
 SUBJECTS OF CONCERN: RWANDA, OCTOBER 1994

Filip Reyntjens*

Having recently returned from a short research trip to Rwanda (from October 15 to October 22), I want to comment on certain serious problems which threaten to weigh heavily on the immediate future of the country. I do not intend to judge the performance of the regime in power after only three months in power; it would be premature to do so, and in any case the administration lacks virtually all financial resources. Instead, I seek here only to share a few observations on the current situation.

Before this trip I believed that the essential problem faced by the country was the threat of renewed warfare by the armed forces of the former government, and their associated militias, now in exile in the neighboring countries. That is still a threat. But I feel today that within the country itself there are other matters which are troubling and potentially destabilizing. These internal problems, combined with the continued external threat, and reinforced by the extremely narrow political and social foundations of the regime in power in Kigali, lead to a deep pessimism concerning the stability of the country and of the neighboring regions.

1.) The first concern relates to the lack of security, the result of several factors. The Rwandan Patriotic Army (RPA), the military wing of the Rwandan Patriotic Front (RPF), has become the new national army. But it is no longer the disciplined army it was during the years of the guerrilla war, after 1990. Even in the eyes of its commander, General Paul Kagame, there is a real problem in this domain. One cannot help but notice the beginnings of problems analogous to those seen ten years ago within the former army of Rwanda. Important among these developments are the manifest tendencies to use army positions for commercial profit, whereby, for example, certain officers of the RPA claim several houses in Kigali; there are roadblocks manned by military personnel who have clearly been drinking; and it is not infrequent that military personnel simply "help themselves" to various goods. Contact with the town has opened the possibility—and the desire—for material gain, all the more tempting because the military have not been paid. Furthermore, after years in the rural areas, the upkeep of their families constitute for these military personnel new pressures for financial gain.

According to General Kagame, "elements of the RPA believe that since they form the new national army, the government must take responsibility for them," something which, financially, the government is not in a position to do, for lack of funds at present. And according to General Kagame, the recent recruits are not always well trained in dealing with civilians; furthermore, just as with the former governmental army after October 1990, the RPA has undertaken new recruitment with little concern for

qualifications, taking in delinquents and even former members of the *Interahamwe* militias, along with other, better qualified recruits. Finally, the military code of the RPF which was extremely severe (it prescribed the death penalty for murder or rape), no longer seems applicable in peacetime. Under these conditions, the RPA has increasingly become a factor of insecurity, the more so because civilians sometimes appeal to friends (or patrons) in the army to help them in such projects as disputes over housing (see below).

Other elements contribute to the insecurity as well. First, there is the fact that the judiciary is almost non-existent except for Kigali, and even there.... Many investigating officers, prosecutors, and judges have died, and others are in exile abroad. Of 150 civil servants of the Justice Ministry, only 27 are currently in place. Agents of the judiciary system are not paid and the infrastructure is lacking. The prisons are vastly overcrowded; the prison of Kigali, for example, designed to accommodate 1500 people, now holds more than 4000, and another 50 are added daily, on average, although no one leaves (for reasons which will be explained below). Finally, the territorial administration is equally non-existent; today it is carried out in large part either by military personnel or by temporary authorities named by the RPF—and these people do not always enjoy the confidence of the population whom they administer. The feeling of being abandoned to themselves has only increased the feeling of insecurity of the population, which has historically been accustomed to pervasive administrative norms.

2.) A second major problem is that of the spontaneous and unorganized return of many members of the former Rwandan diaspora, and the consequent illegal occupation of houses and other property. Although the agreement on the reintegration of refugees, signed at Arusha on 9 June 1993, called for organized integration and logistic support for the process, the war in April and the subsequent military victory of the RPF has resulted in a veritable tidal wave of returnees; the scale of the process has posed a serious problem of security even for the RPA. And by actively encouraging this massive influx, the RPF has itself contributed to the growth of this problem. Especially significant in this process has been the rush to Rwanda of many exiles from Burundi, who faced a very tense situation in their host country. According to a variety of government sources, more than 400,000 persons have already returned. These repatriates have taken over the fields, houses, and shops abandoned by those who fled. The scale of this phenomenon is enormous: the estimates are that more than half the property of Kigali and certain towns outside Kigali have been occupied by these new returnees; to take but one

example from a rural area, that of Masaka near Kigali, of 5000 persons located there now, 4000 are "new arrivals."

This phenomenon presents two important problems. First, the return of the former owners often provokes conflict when the illegal occupant is asked to vacate the premises. Many of those returning home to claim their goods and property have been the objects of violence, murder, and "disappearances," sometimes on the part of the RPA acting in favor of the current occupant, often a recent arrival. Certain persons who seek to reclaim their property are accused of having been members of the Interahamwe and are either arrested or "disappear." Even more serious for the long term, such violence committed today creates an insoluble situation for the future: the greater the number of illegal occupiers, the more difficult it will be to vacate this property for those who desire eventually to return. In such a fashion, if the original population of Kigali returns, what will happen to those who now occupy these buildings? Even if the government has announced that legal owners have the right to reclaim their property and that the illegal occupants must cede these properties to the former legal proprietor, that creates the risk of becoming practically an impossible situation. It goes without saying that this situation not only leads to human rights abuses (such as the murder, arrest, or "disappearance" of the former owners), but it also constitutes a significant obstacle for the return of the "new" refugees—those who fled during the genocide and the related chaos.

3.) In this same vein, the number of "disappearances," assassinations, and killings, some even carried out on a large scale, is considerable. Nearly every day people "disappear," arrested by members of the RPA and taken to unknown destinations. Practically every person I met was personally aware of cases of this type.

Beyond that, other persons have been killed as well. These cases are not denied by the authorities; they explain them by reference to the fact that they relate either to vengeance on the part of military or civilians who lost family members during the genocide; or to the elimination of the owners claiming their goods and property; or yet again, simply to criminal acts committed in a context that borders on chaos, and which the authorities have been unable to control.

If these explanations are acceptable in a large number of cases, they are not in certain others, notably in the disappearance of the chief judge of the lower court of Kigali on 5 October 1994, a case I will return to below. But that is not all: there are also instances of killings on a significant scale, which are not so easily accounted for by these explanations. Without having undertaken a formal enquiry in a systematic fashion, I can nonetheless note several cases duly established, either from eye-witness accounts by foreigners or by official sources.

According to an escapee and interviewed by a public prosecutor, about 60 people recently returned from the *Zone Turquoise* [the region west of Gikongoro and south of Kibuye, occupied by French forces in late July and early August] were murdered at the beginning of August at the Veterinary School in Butare; according to other witnesses,

numerous people were killed and buried in the valley between the Groupe Scolaire of Butare and the Arboretum, areas to which access was prohibited to the general public by the RPA.

On August 29, a volunteer of an international NGO saw several thousand recently killed corpses around and in a church at Mbiyo, between Gako and Nyamata in Bugesera Prefecture.

According to reliable information, Australian military observers with UNAMIR [the UN Mission to Rwanda] visited Save Commune, near Butare, during the first week of September. On their arrival at the center, they saw about 50 cadavers covered with branches and leaves, in the communal forest. Access to the woods was denied by RPA personnel, who argued that this was a "military zone." When the same observers returned two weeks later, the bodies had disappeared. Members of the local population affirmed that around 1750 persons had been killed there by the RPA.

In mid-September, a team of UNAMIR personnel counted about one hundred cadavers at Kayumba, to the north of Nyamata, in Bugesera Prefecture.

Around October 10 two members of an international humanitarian organization noted that prisoners had been transferred from the prison of Cyangugu to unknown destinations; around October 15 these same witnesses saw a truck transporting about 50 persons guarded by armed soldiers of the RPA; they were leaving for an unknown destination. The fact that these transfers occurred at night made them all the more disquieting.

A Tutsi witness noted that a large number of Hutu accused of being Interahamwe were summarily executed at Sake, near Kibungo; the executions were continuing in mid-October.

It is not possible to say if these practices are systematically carried out nor at what level they are planned and known by the RPA command. But the scale of these abuses is sufficient to evoke serious concern; it ought to lead to the deployment of observers and to immediate thorough and objective inquiries. Such concerns are only reinforced by the practice of the RPA in refusing access to zones where such summary executions have occurred, under the pretext that these consist of "military zones." Even if the killings committed by the RPA are far from the scale of the genocide of April-June 1994, that does not at all diminish the urgent necessity of combating present practices which risk perpetuating the cycle of violence and which, in any case, appear serious enough to be carefully watched by the international community.

4.) From a similar human rights perspective, attention must be paid to the situation of thousands of persons who have been detained for complicity in the genocide. At least in part, this situation is similar to that which occurred in Rwanda from October 1990 to April 1991. The roles were then reversed: at that time thousands of "Ibyitso" (so-called allies of the RPF) were detained, all considered culpable even if in the vast majority of cases there was no serious evidence of guilt. Today, these detained persons are referred to as "Interahamwe" and they are all presumed guilty. Just as in

1990-91, many are arrested either on the basis of a simple denunciation, or in the context of "settling scores" (notably over issues of property, as noted above), or, in other cases, because of their political beliefs and party membership. Many of the legal dossiers which I consulted contained none of the elements necessary which could justify a prolonged detention. However, neither the state attorneys [parquet] nor the court [tribunal] dared liberate them even on probation. An officer of the public prosecutor's office confirmed that he could not be permitted to order the liberation of those of whom he felt himself lacked any serious indication of guilt.

The experience of M. Gratin Ruhorahoza, presiding judge of the court of Kigali, serves as a deterrent to other judicial officers. Having decided in his chambers to acquit about forty of the detainees, he was himself arrested during the night of 5 October by soldiers of the RPA, and he has since "disappeared." It is rumored that he has been detained in the Kami military camp at Kigali, but neither the Minister of Justice nor the Procurer of the Republic [the Solicitor General], have been officially informed of his whereabouts. Furthermore, not one of the forty or so persons that he had liberated have been freed: some have been prevented from leaving the prison compound, others have been rearrested and have since "disappeared." This repressive atmosphere and the "presumption of guilt" which accompanies it suggests that detention is a one-way street and that both the judiciary personnel and the detained persons feel that once arrested, a person can rarely be released, even if they are totally innocent. This phenomenon explains the very high number of detainees in the civil prisons (where the food and health situation is very serious), but equally, a fact even more troubling, in the military detention camps, where there exists neither a register of those imprisoned nor any effective oversight by the responsible judicial authorities.

5.) Another element worth noting is the extremely rapid growth of radical ethnic identities. There is a clear difference to be noticed here between those entering from the Uganda diaspora and those coming from Burundi, and beyond that, between the "early" RPF and the "new" RPF. It is especially from among the "Burundais" (for thus they are referred to in Kigali, instead of the lexical terms Murundi/Barundi, which would refer to people of Rundi culture), that this ethnic bitterness derives. This attitude can be explained by reference to the experience of these refugees over the last thirty years in Burundi. In addition, it has to be seen and understood in light of their survival strategies, whereby certain among them have been allied with the most politically extreme elements among the political/military class of Burundi. On the other hand, those coming from Uganda lived much less within the world of the ethnic antagonisms in their personal lives: in fact, the "Banyarwanda" in Uganda were treated as corporately Rwandan, often discriminated against as Rwandan, whether Tutsi or Hutu; in Uganda, they met with similar circumstances and had to face their shared foreign character within Uganda.

The radical stance of the Burundais is an extremely disquieting phenomenon. According to a Tutsi observer well informed of the situation, and one who himself escaped the

genocide, the Burundais adopt an attitude which he considers "even worse than the Interahamwe." The importance of this phenomenon is augmented by the fact that very many of the Burundais have chosen to settle in the towns, especially in Kigali, where they exert considerable influence on the emergent political landscape. The ideology which they have introduced is not simply opposed to that of the official (or "original") RPF, but, if it were to hold sway, it could constitute a serious obstacle to the process of reaching for an eventual political resolution to the Rwandan crisis. Furthermore, the development of this ideology, one both extremely ethnically-based and deeply vengeful, adds to the danger of the break up of the RPF, a problem I shall return to later. Thus while the highest authorities are well aware of this problem, no one seems to know quite how to confront it politically, despite the risks it carries with it.

6.) The extreme heterogeneity, or the divisions, among both the government and the RPF constitutes another source of concern. On the one hand the RPF is suddenly faced with a situation that they had not foreseen: they have successfully seized power and with this objective achieved and the enemy defeated (at least for the time being), the contradictions within the organization are beginning to come to the surface. This classic phenomenon is all the more understandable in the case of the RPF, as a movement for which the ideology and the broad political orientations have never been the object of a clear and coherent formulation; the eight-point political program published in October 1990 is less than original and not very detailed.

In addition to the ill-defined set of purposes and programs, there are political contradictions within the movement as well; the leaders and loyal party members include a broad spectrum from "left" to "right." These differing approaches affect ideological matters, especially concerning the attitude towards matters dealing with ethnicity; they are shown in cultural differences, since the cultures represented within the RPF are very diverse and in part influenced by the political cultures of the different host societies to members of the Rwandan diaspora; and finally, they affect even material issues, for some see their military victory in material terms—giving the "right" of material gain, while others follow a more political, even idealist, program.

On the other hand, there exists in the government a fairly well-defined difference between those composing the RPF and those from other parties. In itself, this is not bad; in fact it tends to show that the ministers who are not RPF are not "puppets": to the contrary, they defend their own positions on many issues and do not hesitate to assert their points of view. However, this debate is largely undermined by the dominant position of the RPF in both the political and military. The other parties work in an extremely controlled and even intimidating environment. Within this framework it is revealing that the only publications which have reappeared (*Le Messenger-Intumwa*; *Le Tribun du Peuple*; *Kiberinka*; *L'ère de Liberté*) are all a part of the "RPF tendency." We will return to this problem of the

intimidation, real or imagined, which affects the members of the government, who are not part of the RPF.

7.) There is a paradoxical phenomenon, that of the marginalization of the Tutsi from within Rwanda itself. In this new social mixture, those from within the country are twice victims. First, as Tutsi who themselves escaped the genocide, they have invariably lost numerous family members. And secondly, they are often made to feel today that they have become second class citizens, in two senses. Economically, they have lost everything, while those who have returned from the diaspora are often quite well-off and have access to sometimes considerable funds and resources. Politically, it is as if they are blamed for having survived the holocaust. In addition, the repatriated elements feel that having contributed financially to the RPF, they should have access to everything, jobs, power, influence. Once again, those returning from Burundi in particular seem to behave as if this were a conquered country.

8.) A large number of Hutu, of the intellectual class in particular, live in fear. One is struck by the disillusion which affects even—or especially—those who had opposed the former government and who had placed their hopes in the victory of the RPF and who had often sought refuge in the zones controlled by the RPA. Practically all of them know personally of cases of persons arrested, “disappeared,” or killed by members of the RPA. Even up to the highest levels of the administration, even within the current administration in Kigali, such Hutu express this fear of the threats—open or more subtle—expressed against them. Many have indicated that they would try to leave the country if the insecurity does not diminish.

9.) In the field of human rights, the inaction, or rather the lack of effective action on the part of the UN in the country is shocking. There is almost no coordination between UNAMIR and the UN Observer Mission for Human Rights; and in any case this agency includes barely 30 people of the team of 147 foreseen. Most of these observers lack any experience and are not prepared to engage effectively in the tasks at hand, preferring the relative comfort of Kigali to action in the field. Even if it is true that the logistics, notably in transport and communication, is far from perfect, one is left with the clear impression that these difficulties also serve as a pretext for a larger lack of mobility and to a disconcerting inertia. Furthermore, as with other organizations present (international NGOs and various other sections of the UN), this UN-mission functions in a paternalistic manner, without collaboration with the local actors who might be able to make a notable contribution with the means available. Thus, for example, the head of the observer mission has no contact with the Cladho (the *Collectif des Lignes et Associations des Droits de l'Homme*; the Collective of Human Rights Boards and Associations).

As for UNAMIR (the UN Mission to Rwanda), it has not undertaken any serious investigations on the reports of the killings and other violations of human rights which have been brought to its attention. As an example, the incident of Mbiyo (mentioned above), which witnesses reported directly to UNAMIR, was stated to be “unknown” when I tried to

obtain confirmation from the intelligence officer (G2). The incident of Save (see above), although well known to UNAMIR, has never been made the object of any serious investigation. In fact, UNAMIR and the observer mission pass the buck between them; according to sources within the observer mission, UNAMIR “just doesn’t want to know” when it is made aware of such violations of human rights by members of the RPA. Nonetheless, enough incidents of a disconcerting nature have been seen and reported to merit a more active interest and greater energy in this regard.

On the basis of these observations, several conclusions and recommendations can be proposed.

First, the International Community must:

a) Be more attentive to human rights abuses in the country, insisting on the effective deployment of observers and demanding that the genocide not in itself become a pretext for the initiation of yet more violence or to allow for such action to occur with impunity.

b) Assist Rwanda in the establishment of at least the basis to justice and to a minimal functioning local administration. The judiciary apparatus must focus on both the investigation of the originators and accomplices of the genocide and on tracking down those responsible for the more recent violations of human rights, and even crimes against humanity. The administrative apparatus must contribute to the return of security, and thus facilitate the repatriation of the current refugees.

c) Uphold and support the moderate forces within the government and the army. This presupposes especially the encouragement of contacts between the Kigali authorities and those members of the political class in exile who were not participants or partisans of genocide, as well as contacts between the different sectors of civil society now dispersed geographically and divided politically. Broadening the political and social base of the institutions would have the effect of marginalizing the extremists on both sides.

The Rwandan government must:

a) Engage in a dialogue with the democratic and moderate forces currently excluded (sometimes by their own choice) from the political process.

b) Return the RPA as much as possible to the barracks and entrust the maintenance of internal security to the civilian police force now being trained and to UNAMIR. If the government fears attacks from outside, the process of confining the RPA to the barracks could be concentrated in areas close to the borders most at risk (Kibungo, Gako, Butare, Nyungwe, Cyangugu, Kibuye, Gisenyi, Bigogwe).

c) Create a well-defined situation in property adjudication. The government could consider the following solution: that property which has not yet been claimed by the original proprietor or someone else with a legitimate claim would be managed by the state, which would collect rent on the part of those living there, who would be considered as possessing a short term lease only. The legal proprietors would have a credit with the state which would compensate them when it has the means, after deducting fair rates of management.

d) Stop the detention of persons in the installations which do not belong to the prison services. If the number of detained require their detention outside of existing prisons, a prison register must be established. The Justice Ministry and the Head of the public prosecutor's office of a given territory must be informed of all movement of detained persons. The court authorities must furthermore be required to establish a dossier listing the charges on each detained person to remain in the hands of the state.

e) Release, at least provisionally, those persons against whom there are currently no valid charges. The government must organize an information campaign with the purpose of reestablishing within the general public a presumption of innocence. And persons acquitted or liberated must be protected against further recriminations.

f) Initiate, with the aid of the international community, the trials and judgments of persons presumed to be instigators or accomplices of genocide.

g) Prosecute those convicted of murder, of "disappearances" and of killings.

Either with respect to the danger of a return to war or of the danger of the internal situation, Rwanda is once again at a crossroads. The potential of the collapse of the country and, indeed, of the larger region is unfortunately all too real. It is essential that moderate and democratic forces both within and

outside the country, as well as the international community address these issues with initiative and imagination before it is too late. In the absence of rapid action, the tragic events of April-June 1994 may well prove only the beginning of a long process of destabilization of the entire region of east-central Africa.

[3 November 1994]

**Filip Reyntjens,
University of Antwerp
Antwerp, Belgium,
and Vice Chancellor,
University of Mbuji-Mayi
Mbuji-Mayi, Zaire*

