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Rwanda: End of provisional release of genocide suspects

As the first phase of scheduled releases of genocide suspects comes to an end, Amnesty International welcomes the Rwandese government's attempt to address the serious overcrowding of the country's prisons.

Government figures state that 25,029 detainees out of the approximately 112,000 Rwandese in the country's detention facilities were provisionally released in the first phase of scheduled prison releases, ending 30 April 2003. A final group of detainees, those whose confessions were verified after the first release, will be released shortly.

The detainees, released today include those who have confessed to participation in the genocide (excluding Category 1 offenders who led and organized the genocide); those whose case files do not contain sufficient evidence to warrant their detention; and pre-trial detainees who have already spent more time in detention than they would if convicted for the crimes they allegedly committed.

The sick and the elderly - constituting nearly ten percent of the total number of those released - were released in January. The remainder are being released today after spending more than two months in "solidarity camps", geared toward facilitating their reintegration into their home communities.

All releases are provisional. All of the detainees still have to be tried by either the ordinary or *gacaca* (community-based) courts.

Amnesty International applauds the current judicial review of case files and confessions but questions why the government has so far lacked the political will to undertake these procedures.

Prison overcrowding and the attendant human rights abuses have been an endemic problem for the past eight years. Previous attempts to expedite the judicial review of case files were undermined by government inaction or opposition.

"The timing of the current significant number of releases prior to elections may suggest political opportunism," Amnesty International said. Nonetheless, the Rwandese government should continue efforts to ensure that individuals are not unlawfully detained.

Many of those directly involved in *gacaca* proceedings (plaintiffs, magistrates and community members) are troubled because the decision to release prisoners was made without consulting them, and has in many cases stirred up feelings of trauma.

Some Rwandese are concerned that by taking this unilateral decision the government is undermining the communal nature of the justice that *gacaca* promised to deliver.

Consequently, Amnesty International is calling on the Government of Rwanda to:

Perform a thorough review of case files to ensure that all detainees whose case files contain insufficient evidence to warrant their detention are released.

Continue the sensitisation within the home communities of released detainees in order to facilitate their reintegration and avert potential human rights abuses.

Guarantee the safety in the period leading up to and during *gacaca* trials of the released detainees, genocide victims and survivors, prosecution witnesses and judges.

Support the independence and integrity of *gacaca* judges by continuing to provide training to judges and adequate monitoring of the proceedings.

Establish a monitoring system to ensure that released detainees are tried.

Background

As many as one million Rwandese were brutally killed by their fellow Rwandese during the 1994 genocide and its aftermath. These killings were accompanied by numerous acts of torture, including rape.

The burdens faced by the post-genocide judicial system in Rwanda have proved insurmountable. Rwanda's special genocide chambers have tried less than six percent of those detained for suspected genocide offences since 1996.

Prior to the current releases, there were approximately 110,000 Rwandese in the country's detention facilities, the vast majority of them awaiting trial. Many were arbitrarily arrested and have been unlawfully detained for years with minimal or no investigation of the accusations lodged against them. The overcrowding and unsanitary conditions within detention facilities amount to cruel, inhuman and degrading treatment. Reportedly 11,000 people have died in detention since 1994 because of the conditions under which they were held.

The president of Rwanda issued a decree on 1 January 2003 granting provisional release to a projected 49,376 detainees. Projected releases were significantly reduced, following the interpretation and implementation of the presidential decree by the Ministry of Justice.

Many prisoners have been incarcerated for up to eight years, the direct result of arbitrary arrests and unlawful detentions.

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