

Enfin le CLADHO remercie encore une fois la Communauté Internationale pour l'effort qu'elle continue de dispenser en vue du rétablissement de la Paix et de l'Ordre dans notre Pays.

Fait à Kigali, le 30 mars 1994

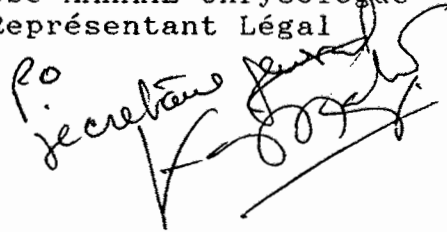
Pour A.D.L.
Abbé SIBOMANA André
Président



Pour l'A.R.D.HO
NKUBITO Alphonse Marie
Président



Pour A.V.P.
Abbé MAHAME Chrysologue
Représentant Légal

PO
Secrétaire Général


Pour la LIPRODHOR
MAZIMPAKA Innocent
Président.

