

EXTERNAL

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**RWANDA: AMNESTY INTERNATIONAL'S CONCERNS SINCE THE BEGINNING
OF AN INSURGENCY IN OCTOBER 1990**

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1. Introduction

Thousands of people have been detained in connection with a rebel attack on northeast Rwanda at the beginning of October 1990. A state of siege has been in force since early October and Amnesty International has been concerned that the authorities' determination to defeat an armed threat should not allow human rights violations to occur.

In particular, the organization has been concerned that some, possibly many of the thousands of people arrested in the capital, Kigali, and elsewhere, may be prisoners of conscience detained on account of their ethnic or national origins, political views or family connections with government opponents rather than any active participation in the rebellion or support for armed government opponents. It seems clear that the procedures followed for examining detainees' cases have not ensured that all prisoners of conscience are released.

Amnesty International has been concerned by reports of the use of torture or other cruel, inhuman or degrading treatment against prisoners by members of the security forces, at times in order to extract confessions of guilt from the detainees. Torture and ill-treatment of detainees also seem to have been used merely as a form of punishment for suspected supporters of the rebellion.

Trials of prisoners charged with offences related to the rebel attack started in the State Security Court in late December 1990 and by early February 1991 25 defendants had appeared before the court. Amnesty International is concerned that recent trials by the State Security Court, like others in previous years, have been unfair in many respects and that some of those brought to trial have been subjected to ill-treatment during incommunicado detention.

Amnesty International is also investigating the circumstances in which a number of non-combatants have been killed by Rwanda's security forces since the beginning of October 1990, to determine whether the use of live ammunition and lethal force permitted by the authorities is in accordance with international standards.

Despite appeals by Amnesty International, the Rwandese authorities do not seem to have investigated reports of ill-treatment, torture and extrajudicial executions in order to prevent any recurrence of such abuses and bring those responsible to justice.

In late December 1990, the government announced that some 1,500 people arrested in October and November 1990 were to be brought to trial. However, the total number still detained appears to be much higher, between 3,000 and 4,000. In some cases detainees have been remanded by a *Commission de triage*, screening commission, which has reviewed their cases and ordered the release of others. Amnesty International is concerned that procedures followed so far for deciding whether or not particular individuals should continue to be detained are defective in a number of

respects and inadequate to prevent arbitrary detention and the imprisonment of prisoners of conscience.

2. Historical Background to the October 1990 Rebel Attack

Rwanda's population is largely composed of people of three ethnic groups: Hutu, Tutsi and Twa. The Hutu constitute about 80 per cent and the Tutsi about 15 per cent of the population. A long-standing Tutsi monarchy was overthrown by Hutu political leaders in 1959 after which intercommunal violence led to deaths of tens of thousands of Tutsi and the flight into exile of several hundred thousand others. The violent attack launched on northeast Rwanda at the beginning of October 1990 resembled several others carried out in the early 1960s by Rwandese exiles based in Uganda and other neighbouring countries. A major incursion by Tutsi exiles in 1963 provoked mass killings of Tutsi throughout the country and supporters of Tutsi aspirations who were already in detention were executed extrajudicially.

Some refugee studies have estimated that up to a million, probably more, Tutsi live in exile around the world - most of them in the neighbouring countries of Burundi, Tanzania, Uganda and Zaïre. These exiles have, especially in the last two decades, pressed the Rwandese authorities to be allowed to return to Rwanda. Until the attack in October 1990, the Rwandese Government resisted pressure to accept the exiles back - saying that the country is already overpopulated and does not have the infrastructure to accommodate more of its nationals. During the year preceding the attack negotiations were taking place between the Rwandese and Ugandan governments, in consultation with the United Nations High Commissioner for Refugees, to set up the modalities for the possible repatriation of Rwandese exiles living in Uganda. The rebels who attacked Rwanda in October 1990 claimed that they were fighting for their right to return to their own country and to establish democracy in Rwanda. At a regional summit in Tanzania in February 1991 the Rwandese Government formally undertook to allow the return of all Rwandese exiles.

Ethnic tensions have also arisen over government education and employment policies. Since the mid-1970s a regional and ethnic quota system for government jobs and places in higher education institutions has been in place in Rwanda. According to the existing, though largely undeclared, government policy, the allocation of government jobs and places in education institutions is supposed to reflect the demographic composition of each ethnic group and region of the country. This policy was enforced using identity cards indicating the ethnic and regional origin of the holders. After the rebel attack in October 1990 President Juvénal Habyarimana announced that information about ethnic identity would not be included in new identity cards. Since a military coup in 1973 people from southern Rwanda have claimed that those from President Juvénal Habyarimana's northern region have been given preferential treatment and more political and economic influence. On the other hand many Hutu appear to feel that the Tutsi have been allowed more than their fair share of economic power. The government has tried, through imprisonment and harassment of its critics, to stop the public from openly discussing these issues.

3. Political Developments and Arrests since October 1990

The *Front patriotique rwandais* (FPR), Rwandese Patriotic Front, composed mainly of Uganda-based Rwandese exiles, launched a violent armed attack on 1 October 1990 on areas along Rwanda's northeastern border with Uganda. The Rwandese security forces counter-attacked to repel the incursion. On the night of 4 October fighting was reported in the capital, Kigali, where FPR sympathizers had apparently attempted to open a second front. Although government troops soon recaptured virtually all the towns in the northeast temporarily occupied by the FPR; by mid-November 1990 fighting was reported to have spread to other parts of northern Rwanda.

The government imposed a state of siege on 8 October, apparently back-dated to have effect from 1 October, to provide a legal basis for all

arrests and other emergency measures taken since the attack began. However, the state of siege decree did not spell out the emergency powers to be exercised by the security forces or the judicial recourse available to detainees, nor did it specify the duration of the state of siege, which was still in force in March 1991.

Even if a state of emergency exists the *International Covenant on Civil and Political Rights*, which Rwanda ratified in 1975, does not allow for derogation from certain rights in any circumstances, including the right to life, the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment and the right to freedom of thought and conscience. If a state party to the *International Covenant on Civil and Political Rights* decides to derogate from any of the provisions of this Covenant it is required to inform the United Nations of the existence of the state of siege, its duration and details of the emergency powers enacted under the state of siege decree. Rwanda has apparently not taken this step and remains legally bound to upholding all the provisions of the Covenant.

In the early months of 1991, FPR guerillas appear to have been based chiefly in Rwanda's Birunga national park, in the northwest of the country, an animal reserve. Members of the FPR attacked the northern town of Ruhengeri on 23 January 1991 and freed many prisoners held there. It is not yet clear how many of those held in connection with the rebel attack were among the prisoners who escaped as a result. Some, such as Major Sabakunzi, reportedly refused to escape and handed themselves over to the authorities. Major Sabakunzi was subsequently transferred to Kigali central prison.

Many of those for arrested since October 1990 have been well-educated Tutsi or businessmen. For instance, Eugène Rutagarama, a biologist employed by the Rwanda mountain gorilla conservation project, was arrested on 4 October 1990 by local Hutu vigilantes in Ruhengeri town. He was reportedly accused of involvement in starting forest fires in August 1990 to prepare the terrain for the rebel attack. He was released by the authorities the following day but promptly rearrested by local people on his way home. He was still detained in early March 1991 but he is not known to have been charged with any offence. Amnesty International has been informed that Eugène Rutagarama was in Kigali when the fires started and was later active in fighting them. The organization believes that Eugène Rutagarama is a prisoner of conscience held because of his ethnic origin and social position. Information available to Amnesty International suggests that many Tutsi were arrested and continue to be held in circumstances and for reasons similar to those leading to the detention of Eugène Rutagarama and that they are prisoners of conscience.

Some people were arrested in and around Kigali soon after the attack on 1 October and a dusk-to-dawn curfew was imposed. The number detained rose rapidly to about 7,000 people following the fighting in Kigali on 4 October. Those arrested included Rwandese civilians as well as members of the security forces and foreign nationals, especially Ugandans. Virtually anyone known or suspected by the authorities to have opposed government policies or to have urged the government to allow the return to Rwanda of exiles of Rwandese origin appears to have been detained in an attempt by the government to ensure that FPR supporters or sympathizers were caught and prevented from engaging in acts of opposition in areas controlled by the government. The authorities announced that some of those arrested had been found with weapons including guns and ammunition, or documents relating to the rebel attack. Others were arrested because their identity documents were not in order or because they had no documents.

Hundreds of those arrested were held for several days in Nyamirambo stadium, in the suburbs of Kigali, apparently because of shortage of space in existing prisons and detention centres. Some were kept out in the open for several days without food or drink. At least one detainee, who was apparently ill at the time of his arrest, died at the stadium. At least five others died later, apparently after contracting illnesses in

detention. No official inquiries into the causes of these deaths are known to have been undertaken by the government. By 8 October all detainees were being moved to prisons and National Gendarmerie detention centres around the country.

In mid-October the International Committee of the Red Cross (ICRC) was allowed to visit prisons and register detainees. After diplomats and journalists were taken on a conducted visit of Kigali central prison on 13 October, journalists reported that some detainees arrested after the attack had been severely ill-treated. Some of the detainees reportedly complained of having been beaten, injured with weapons such as bayonets, and subjected to other forms of torture or ill-treatment. Despite the press reports and Amnesty International's appeals to the Rwandese authorities, the government is not known to have taken any action to investigate the complaints and punish members of the security forces or others responsible for torturing or ill-treating prisoners.

In early October 1990 some sources suggested that a number of those arrested had been executed extrajudicially soon after their arrest. However, Amnesty International has not received information to date to substantiate such allegations and it may be that they arose due to a lack of information provided to relatives about the whereabouts of particular detainees. However, Amnesty International is investigating reports that at least one detainee was shot dead at Gikondo National Gendarmerie detention centre in Kigali. It is also investigating the circumstances of other deaths such as that of Michel Karambizi, his wife and child, who are alleged to have been deliberately killed by the security forces at their home in Kigali.

At the time of the visit on 13 October 1990 by journalists and diplomats to Kigali central prison, an official *Commission de triage* was screening detainees to identify those to be released and those to be referred to the judiciary for possible prosecution. Similar commissions were established in all of Rwanda's 10 *préfectures* or administrative regions. The criteria used to determine whether detainees should be released or kept in custody and the opportunities given to them to challenge the legal basis for their detention remain unclear.

In mid-November 1990 official sources suggested that as many as 3,800 detainees had been released after their cases had been screened by the *Commission de triage*. However, in March 1991 more than 3,600 others were believed to be still held, although the authorities did not make public the identities of those who were released and those who remained in custody. The work of the main commission in the capital was apparently suspended at the end of November 1990, although many detainees had not yet been questioned. The authorities gave no explanation for this: unofficial sources attributed it to popular discontent provoked by the relatively large number of releases ordered by the commissions.

Most of those arrested were members of the Tutsi ethnic group, about 30 of whom had Zairian citizenship. Many appeared to have been arrested effectively because of their ethnic origin: the Rwandese authorities say that the objective of the October 1990 attack was to reestablish the pre-1959 social order, with a Tutsi minority once again dominating the Hutu majority. Others arrested included Hutu critics of the government and nearly 300 Ugandan nationals, who appeared to be arrested solely because the rebels had launched their attack from Uganda and had strong links with Uganda, rather than because of any evidence that, as individuals, they had direct links with the insurgents.

Further arrests of Tutsi took place in Gisenyi and other parts of northwestern Rwanda in late January and February 1991 following a rebel incursion and brief occupation on 23 January 1991 of the nearby town of Ruhengeri. Those arrested, including Emmanuel Havugimana, a teacher at Rwankeri College who was arrested at the end of January, and Laurent Karugarama, a student at the Adventist University of Central Africa, near Gisenyi, were believed to be still held at Gisenyi prison in March 1991.

They were reportedly accused by the authorities and members of the majority Hutu ethnic group of links with the FPR rebels. They were said to have been severely beaten by local Hutu vigilantes and members of the security forces at the time of their arrest and made to sleep on bare floors without blankets in prison. Ezekiel Ngoboka, one of the seven students arrested in February, was reportedly slashed on the face with a machete and also injured on the leg at the time of his arrest. Five of the students were released in mid-February 1991.

The FPR rebels are also reported to have committed abuses and to have been responsible for killings of civilians in the northeast. At least 15 Zairian soldiers from Zairian units assisting the Rwandese security forces are also said to have been killed in custody in October 1990 following their capture by the FPR rebels. The FPR has also been accused of forcibly conscripting children into its ranks.

4. Human Rights Under a State of Siege

The arrests which occurred from the beginning of October 1990 onwards took place at a time of crisis, when the government was facing serious armed opposition and a state of siege was in force. It is naturally more difficult for governments to uphold human rights in times of emergency. Nevertheless, there are certain fundamental rights, such as the right not to be tortured or ill-treated, which must always be fully respected even in times of emergency. Other fundamental rights, such as the right to be tried promptly, are more difficult to observe when large numbers of people are detained, but the government should ensure that all possible safeguards are instituted to protect prisoners and periodically review the necessity and conditions of their detention.

4.1 The Commission de Triage

Some detainees were interrogated by the *commissions de triage*, screening commissions, which apparently made decisions on the basis of criteria which were not made known either to prisoners or to the public. Moreover, basic rights to which detainees are entitled under international standards when their detention is reviewed were not respected. The *commissions de triage* did order the release of many detainees, whom they deemed to have no case to answer. However, many others are still held on the basis of suspicion rather than evidence that they committed an offence.

Amnesty International has urged the authorities to ensure the immediate release of all prisoners of conscience, that is those detained because of their beliefs, colour, sex, religion, ethnic origin or language, who have not used or advocated violence. Amnesty International is concerned that some of those still held may indeed be prisoners of conscience, including Ugandans who appear to have been detained in apparent retaliation against the participation in the rebellion by soldiers from Uganda's national army and the alleged support of the rebellion by some Ugandan government authorities.

4.2 Trials before the State Security Court

Under the terms of Article 147 of Rwanda's Code of Penal Procedure, the State Security Court is responsible for trying cases of offences committed against the internal and external security of the state when a state of siege is in force, as well as when the country is at peace. The first trials of those arrested in connection with the October 1990 invasion took place before this court in early January 1991.

On numerous occasions in previous years the State Security Court has convicted and sentenced people to periods of imprisonment for actions which constituted the peaceful exercise of their basic human rights. The last political trials before 1990 took place in 1986, when the State Security Court convicted nearly 300 people for the peaceful expression of their religious beliefs and jailed them for up to 12 years. Amnesty International

regarded them as prisoners of conscience. They were all released by mid-1987.

Before the October 1990 rebel attack, trials of nearly 30 people accused of offences relating to their rights to freedom of expression and association took place in Rwanda between March and October 1990. More than 20 people, including journalists and members of the Jehovah's Witnesses denomination, were tried between March and August 1990 by the State Security Court in the capital, Kigali, and sentenced to between five and 10 years' imprisonment.

Two journalists were arrested in July 1990 and charged with writing and distributing seditious documents. One of them, Vincent Rwabukwisi, was also charged with endangering the security of the state, apparently because he had met Rwanda's former King (*mwami*) Kigeri Ndahindurwa in Kenya in July 1990. The State Security Court twice refused to pass judgment on the two journalists because of insufficient evidence. However, three weeks after the October 1990 rebel attack, the court reconvened and announced its verdict, apparently without hearing further evidence. Vincent Rwabukwisi was sentenced to 15 years' imprisonment and his conviction was evidently based on the suspicion that he had prior knowledge of the attack or that his work as a journalist somehow aided the attack. He appears to be prisoner of conscience imprisoned for exercising his freedom of expression and association in pursuit of his profession as a journalist. His colleague received a one-year suspended prison sentence. At least five other journalists who also appeared to be prisoners of conscience were tried by the High Court (*Tribunal de grande instance*) in Kigali but released promptly. Virtually all the defendants who were brought to trial had no access to legal counsel before or during their trial.

4.3 The Independence of the Court

The State Security Court which heard cases in early January 1991 was composed of five judges, two of whom were soldiers and one an official of the President's office. Only two of the judges had significant legal training. The independence and impartiality of these three judges were in doubt as their own positions or the influence of their superiors seemed bound to affect their decisions as judges. The composition of the court was changed in mid-January 1991 but the new judges also included senior civil servants and soldiers. During the first case which they tried in January 1991, the new judges failed to take action to restore order when members of the public applauded the prosecution and jeered the defence. A judge criticized a defence lawyer, saying that the public thought he was a friend of the "*Inkotanyi*" (insurgents), as the rebels are known in Rwanda. This lawyer and one other withdrew from the case after receiving death threats.

4.4 Trial proceedings

An Amnesty International representative observed the trial of 13 people on 3 January 1990 and concluded that the trial was summary and unfair in many respects. It took place in an atmosphere of vengeance with recordings of songs celebrating the victory of government soldiers over rebels being played in court before and after the trial. The hearing lasted less than five hours. Although 12 of the accused, including a 16-year-old boy, faced capital charges, none was assisted by legal counsel. Most of the accused told the court that they were beaten or threatened into making admissions of guilt while in pre-trial custody but the court did not investigate these claims or rule such evidence inadmissible. The State Security Court has repeatedly failed to investigate allegations of torture in the past. No witnesses other than the defendants appeared or were produced before the court. Prosecution accusations against the leading defendant, Jean Chrysostome Karuranga, were not supported by material evidence; in particular, although the prosecution said he had hidden a firearm, this had not been found at the site where it was said to have been buried. Jean Chrysostome Karuranga was sentenced to death on 7 January 1991 and nine other defendants were sentenced to between 15 and 20 years' imprisonment. One was acquitted while two others received shorter prison terms.

In a later trial ending on 1 February 1991, the defendants did have defence counsel. However, there were no witnesses. Seven of the 12 defendants were sentenced to death and one was sentenced to 10 years' imprisonment. Three were acquitted and one remanded to allow further investigation of his case. Regardless of the seriousness of charges against defendants, most people brought to trial in Rwanda are not assisted by legal counsel.

4.5 The Right of Appeal

Defendants sentenced by the State Security Court have no general right of appeal to a higher court. They can appeal on points of law to the Cassation Court within 10 days of their conviction. This procedure allows them to challenge their conviction on the basis that legal procedures have not been observed correctly, but not to have their sentence or the evidence against them reviewed. In the past this right of appeal has rarely been exercised, but the authorities have reported that those convicted on 7 January and 1 February 1991 have lodged appeals with the Cassation Court. Those convicted on 1 February 1991 were allowed longer than usual - up to 30 days - in which to appeal and all of them appear to have exercised this right.

In virtually all cases reported to Amnesty International during the 1980s those convicted by the State Security Court did not even receive a copy of their judgment within 10 days of their conviction and had not been represented by legal counsel who could advise them on points of law. Furthermore, some defendants apparently felt that by invoking their right to appeal they would reduce the likelihood of their receiving clemency.

Amnesty International is continuing to urge the Rwandese authorities, as it has done throughout the 1980s and more recently in January 1991 to ensure that trials are conducted in accordance with international standards for fair trial. Amnesty International is calling for judges of the State Security Court to be selected by a method which safeguards against appointments are not made on the basis of "improper motives" (as required by Principle 10 of the *Basic Principles on the Independence of the Judiciary*, adopted by the *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders* in 1985 and endorsed by the United Nations General Assembly in the same year), that they have security of tenure and that they are seen to be impartial, without being influenced by factors other than the evidence presented in court. The court should ensure that all allegations of torture are investigated and refuse to admit evidence found to have been obtained by means of torture or under any form of duress. Those responsible for the ill-treatment and torture of detainees should be brought to justice. All defendants should be made aware of their right to independent and effective legal counsel and those who cannot afford legal fees should be assisted by the state. Legal counsel should be considered as indispensable in cases where defendants could be sentenced to long prison terms or death.

5. Ill-treatment and Torture of Detainees

Some of those detained in connection with insurgency are reported to have been subjected to torture and other forms of ill-treatment and to have made statements under duress to the national security service while held in incommunicado detention. On 6 December 1990, one newly-arrested detainee, Pastor Alfred Chafubire, died in custody in a detention centre in Rwamagana, eastern Rwanda, reportedly as a result of torture; no inquiry is known to have been carried out to establish the cause of his death. Amnesty International has received reports that detainees held at Gikondo and Muhima National Gendarmerie detention centres in Kigali were subjected to torture. For instance, some detainees were reportedly tortured with electric shocks at Gikondo detention centre in October 1990. During trials in January 1991, the State Security Court once again failed to carry out any proper investigation of allegations by defendants that they had been ill-treated and had made statements under duress; instead, the court ruled such statements admissible as evidence against them.

The United Nations General Assembly's 1975 *Declaration on the Protection of All Persons against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* places an obligation on the Rwandese authorities to initiate an impartial investigation every time there are reasonable grounds to believe that torture has taken place. The courts therefore have an obligation to follow up allegations of torture and any evidence which have been obtained as a result of torture or ill-treatment should be rejected by the courts. Those responsible for torture or ill-treatment of detainees should be brought to justice. The prohibition of torture and cruel, inhuman or degrading treatment or punishment is so important that it is non-derogable, under any circumstances, under Article 4 of the *International Covenant on Civil and Political Rights*.

Those arrested in October 1990 included a diabetic and many others in ill-health. In November 1990 Amnesty International made appeals on behalf of four detainees reported to be in ill-health; one of them, Alphonse Munyaneza, a son of a former government minister killed in detention together with about 50 former government officials in the mid-1970s, was known to have been released by the end of the month. At least six detainees, including Gaspard Rwabukumba, a researcher at the National Institute of Scientific Research (*Institut national de recherche scientifique*), and at least four others held at Butare prison in southern Rwanda were reported to have died in detention in November and December 1990 due to lack of proper medical care as well as overcrowding and unhygienic prison conditions which had resulted in a dysentery epidemic in the prison. One Ugandan detainee, Paul Male, died in January 1991 at Kigali hospital from an illness contracted while in detention. Brenda Nakiyingi, a Ugandan, had labour pains while in Kigali prison and gave birth to a premature baby in February 1991 at Kigali hospital. The baby died in late February at Kigali hospital and the mother was returned to prison without being allowed to attend her baby's burial. The baby's death and that of Paul Male had not been formally notified to the Ugandan authorities by early March 1991.

Amnesty International has urged the authorities to ensure that all detainees are held in humane conditions. In the past prisoners are known to have been held in windowless and unlit cells known as *cachots noirs*, "black cells", at many prisons. Amnesty International has condemned the use of such cells as cruel, inhuman or degrading treatment and in 1986 urged the authorities to put an end to their use and have windows put into all of them. Although in some prisons the cells are no longer in use, it seems that in others prisoners have continued to be confined in them. Furthermore, some political detainees have been held in poorly lit punishment cells and deprived of regular exercise, for example in Gitarama and Kigali prisons. Evariste Sissi, a Tutsi businessman arrested in October 1990, was reportedly held for several weeks in such a cell at Kigali central prison. Amnesty International has recommended that detainees should not under any circumstances be subjected to these and other harsh conditions which could put their lives at risk. Those who may be ill should be allowed adequate medical care and where necessary they should be admitted to hospitals.

Amnesty International has urged the authorities to make public the identities of all people in custody and their places of detention, so that families may establish if relatives are in detention and, if so, where. Whenever detainees die in custody the authorities should inform their relatives and ensure that an independent investigation and if necessary, an autopsy are carried out to establish the cause of death.

6. Extrajudicial Executions

Soon after the October 1990 rebel attack on northeast Rwanda began, people fleeing the combat zone alleged that as many as 300 civilians had been killed by government troops. A government minister said in October 1990 that more than 300 people killed by government troops were in fact rebels in civilian clothes. Information obtained by Amnesty International from Rwandese sources indicated that at least 20 local people, including women

and children, living on cattle ranches in northeastern Rwanda may have been deliberately killed by government troops. The sources said that the ammunition used by Rwandese government troops was different from that used by FPR rebels and that bullet shells found near the bodies of dead civilians were similar to those of bullets used by government troops. Some government soldiers reportedly claimed that local women had been helping the rebels to transport military weapons.

Michel Karambizi, brother of a leading government opponent in exile, and his wife and child, were killed by government soldiers at their home in Kigali on 4 October 1990. There were reports that the three were deliberately killed because the authorities suspected Michel Karambizi's brother of supporting the rebels. Some government officials have said, however, that Michel Karambizi had engaged in a shoot-out with government soldiers trying to arrest him and that the soldiers killed the family when they returned fire: they said that the soldiers had not intended to kill his wife and child. It has not been possible for Amnesty International to establish the precise circumstances in which the three killings occurred.

There were also reports that at least one detainee, and possibly as many as five, arrested in October 1990 in connection with the rebel attack, were shot dead by government soldiers at Gikondo National Gendarmerie detention centre in October 1990. The shooting reportedly took place after some detainees protested and kicked doors of cells in which they were held in unhealthy and overcrowded conditions. There were also reports in October of civilians, including night watchmen, being killed by government soldiers during the dusk-to-dawn curfew.

Amnesty International is concerned that reports of extrajudicial executions allegedly carried out by members of the Rwandese security services have not been adequately investigated. Government officials appear in some cases to have chosen to believe uncorroborated reports by members of the security forces who claimed that killings were legitimate as they occurred during situations in which their lives were threatened. Amnesty International is further concerned that failure by the authorities to investigate the alleged killings and bring to justice any responsible for unlawful killings may be interpreted by members of the security forces as a sign that they can kill with impunity and thus lead to similar abuses in future.

The United Nations has declared itself profoundly concerned about the serious phenomenon of summary and arbitrary executions. This persistent phenomenon led in 1989 the United Nations General Assembly to endorse resolution 1989/65 of the Economic and Social Council, which contains the *Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions*. These Principles explain clearly what governments are required to do in order to prevent such executions and to carry out promptly a thorough and impartial investigation in all cases where extrajudicial executions are suspected. For instance, Principle 9 states:

"There shall be a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances. Governments shall maintain investigative offices and procedures to undertake such inquiries. The purpose of the investigation shall be to determine the cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about the death. It shall include an adequate autopsy, collection and analysis of all physical and documentary evidence, and statements from witnesses. The investigation shall distinguish between natural death, accidental death, suicide and homicide".

The organization is continuing to call on the Rwandese authorities to give public and clear instructions that the killing of non-combatants, except in extreme life-threatening circumstances, is unlawful and that those responsible will be brought to justice. It recommends that an independent and impartial body be instituted to inquire into reports of extrajudicial executions and other abuses and make recommendations to the government on what action to take in order to bring those responsible to justice and on how to prevent such abuses in future.

7. The Use of the Death Penalty

There have been no judicial executions in Rwanda since 1982 when 43 people were executed by firing squad. However, the courts have continued to impose hundreds of death sentences. More than 1500 death sentences have been commuted since 1987, 480 of them in September 1990. Although the authorities do not publish any statistics about the use of the death penalty, the number of commutations indicates that throughout the 1980s more than 100 people were being sentenced to death each year, a very high rate of death sentences for a country with a population of some seven million.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading punishment. The death penalty is the premeditated and cold-blooded killing of a human being by the state. It is a violent and brutalizing act. Evidently, its use in a country where internal conflict is going on is likely to fuel the violence rather than diminish it and there is no convincing evidence that the death penalty acts as a deterrent against violent crime. However, its very existence in law puts the authorities under public pressure both to impose death sentences and to carry out executions. It is vital that the Rwandese authorities resist such pressures and commute all death sentences confirmed by the Cassation Court.