

RWANDA

ISSUE

The Rwandan Government is still only at an early stage in dealing with the fundamental problems of the country: restoration of a constitutional order, development of a permanent independent judicial system and national reconciliation. The renewed armed struggle between Government forces and Hutu militias causes immense suffering for the civilian population.

BACKGROUND

Four years after the 1994 genocide, a political solution to the ethnic strife in Rwanda is still not in sight. The renewed armed struggle between Government forces and armed insurgents in the northwest of the country has become increasingly bitter and is the main cause of human rights violations.

While the return of refugees has eased the threats to Rwanda's security emanating from the outside, it has also facilitated the return of a considerable number of armed enemies (members of the Interahamwe and ex-FAR). They have managed to establish bases in the northwest of the country (mainly Ruhengeri and Gisenyi), the heartland of the former regime, where they can build on a certain cooperation, or at least the silence, of the local population. From there they try to destabilise large parts of the country, attacking representatives of the Government, Tutsi refugee camps and Hutu collaborators. The insurgents have committed several massacres of unarmed civilians, killing hundreds of people. The Rwandan army has reacted with brutal force, often not distinguishing between combatants, supporters, collaborators and unarmed civilians. During recent months, fighting and massacres have resulted in thousands of deaths.

More than 130,000 people have been arrested for alleged participation in the 1994 genocide. Conditions in the hopelessly overcrowded prisons and especially the "cachots communaux" are appalling. The re-establishment of the Rwandan justice system is progressing slowly. After the promulgation of the September 1996 Law which deals with the genocide, a small number of accused have been brought to trial. The first genocide trials were met with harsh criticism by human rights groups, who complained especially about the lack of legal representation for the defendants and the lack of respect for defendant's rights prescribed by international conventions and Rwandan law. With the growing experience of the judicial personnel - some of whom were trained with foreign support - as well as with other foreign assistance, a number of these issues are being corrected.

Although the Rwandese justice system has finally started working, it will be physically impossible to bring all genocide suspects to court. The plea bargaining procedure introduced with the 1996 Law (a novelty in the Rwandan legal system) has not had much success so far. No satisfactory solution for dealing with the vast number of cases has yet been found. The Government has not yet discussed a large-scale amnesty for crimes committed during the genocide. A Presidential Decree has been issued regarding the creation of a National Human rights Commission, despite pleas for more consultation in establishing the mandate of the Commission.

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