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THE HUMAN RIGHTS SITUATION IN THE REPUBLIC OF RWANDA

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The restoration of the rule of law in Rwanda following the genocide of April to July 1994 has been slow and uncertain. This retards the repatriation of Rwandan refugees from Burundi, Tanzania and Zaire.

BACKGROUND

Progress has been slow in restoring a functioning judicial system and entrenching the rule of law. Government resources are meagre. Reconciliation between Hutus and Tutsis remains elusive and even its desirability is subject to debate between moderate and hardline Tutsis.

Although the coalition government is composed of Tutsis and moderate Hutus, Vice President and Defence Minister Paul Kagame, leader of the Rwanda Patriotic Front during the civil war, remains the government's strong man. Elections are supposed to be held not later than five years after the end of the civil war, but a free and fair election could not be held in the current climate. The civil service is dominated by the Tutsis (who provide 18 of 22 directors general). Tension in border communities is fuelled by cross-border incursions and threats from military and paramilitary units of the former government, now based in Zaire.

Although it was planned by a relatively small number, many thousands of Rwandans took part in acts of genocide. Almost all families were affected, either as victims or as perpetrators. Justice for the guilty is an essential pre-requisite to reconciliation but accurate identification of the guilty and their rapid prosecution are beyond the capacity of the judicial system. More than 60,000 persons languish in the prisons, with a capacity of only 12,750, in crowded and unsanitary, indeed life-threatening, conditions. The *commissions de triage* have been ineffective. Approximately 700 persons are arrested every week, often on flimsy pretexts, thereby exacerbating prison overcrowding. UNAMIR offered training in law enforcement to several hundred gendarmes, to facilitate their assumption of the policing function from the Army.

Extra-judicial killings are not state-sanctioned but do occur, usually to avenge the killings of family members during the genocide. Army personnel known to be guilty of such acts, or of wanton killing of civilians during operations, are subject to prosecution, given Defence Minister Kagame's desire to maintain the comparatively rigorous discipline of the Rwandan Patriotic Army (RPA). The massacre of civilians at Kibeho refugee camp in April 1995 was investigated by an international commission, constituted at the invitation of the president (Canada provided the commission's vice-president and a trained military investigator). The government jailed certain officers found to have been guilty of poor discipline on that occasion and it prosecuted officers and soldiers guilty of killing civilians at Kanama in September 1995. Allegations by certain political figures, including former Prime Minister

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