

pearances between January and October 1997 and that the majority of cases brought to HRFOR's attention concerned the alleged disappearance of recent returnees, in particular members of the former Rwandese Armed Forces who had gone back to Rwanda from the DR Congo and Tanzania. The report notes that in the majority of cases, it had not been possible to determine the identities of the perpetrators of those disappearances. HRFOR reported that it was often difficult, if not impossible, to characterize such cases of "missing" persons as enforced or involuntary disappearances, owing in part to difficulties determining whether the "missing" person had disappeared or been arrested. The report notes that within the penitentiary system, an official procedure had not been established to inform families of the arrest and subsequent location of a family member.

The report refers to cases documented by HRFOR in which persons reported "missing" had in fact fled their region of origin or habitual residence out of fears for personal safety or fear of being arrested on, for example, accusations of genocide or collaboration with armed groups. Given this, these persons might be elsewhere within the country or might even have left the country without notifying their families. In some cases, government officials had stated that certain persons believed to have disappeared had voluntarily left their homes to become part of an armed group.

The WG received additional reports from HRFOR noting that the classification of a given case as a "disappearance" had been further complicated by the lack of operational morgues in Rwanda, and the resulting practice of quickly burying the dead. In some cases, unidentified bodies were found and buried by local authorities on the day of their discovery; descriptions of the victims were not widely circulated to facilitate identification. Neither were photographs taken before burial, preventing family members from identifying the deceased at a later date. The report notes that the majority of cases of alleged disappearance reported to HRFOR in 1997 had occurred in the prefectures of Kigali Ville and Kigali Rural.

The report notes that the majority of the 11 outstanding cases of disappearance addressed by the WG occurred in 1990 and 1991 in the north of the country, in the context of the ethnic conflict between Tutsis and Hutus. Three other cases took place in 1993 in northern Rwanda and concerned students from the Seventh Day Adventist University in Mudende who were suspected of supporting the Rwandese Popular Front. Three cases allegedly occurred in 1996 and reportedly involved: the mayor of Nyabikenke, who was allegedly detained by members of the armed forces; a journalist who was allegedly arrested by the military police on the grounds that he was an accomplice to genocide, and was later released; and a mechanic from Kigali who was reportedly arrested by soldiers of the Rwandese Patriotic Army on the grounds that his father and brothers had committed crimes during the genocide of 1994.

The report notes that no response was received from the government with regard to the outstanding cases.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1998/68, paras. 12, 13, 19, 27, 56, 85; E/CN.4/1998/68/Add.1, paras. 352–357)

The main report notes that urgent appeals were sent to the government on behalf of persons on trial for their participation in the 1994 genocide, and the fact that in the national courts the death penalty may be applied for those found guilty, possibly following proceedings in which the defendants do not fully benefit from the rights and guarantees for a fair trial. The report also notes that the statute of the International Criminal Tribunal for Rwanda does not contain provisions concerning compensation for victims of the genocide or their families.

In the addendum to the main report, the Special Rapporteur (SR) expressed concern about the deterioration in the human rights situation in Rwanda since November 1996, when half a million Rwandan refugees in Zaire returned home. According to the information received, there were many massacres of civilians, with about 6,000 deaths since the beginning of 1997. The massacres were attributed variously to the Rwandan Patriotic Army (APR), the Interahamwe militia or ex-members of the predominantly Hutu former Rwandan armed forces. The regions most affected by the killings were those in the north west, Ruhengeri and Gisenyi.

Concerning the trials for genocide and crimes against humanity, the report notes possible procedural irregularities, including: failure to respect the principles of the independence of the judiciary; the fact that some accused do not have access to a lawyer; and restrictions on the ability of the accused and/or their lawyers to call and question witnesses. The SR expressed regret that 61 death sentences had been handed down by Rwandan courts without full assurances of international guarantees of a fair trial and, while welcoming the establishment of a bar association in Rwanda, reiterated deep concern about the fairness of the trials being conducted. The report also refers to the growing insecurity and the increase in fighting between the Rwandan army and armed groups and noted that these two factors again raised the question of the prevention of massacres, the protection of the right to life of all members of the civilian population without distinction, and the need to break the cycle of violence in the country once and for all.

A communication was sent to the government, jointly with the Special Rapporteur on the situation of human rights in Rwanda, expressing indignation following the murder of five members of the human rights field operation in Rwanda on 4 February 1997. The report notes that the persons who committed these crimes had not yet been identified [as of December 1997] and the SR requested the government locate them and bring them to justice.

The report notes that the government has not replied to any of the allegations transmitted, and the SR urged the government to: prevent any excessive use of force; conduct exhaustive and impartial investigations into arbitrary/summary executions; identify those responsible